

Rare section

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5A/17

I N D E X
TO THE
ACTS PASSED BY THE LEGISLATIVE COUNCIL OF INDIA,
IN THE YEAR 1857.

TITLES OF ACTS.

- ACT No. I.—An Act to prevent the over-crowding of Vessels carrying Native Passengers in the Bay of Bengal. [*Temporary.*]
- „ II, to establish and incorporate an University at Calcutta.
- „ III, relating to Trespasses by Cattle.
- „ IV, to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay.
- „ V, to confer certain powers on The Oriental Gas Company, Limited.
- „ VI, for the acquisition of Land for public purposes.
- „ VII, for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George.
- „ VIII, to amend Act XIX of 1847, (Articles of War for the Native Army).
- „ IX, to repeal Act VI of 1856 (An Act for granting exclusive privileges to Inventors).
- „ X, to amend Act XXXVII of 1855 (An Act to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an Officer to be specially appointed for that purpose).
- „ XI, for the prevention, trial, and punishment of offences against the State.
- „ XII, to authorize the arrest and detention, within the Ports of the Settlement of Prince of Wales' Island, Singapore, and Malacca, of Junks or Native vessels suspected to be piratical.

Act No. ~~XIII~~, to consolidate and amend the law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal.

- „ XIV, to make further provision for the trial and punishment of certain offences relating to the Army, and of offences against the State. [*Temporary.*]
- „ XV, to regulate the establishment of Printing Presses and to restrain in certain cases the circulation of printed books and papers. [*Temporary.*]
- „ XVI, to make temporary provision for the trial and punishment of heinous offences in certain Districts. [*Temporary.*]
- „ XVII, to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion. [*Temporary.*]
- „ XVIII, relating to the issuing of writs or process against certain Members of the family, household, and retinue of His late Highness the Nabob of the Carnatic. [*Temporary.*]
- „ ~~XIX~~, for the incorporation and regulation of Joint-Stock Companies and other Associations, either with or without limited liability of the Members thereof.
- „ XX, to amend Act IX of 1850 (An Act for the more easy recovery of small debts and demands in Calcutta, Madras, and Bombay).
- „ XXI, to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah.
- „ XXII, to establish and incorporate an University at Bombay.
- „ XXIII, to provide for the good order and discipline of certain Volunteer Corps, and to invest them with certain powers.
- „ XXIV, to authorize the levy of Port-dues and Fees at the present rates for a further period of six months. [*Temporary*]
- „ XXV, to render Officers and Soldiers in the Native Army liable to forfeiture of property for Mutiny, and to provide for the adjudication and recovery of forfeitures of property in certain cases.

Act No. XXVI; for regulating Ferries in the Settlement of Prince of Wales' Island, Singapore, and Malacca.

- „ XXVII, to establish and incorporate an University at Madras.
 - „ XXVIII, relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same. [*Temporary.*]
 - „ XXIX, to make better provision for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay.
 - „ XXX, for the levy of Port-dues and Fees in the Port of Calcutta.
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 - „ XXXII, to amend the Articles of War for the Native Army.
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 - „ XXXIV, relating to the sale of Ganja in the Presidency of Bombay.
 - „ XXXV, for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyouk Phyoo, Akyab, and Chittagong.
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ACT No. I OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 17th of January 1857.)

AN ACT to prevent the over-crowding of vessels carrying Native Passengers in the Bay of Bengal.

Preamble. WHEREAS it is necessary to prevent the over-crowding of vessels carrying native passengers across the Bay of Bengal from and to ports in the Presidency of Fort St. George, and between such ports and Ceylon : It is enacted as follows :—

I. No vessel shall carry native Passengers from any port or place under the Presidency of Fort St. George, to any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, in a proportion greater than one passenger to every four tons of the burden of such vessel, without a license.

Number of native passengers to be carried in unlicensed vessels. II. No vessel shall be licensed to carry passengers on any such voyage as aforesaid in a proportion greater than one passenger to every ton of burden, nor unless the vessel has space on a deck or platform under hatches reserved for the accommodation of the passengers in the proportion of six superficial feet for every passenger, with not less than five feet clear between the upper deck and the lower deck or platform ; except a vessel proceeding in ballast from any part of the Coast of the Gulf of Manar or Palks' Strait to any port or place in Ceylon which may be licensed to carry a number of passengers not exceeding the proportion of two-and-a-half to every ton of her burden,

Number of native passengers to be carried in licensed vessels.

Exception as to licensed vessels sailing in ballast from certain parts of the Coast to Ceylon.

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burden, provided that the whole of the space usually allotted for cargo and not occupied by ballast be kept for the accommodation of the passengers, and for storing the provisions and water for their use, and that the space left clear for the accommodation of the passengers on the deck or decks of the vessel be not less than four superficial feet for each passenger.

III. The Master or Tindal of any vessel which shall carry passengers on any such voyage as aforesaid, without a license, in a proportion exceeding that laid down in Section I, shall be liable to a fine not exceeding two hundred Rupees.

Penalty on Master of unlicensed vessel.

IV. The Master or Tindal of any licensed vessel which shall carry on any such voyage a greater number of passengers than is specified in the license, or in which the accommodation therein required shall not be afforded, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of such number, or for each passenger who is not provided with accommodation agreeably to the license.

Penalty on Master of licensed vessel.

V. Passengers in a greater number than one passenger to every four tons of the burden of any vessel shall not be shipped from the territories under the Government of Fort St. George, for Ceylon or the Eastern Coast of the Bay of Bengal, or the Straits of Malacca, except from such ports as shall be from time to time appointed by the Government by an Order in Council published in the *Fort St. George Gazette*; and the Master or Tindal of any vessel who shall take on board passengers for such voyage from any other port or place in a greater proportion to the burden of the vessel than is above-mentioned shall be liable to a fine not exceeding twenty Rupees for each passenger embarked.

Government to appoint ports for shipment of passengers, when the number of passengers to be carried is greater than one to every four tons of burden.

VI. It shall be at the discretion of the Collectors of Sea Customs for the ports appointed for shipping native passengers, or such other persons as the Government of Fort St. George may from time to time appoint for the purpose, to grant licenses to vessels under this Act. Provided that such licenses shall not be granted, except for vessels within the exception in Section II, till

Grant of licenses to vessels.

ACT No. I OF 1857.

till the vessels have been surveyed according to such directions as shall be given from time to time by the Governor in Council. The license shall describe the vessel, her tonnage, and rig; the number of her boats, anchors, and cables; and what instruments for the purpose of navigation she is supplied with; also the name of the owner and of the Master or Tindal, and the number and composition of the crew; and shall specify the number of passengers she may carry, and the space to be assigned for their accommodation.

VII. The Master or Tindal of any vessel licensed to carry passengers from any port in the territories under the Government of Fort St. George to any port or place on the Eastern Coast of the Bay of Bengal or the Straits of Malacca, which shall proceed on such voyage not being furnished with provisions and water according to such scale as shall be laid down from time to time by an order of Government, published in the *Fort St. George Gazette*, shall be liable to a fine not exceeding twenty Rupees for each passenger in excess of the number fully supplied with provisions and water according to such scale.

Certain licensed passenger vessels to carry provisions according to appointed scale.

VIII. The Master or Tindal of any vessel licensed to carry passengers as aforesaid, who shall wilfully and without satisfactory excuse omit to supply to every passenger the prescribed allowance of food and water, shall be liable for such omission to a fine which may extend to twenty Rupees for every passenger who has suffered privation thereby.

Penalty for omitting to supply passengers with prescribed allowance of food and water.

IX. The Master or Tindal of any vessel licensed to carry passengers from any port under the Government of Fort St. George to Ceylon, who shall proceed on such voyage without having laid in a supply of water and provisions for the passengers according to a scale to be fixed by the Collector of Sea Customs for such port, or such other person as the Government of Fort St. George may from time to time appoint for the purpose, which shall be hung up at the Custom House of the port, shall be liable to a fine not exceeding one hundred Rupees.

Supply of provisions on board passenger ships plying to and from Ceylon.

X. The

ACT No. I of 1857.

X. The Master or Tindal of any vessel licensed to carry passengers as herein-before provided, shall sign and deliver in duplicate to the principal Officer of Customs at the place of embarkation or such other person as the Government of Fort St. George may from time to time appoint for the purpose a list according to the form annexed to this Act, of all passengers to be conveyed in such vessel ; and such officer, after satisfying himself of the correctness of the same, and that the number of passengers authorized is not exceeded, shall countersign and return one such list to the Master or Tindal, to be produced to the proper Officer at the port to which the vessel is bound ; and should any additional passengers engage to proceed by such vessel after such list has been so countersigned, the Master or Tindal may insert their names in the original list, obtaining the signature of the controlling officer as before. The Officer in charge of the Customs may withhold the port-clearance till this rule is complied with.

List of passengers to be signed by Master

Additional passengers.

XI. If any vessel, bringing native passengers into any port or place whatsoever within the said territories from any port or place on the Eastern Coast of the Bay of Bengal or in the Straits of Malacca or in Ceylon, shall have on board a greater number of passengers than in the proportion prescribed in this Act for vessels licensed to carry passengers from the said territories, the Master or Tindal of such vessel shall be liable to a penalty of twenty Rupees for each passenger in excess of such proportion.

Penalty for bringing native passengers into any port in the Madras Presidency in excess of authorized proportion.

XII. The principal Officer in charge of the Customs at the place of embarkation or of importation, or any person authorized by him, shall be at liberty at all times to enter and inspect any passenger vessel, and the fittings, provisions, and stores therein ; and whoever impedes such entry or inspection, or refuses to allow of the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty for impeding entry or inspection.

XIII. The fines authorized by this Act may be imposed by any Magistrate, Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, or by any Justice of the Peace having jurisdiction at any place in the possession and under the Government of the East India Company.

Levy of fines.

XIV. The

ACT No. I of 1857.

Duration of Act. **XIV.** This Act shall continue in force for three years.

SCHEDULE.

Form.

1	2	3	4	5	6	7
Name of Vessel.	Name of Master.	Tons per Register.	Port of Embarkation.	Number and names of Passengers.	Port at which Passengers have contracted to be landed.	Date of Departure.

(Signed) _____,

Master.

(Countersigned) _____,

Principal Officer of Customs.

Note.—In the case of vessels carrying passengers to Ceylon, it will be sufficient to insert the number, and not the names, of passengers in Column 5.



ACT No. II OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 24th of January 1857.)



AN ACT to establish and incorporate an University at Calcutta.

Preamble. *WHEREAS, for the better encouragement of Her Majesty's subjects of all classes and denominations within the Presidency of Fort William in Bengal and other parts of India in the pursuit of a regular and liberal course of education, it has been determined to establish an University at Calcutta for the purpose of ascertaining, by means of examination, the persons who have acquired proficiency in different branches of Literature, Science, and Art, and of rewarding them by Academical Degrees as evidence of their respective attainments, and marks of honor proportioned thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient that such University should be incorporated: It is enacted as follows: (that is to say)—

Incorporation.

I. The following persons, namely,

The Right Honorable CHARLES JOHN VISCOUNT CANNING,
Governor General of India.

The Honorable JOHN RUSSELL COLVIN,
Lieutenant-Governor of the North-Western Provinces.

The Honorable FREDERICK JAMES HALLIDAY, Lieutenant-Governor of Bengal.

The Honorable Sir JAMES WILLIAM COLVILLE, Knight,
Chief Justice of the Supreme Court of Judicature in Bengal.

The

ACT No. II of 1857.

The Right Reverend DANIEL WILSON,
Doctor of Divinity, Bishop of Calcutta.

The Honorable GEORGE ANSON, General,
Commander-in-Chief of the Forces in India.

The Honorable JOSEPH ALEXANDER DORIN,
Member of the Supreme Council of India.

The Honorable JOHN LOW, Major General,
Companion of the Most Honorable Order of the Bath, Member of the
Supreme Council of India.

The Honorable JOHN PETER GRANT,
Member of the Supreme Council of India.

The Honorable BARNES PEACOCK,
Member of the Supreme Council of India.

CHARLES ALLEN, Esquire,
Member of the Legislative Council of India.

HENRY RICKETTS, Esquire,
Provisional Member of the Supreme Council of India.

CHARLES BINNY TREVOR, Esquire,
Judge of the Sudder Court in Bengal.

Prince GHOLAM MUHAMMUD.

WILLIAM RITCHIE, Esquire,
Advocate General in Bengal.

CECIL BEADON, Esquire,
Secretary to the Government of India.

Colonel HENRY GOODWYN, of the Bengal Engineers,
Chief Engineer in Bengal.

William

ACT No. II OF 1857.

WILLIAM GORDON YOUNG, Esquire,
Director of Public Instruction in Bengal.

Lieutenant-Colonel WILLIAM ERSKINE BAKER, of the Bengal Engineers,
Secretary to the Government of India.

Lieutenant-Colonel ANDREW SCOTT WAUGH, of the Bengal Engineers,
Surveyor General of India.

KENNETH MACKINNON, Esquire,
Doctor in Medicine.

HODGSON PRATT, Esquire,
Inspector of Schools in Bengal.

HENRY WALKER, Esquire,
Professor of Anatomy and Physiology in the Medical College of Bengal.

THOMAS THOMSON, Esquire,
Doctor in Medicine, Superintendent of the Botanical Garden at Calcutta.

FREDERICK JOHN MOUAT, Esquire,
Doctor in Medicine, and Fellow of the Royal College of Surgeons.

Lieutenant WILLIAM NASSAU LEES, of the Bengal Infantry.

The Reverend WILLIAM KAY,
Doctor of Divinity, Principal of Bishop's College.

The Reverend ALEXANDER DUFF,
Doctor of Divinity.

THOMAS OLDHAM, Esquire,
Superintendent of the Geological Survey of India.

HENRY WOODROW, Esquire,
Inspector of Schools in Bengal.

Leonidas

ACT No. II OF 1857.

LEONIDAS CLINT, Esquire,
Principal of the Presidency College.

PROSONNO COOMAR TAGORE,
Clerk Assistant of the Legislative Council of India.

RAMAPERSHAD ROY, Government Pleader in the Sudder Court of Bengal.

The Reverend JAMES OGILVIE, Master of Arts.

The Reverend JOSEPH MULLENS, Bachelor of Arts.

Moulavy MUHAMMUD WUJEEH, Principal of the Calcutta Mudrasah.

ISHWAR CHUNDRĀ BIDYĀ SĀGUR.
Principal of the Sanskrit College of Calcutta.

RANGOPĀUL GHOSĒ,
Formerly Member of the Council of Education.

ALEXANDER GRANT, Esquire,
Apothecary to the East India Company.

HENRY STEWART REID, Esquire,
Director of Public Instruction in the North-Western Provinces,

being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Calcutta; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company.

II. The

ACT No. II of 1857.

II. The said body Corporate shall be able and capable in law to take, ^{Power to hold and dispose of property.} purchase, and hold any property, moveable or immoveable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one ^{Constitution of Body Corporate.} Vice-Chancellor, and such number of ex-officio and other Fellows as the Governor General of India in Council hath already appointed, or shall from time to time, by any order published in the *Calcutta Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said University. Provided that, if any ^{Office vacated by leaving India.} person being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

IV. The Governor General of India for the time being shall be the ^{Chancellor.} Chancellor of the said University, and the first Chancellor shall be the Right Honorable Charles John Viscount Canning.

V. The first Vice-Chancellor of the said University shall be Sir James ^{Vice-Chancellor.} William Colvile, Knight. The office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor herein-before nominated shall go out of office on the first day of January 1859. Whenever a vacancy shall occur in the office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor General of India in Council shall, by notification in the *Calcutta Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that, on any vacancy in the said office which shall occur by effluxion of time, the Governor General of

ACT No. II of 1857.

of India in Council shall have power to re-appoint the Vice-Chancellor herein-before nominated or any future Vice-Chancellor to such office.

VI. The Lieutenant-Governors of Bengal and the North-Western Provinces, the Chief Justice of the Supreme Court of
Fellows. Judicature at Fort William in Bengal or of any Court of Judicature hereafter to be constituted to or in which the powers of the said Supreme Court may be transferred or vested, the Bishop of Calcutta, and the Members of the Supreme Council of India, all for the time being, shall be ex-officio Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than thirty; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below thirty, the Governor General of India in Council shall forthwith, by notification in the *Calcutta Gazette*, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, thirty. But nothing herein contained shall prevent the Governor General of India in Council from nominating more than thirty persons to be Fellows of the said University if he shall see fit.

VII. The Governor General of India in Council may cancel the
The appointment of a Fellow may be cancelled. appointment of any person already appointed, or hereafter to be appointed a Fellow of the University, and as soon as such order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and
Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from
Bye-laws. time to time to make and alter any bye-laws and regulations

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tions (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same ; and touching the examination for honors and the granting of marks of honor for a higher proficiency in the different branches of Literature, Science, and Art ; and touching the qualifications of the candidates for degrees and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them ; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows ; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor General of India in Council.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Meetings of the Senate. Senate by the majority of the members present ; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least, shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman ; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and, as they shall see occasion, to remove all Examiners, Officers, and servants of the said University. Appointment and removal of Examiners and Officers.

XI. The said Chancellor, Vice-Chancellor, and Fellows, shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate Power to confer degrees.

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tiante of Medicine, Doctor of Medicine, and Master of Civil Engineering ; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honor for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate from one of the Institutions authorized in that behalf by the Governor General of India in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year ; on every such examination, the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor, and Fellows, or by other Examiners so to be appointed ; and on every such examination the candidates, whether candidates for an ordinary degree or for a degree with honors, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

XIV. At the conclusion of every examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates ; and also the honors which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate ; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Calcutta and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

XV. The

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XV. The said Chancellor, Vice-Chancellor, and Fellows shall have
power to charge such reasonable fees for the degrees to
be conferred by them, and upon admission into the said
University, and for continuance therein, as they, with the approbation of
the Governor General of India in Council, shall from time to time see fit
to impose. Such fees shall be carried to one General Fee Fund for the
payment of expenses of the said University, under the directions and
regulations of the Governor General of India in Council,
to whom the accounts of income and expenditure of the
said University shall once in every year be submitted for such examination
and audit as the said Governor General of India in Council may direct.



ACT No. III OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 31st of January 1857.)

An Act relating to Trespasses by Cattle.

Preamble. WHEREAS loss and injury are suffered by cultivators and occupiers of land from damage done to crops and other produce of land by the trespass of Cattle; and whereas damage is done to the sides and slopes of public roads and embankments by cattle trespassing thereon; and whereas it is expedient to authorize the seizure and detention of Cattle doing damage as aforesaid and also to make provision for the disposal of cattle found straying in any public place: It is enacted as follows:—

I. Section IV Regulation V. 1830 of the Bengal Code, Sections XII and LII Regulation XI. 1816 of the Madras Code, and such parts of Sections XIX, XLV, and LIII Regulation XII, 1827 of the Bombay Code, as authorize the Magistrates or Police Officers to take charge and dispose of stray Cattle, are hereby repealed.

II. It shall be lawful for the cultivator or occupier of any land to seize or cause to be seized any cattle trespassing on such land, and doing damage to such land or any crop or produce thereon, and to convey them without unnecessary delay to the pound established for the village or township in which the land is situate. Village and other Police Officers, when called upon, shall give their aid to cultivators and occupiers making such seizures.

III. Pounds shall be established at the thannahs or district Police stations, and at such other places as the Magistrate, under the orders of the local Government, may determine. The village or villages by which every pound is to be used shall be determined and notified by the Magistrate.

IV. The

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IV. The pounds shall be under the control of the Magistrate of the district, and for each pound a pound-keeper shall be appointed, who shall keep such registers and furnish such returns as the local Government shall direct. Provided that, in the Presidencies of Fort St. George and Bombay, the heads of villages and Police patells shall be ex-officio the keepers of village-pounds.

V. When Cattle are brought to a pound, the pound-keeper shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner if known, and shall give a copy of the entry to the seizer. The pound-keeper shall take charge of and feed the Cattle until disposed of as hereinafter directed.

VI. For every head of Cattle impounded as aforesaid, a fine shall be levied according to the following scale:—

	<i>Annas.</i>
Camel or Buffalo	8
Horse or Tattoo, Bull, Bullock, or Cow	4
Calf or Ass	2
Sheep or Goat	1

and no Cattle shall be released by a pound-keeper without the payment of such fine unless the release be ordered by competent authority.

VII. If the owner appear and claim the Cattle, they shall be delivered to him on payment of the prescribed fine together with the expense of feeding the Cattle at such rates as may from time to time be fixed by the Magistrate; and the owner, on taking back his Cattle, shall sign a receipt for them in the register kept by the pound-keeper. A schedule of the fines and of the rates of charge for feeding Cattle shall be stuck up in a conspicuous place on or near to every pound.

VIII. If

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VIII. If the Cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall make his report to the Darogah or district Police Officer, who shall stick up in a conspicuous part of the Police Office a notice containing a statement of the number and description of the Cattle, the place where they were seized, and the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village, and at the market place, nearest to the place of seizure. If the Cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the Darogah or district Police Officer or an Officer of his establishment deputed for the purpose.

Procedure if Cattle be not claimed within a specified time.

IX. If the owner appear, and refuse or omit to pay the fines and expenses, the Cattle or as many of them as may be necessary, shall be sold by public auction for the recovery of such fines and expenses by the Darogah or other Officer as aforesaid, and the remaining Cattle and the balance of the purchase money if any shall be delivered to the owner, together with an account showing the number of Cattle seized, the time during which they have been impounded, the charge for fines and expenses, the number of Cattle sold, the proceeds of sale, and the manner in which those proceeds have been disposed of, and the owner shall grant a receipt for the Cattle delivered to him and for the balance of the purchase money paid to him (if any) according to such account. Provided always that, if a complaint against the seizure shall have been preferred under the provisions of Section XIV of this Act, no sale shall be made until the case shall have been decided, nor otherwise than according to the order which may be passed in such case.

Procedure if owner appear and refuse or omit to pay the fines and expenses.

Proviso.

Police Officers and pound-keepers not to purchase Cattle at a sale under this Act.

X. Police Officers and pound-keepers are prohibited from becoming, directly or indirectly, purchasers of any Cattle at a sale under this Act.

XI. When Cattle are sold under the provisions of this Act, the fines leviable and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the sale proceeds. The fines so recovered, as well as all fines received

Disposal of sale proceeds, fines, and expenses.

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received by the pound-keepers under Section VII, shall be transmitted to the Magistrate by the Darogah, or district Police Officer. The expenses of feeding realized by sale shall be paid over to the pound-keepers, who shall also retain and appropriate all sums received by them on account of such expenses under Section VII. The surplus proceeds of the sale of unclaimed Cattle shall be transmitted to the Magistrate, who shall hold them in deposit for three months, and if no claim to them be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

XII. The sums received on account of fines and the unclaimed proceeds of the sale of unclaimed Cattle shall form a fund which shall be available for the payment of any salaries which may be allowed to pound-keepers under the orders of the local Government or of expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act.

Fines and unclaimed proceeds of sales to form a fund for the payment of pound-keepers, &c.

XIII. Every person who shall forcibly oppose the seizure of Cattle doing damage to land or to crops or other produce of land, or shall forcibly rescue the same after seizure either from a pound or from the seizer when conveying or about to convey them to a pound, shall be liable for such offence to imprisonment, with or without labor, for a period not exceeding six months, or to a fine not exceeding five hundred Rupees, or to both. Offences under this Section shall be dealt with by the Police Officers according to the provisions of Section XXV Regulation XX. 1817 of the Bengal Code, Section XXVII Regulation XI. 1816 of the Madras Code, and Section XLIII Regulation XII. 1827 of the Bombay Code.

Penalty for forcibly opposing the seizure of Cattle or rescuing the same.

XIV. Any person whose Cattle shall have been seized and detained as doing damage to land or any crop or produce thereon, may prefer a complaint against the seizure, at any time within ten days from the date thereof, to the Magistrate, or to any Joint Deputy or Assistant Magistrate, or other Officer having criminal jurisdiction, authorized to receive and try charges without reference by the Magistrate. The complaint may be either verbal, in which

Owner may prefer complaint to Magistrate within ten days from date of seizure of his Cattle.

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Procedure. which case the substance of it shall be taken down in writing by the Magistrate or other Officer as aforesaid, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. The Magistrate or other Officer as aforesaid, if on examination of the complainant or his agent he shall see reason to believe the complaint to be well founded, shall summon the party complained against, and shall proceed to make a summary enquiry into the case. If the seizure be adjudged illegal, the Magistrate or other Officer as aforesaid shall award to the complainant such damages, not exceeding in any case the sum of one hundred Rupees, as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure and detention, together with all expenses incurred by the complainant in procuring the release of the Cattle; or, if the Cattle have not been released, the Magistrate or other Officer as aforesaid, in addition to the award of damages, shall make an order for their release, and shall direct that the fines and expenses leviable under this Act shall be paid by the party who made the seizure. Moonsiffs and other Judicial Officers having original jurisdiction, and not invested with criminal powers, may be specially invested by the local Government with the power of receiving and trying complaints under this Section, and in the exercise of such powers shall be subject to the same rules as Assistants and other Officers subordinate to the Magistrate.

Damages for illegal seizure.

Moonsiffs and others may be invested with power to adjudicate under this Section.

XV. Persons in charge of public roads, canals, embankments, and the like, may seize or cause to be seized any Cattle doing damage to the sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall be applicable to such seizures.

Impounding of Cattle doing damage to roads, embankments, &c.

XVI. Village and other Police Officers shall convey to the pounds established under Section III of this Act all Cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of Cattle seized as trespassing and doing damage, shall be applicable to all Cattle impounded as aforesaid.

Impounding of stray Cattle the owners of which are unknown.

XVII. When

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XVII. When any person commits mischief by causing Cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorized to seize Cattle under Section II of this Act, or of any person who may have made advances for the cultivation of the land and delivery of the produce; and any fine which shall be so adjudged may be recovered by sale of the Cattle by which the trespass was committed, or any portion of them, whether the Cattle were seized in the act of trespassing or not, and whether such Cattle are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

XVIII. Any person, being an owner or keeper of pigs, who, through neglect or otherwise, shall damage or cause or permit to be damaged any land or any crop or produce of land by allowing pigs to trespass thereon, shall be liable for such offence to a fine not exceeding ten Rupees. All sums recovered under this and the last preceding Section may be appropriated in whole or in part to compensate the complainant for damage proved to the satisfaction of the Magistrate.

XIX. Nothing contained in this Act shall be held to prohibit any person, whose crops or other produce of land shall have been damaged by trespass of Cattle, from instituting a suit for the recovery of damages in any competent Court. Provided that any compensation which may have been paid to any such person by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as damages in such suit.

XX. The local Government, with the sanction of the Governor General in Council, may exclude from the operation of this Act any district or tract of country to which its provisions may be judged unsuitable.

XXI. In the construction of this Act, words importing the singular number shall include the plural, and words importing the plural number shall include the singular; words importing the

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the masculine gender shall include females; the word "Magistrate" shall include a Joint Magistrate, or other Officer lawfully exercising the powers of a Magistrate; the expression "Darogah or District Police Officer" shall, in the North-Western Provinces of the Presidency of Fort William, include a Tuhseeldar or Naib Tuhseeldar entrusted with Police powers.

Commencement of Act. XXII. This Act shall commence and take effect from and after the first day of May 1857.



ACT No. IV OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 9th of February 1857.)

AN ACT to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay.

WHEREAS it is expedient to amend the Law relating to the duties payable on Tobacco and the retail sale and warehousing of that article in the Town of Bombay: It is hereby enacted as follows:—

I. Chapters V, VI, VII, and VIII of Regulation XXI, 1827 of the Bombay Code, and Act XXIV of 1850, are hereby repealed, but not so as to revive any other Regulation or Act thereby repealed.

II. All Tobacco (except such small quantities as are hereinafter mentioned) imported from any place into the Town of Bombay and intended for consumption therein shall be liable to a duty of seven Rupees and eight annas per maund of forty seers of eighty tolas to the seer, which duty is hereinafter called the Municipal Duty; and such duty shall be leviable in addition to any Customs Duty prescribed by Law.

III. The said Municipal Duty may be paid at the option of the importer, either on the importation of the Tobacco, or after it has been warehoused as hereinafter provided.

IV. If

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IV. If the said Municipal Duty is not paid on importation, the Tobacco shall be warehoused in a public or licensed warehouse within the meaning of Act XXV of 1836 ; and the importer shall pay such duty on the said Tobacco on its removal from the warehouse for consumption in the said Town. When Tobacco so warehoused is re-exported to any place beyond the limits of the said Town, the whole of the said Municipal Duty shall be remitted.

Duty if not paid on importation, to be paid on removal from warehouse for consumption.

Remission of Municipal Duty on re-exportation.

V. The Port of Bombay shall, after the passing of this Act, be held to be a warehousing port within the meaning of Act XXV of 1836, so far as regards the warehousing of Tobacco ; and the provisions of the said Act, so far as the same are applicable, shall be applied to the warehousing of Tobacco in the said Town. The Import Duty in the said Act mentioned shall, as to Tobacco, include the Municipal Duty leviable under this Act.

Bombay a warehousing Port for Tobacco.

VI. The Commissioner of Customs, Salt, and Opium, and Officers of Customs, shall have all the same powers and authorities for collecting and enforcing payment of the said Municipal Duty in addition to the powers and authorities specified in this Act, as they now have or shall have in respect of duties of Customs.

Powers for collection and enforcing payment of the Municipal Duty.

VII. It shall not be lawful, without the permission of the Commissioner of Customs, Salt, and Opium, or other Officer empowered by Government to grant such permission, to bring any Tobacco or any preparation thereof into Bombay otherwise than by sea, nor to land the same at any other landing places than such as may from time to time be prescribed by the Government of Bombay.

Tobacco not to be imported otherwise than by Sea.

Landing places to be prescribed.

VIII. The foregoing provisions of this Act shall not be applicable to such small quantities of Tobacco (not exceeding in weight four seers of eighty tolas to the seer) as are intended for the private consumption of the importer.

Exemption from Duty.

IX. It

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IX. It shall not be lawful to remove any Tobacco from one place to another within the said Town, nor to carry or convey the same on any thoroughfare in the said Town, nor to carry the same in any vessel or boat of less than forty candies burthen in any of the creeks or waters adjacent to the said Town, without a Permit from the Commissioner of Customs, Salt, and Opium, which Permit shall be in the form of Schedule A. to this Act annexed, or to the like effect: any such Permit shall be in force only between sunrise and sunset of the day for which it is granted. Provided always, that it shall be lawful to convey without a Permit any Tobacco so far as may be necessary for the lawful importation thereof according to the provisions of this Act, and also small quantities of Tobacco, not exceeding in weight four seers of eighty tolas to the seer, for personal or domestic use.

Permit necessary for removal of Tobacco.

Proviso.

X. No Permit shall be granted for the removal from warehouse of any quantity of Tobacco less than an entire bale or package. Provided that, when Tobacco is to be removed for consumption in the said Town, the Commissioner of Customs, Salt, and Opium may give permission to open any bale or package previous to removal, and to set aside such portion thereof as may be refuse or waste; and the said refuse or waste may be re-exported, under the rules for the re-export of Tobacco, at any time within one month from the date of such permission, or, if it be not so re-exported, may be destroyed by order of the Commissioner.

No Permit for removal from warehouse of less than a bale.

Proviso.

XI. It shall not be lawful for any person to sell or offer for sale by retail any Tobacco in the said Town without a license from the Commissioner of Customs, Salt, and Opium, or other Officer duly empowered by Government in that behalf, which license shall be in force for a period of twelve Calendar months from the date thereof, unless the person to whom the license is granted shall be deprived thereof under the provisions of this Act. A Fee of one Rupee shall be paid for every such license.

License for retail sale of Tobacco.

XII. Any sale of Tobacco not exceeding in weight fourteen seers of eighty tolas to the seer shall be deemed to be a retail sale within the meaning of this Act.

What to be deemed a retail sale.

XIII. It

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XIII. It shall not be lawful for any licensed retail dealer in Tobacco to carry on the retail sale of the same, or to keep any store of the same, except at such shop or other premises as may be specified in his license ; and the name of every retail dealer in Tobacco, together with the number of his license, shall be written or painted in English, Guzerati, and Maharatti, in plain and legible characters of not less than one inch in height, on a board to be affixed in a conspicuous manner in the front of the shop or premises where such retail sale is carried on.

Retail sale to be only at the place mentioned in the license.

Name of licensed dealer to be affixed to shop.

XIV. Every retail dealer in Tobacco shall, on or before the tenth day of each month, make to the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, a separate return for each shop or place of sale for which he holds a license, showing the quantity of Tobacco on hand therein at the beginning of the preceding month, the quantity received during such month, and the persons from whom, and the dates on which, he received it, and the stock remaining at the close of such month ; and any retail dealer who refuses or neglects to make such return, or makes a false return, shall be liable to be deprived of his license by the said Commissioner or other Officer as aforesaid, and to pay a fine not exceeding two hundred Rupees.

Monthly returns of stock to be made by retail dealers.

XV. Every retail dealer in Tobacco shall, on the same day on which he shall receive any Tobacco into any such shop or place of sale, enter in a book to be kept for that purpose the weight of such Tobacco, the day on which he receives the same, and the name of the person from whom, and the place from which, he receives it ; and such book shall be open to the inspection of the Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, or of any person authorized by the Commissioner or such Officer to inspect the same ; and the Commissioner or other Officer, or person as aforesaid inspecting the said book may make any minute therein, or any extract therefrom, which he shall think fit ; and any retail dealer who neglects or refuses to comply with the provisions of this Section, shall for every offence be liable to be deprived of his license by the said Commissioner or other Officer as aforesaid, and to pay a fine not exceeding two hundred Rupees.

Retail dealer to make entry in a book, of weight, &c., of all Tobacco received.

Inspection of book.

XVI. The

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XVI. The Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, may issue a warrant under his hand and seal to any public Officer, commanding him to enter and search between sunrise and sunset any building or place to be specified in the warrant in which Tobacco may be deposited under the provisions of this Act, or in which the Commissioner or other Officer as aforesaid has been credibly informed, which information shall be taken down in writing that Tobacco is deposited contrary to the provisions of this Act, and to seize and take away from thence any Tobacco or other articles subject to confiscation under this Act.

XVII. The Commissioner of Customs, Salt, and Opium, or other Officer as aforesaid, or any public Officer authorized by the Commissioner or such Officer, may arrest and detain any person carrying or having charge of any Tobacco liable to confiscation under this Act, and may detain and search any vessel or package, and any boat or vehicle, containing or conveying, or supposed to contain or convey, any such Tobacco.

XVIII. All Tobacco imported into the said Town or removed from one place to another or kept within the said Town, or found in the possession of any person in the said Town, selling or offering any portion thereof for sale, contrary to the provisions of this Act, and every vessel in which such Tobacco is contained, and every vehicle, boat, or animal employed with the consent and knowledge of the owner or his servant in conveying the same—shall be liable to confiscation. Provided always, that it shall be lawful for the adjudicating Officer to mitigate the penalty of confiscation herein provided, by commuting the same to the payment of any fine not exceeding the value of the goods liable to confiscation ; and every such fine may be enforced, if necessary, by the sale of the goods liable to confiscation.

XIX. Any person, who shall illegally import, remove, or sell in the said Town, any Tobacco, or who shall knowingly have in his possession any Tobacco subject to confiscation under this Act, shall be liable to a fine not exceeding ten times the

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the value of such Tobacco; and if the offender is a licensed retail dealer,
Revocation of license. he shall be liable to be deprived of his license by the
Commissioner of Customs, Salt, and Opium, or other
Officer as aforesaid.

XX. All confiscations and fines under this Act may be adjudicated
and levied by any Magistrate of Police for the Town of
Levy of fines and
adjudication and sale
of confiscations. Bombay. Goods adjudged liable to confiscation shall be
sold under warrant of the Magistrate.

XXI. The following words and expressions in this Act shall have the
Interpretation. meanings hereby assigned to them, unless there be some-
thing in the context repugnant to such construction:—
The words "Town of Bombay" shall include all places within the
Islands of Bombay and Colaba.

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

Words importing the masculine gender shall include females.

SCHEDULE A.

Form of Permit.

No.

A. B. has been permitted to remove from (*Custom House or licensed
warehouse or shop No. situated in Kabadavie street to warehouse or shop No.
in Bazar street*) the under-mentioned quantity of Tobacco between
sunrise and sunset on the day of in the year

(Signed) _____

Commissioner of Customs, Salt; and Opium.



ACT No. V OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 13th of February 1857.)

AN ACT to confer certain powers on the Oriental Gas Company, Limited.

Preamble. WHEREAS a Joint Stock Company has been lately formed for the purpose of introducing Gas-works into India, which Company having been completely registered in England under the Act of Parliament of the eighth year of the reign of her present Majesty, Cap. 110, has since been registered in England under "The Joint Stock Companies' Act, 1856," with limited liability, and has duly obtained a certificate of Incorporation under the name of the Oriental Gas Company, Limited; and whereas the said Company has erected Gas-works on land granted for that purpose by Government in the vicinity of the Town of Calcutta, and is engaged in the preparation of apparatus and materials for the manufacture and supply of Gas for lighting the said Town; and whereas it is expedient that powers and facilities should be given to the said Company to enable them to carry out their undertaking of lighting with Gas the said Town of Calcutta, which powers and facilities may hereafter be extended to the operations of the said Company in other Towns and places: It is enacted as follows:—

I. In the Town of Calcutta and its environs, and in any other Town or place to which the provisions of this Act may hereafter be extended, by a law to be passed for that purpose, the Oriental Gas Company, Limited, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service-pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers

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sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the Gas; and, for the purposes aforesaid, may remove and use all earth and materials in and under such streets and bridges; and they may in such streets erect any pillars, lamps, and other works, and do all other acts which the said Company shall from time to time deem necessary for supplying Gas to the inhabitants of the said Town of Calcutta and its environs, or other Town or place as aforesaid, doing as little damage as may be in the execution of the powers hereby granted, and making compensation for any damage which may be done in the execution of such powers.

II. Provided always, that nothing herein shall authorize or empower the said Company to lay down or place any pipe or other works into, through, or against any building or in any land not dedicated to public use, without the consent of the owners and occupiers thereof; except that the said Company may at any time enter upon and lay or place any new pipe in the place of an existing pipe, in any land wherein any pipe has been already lawfully laid down or placed in pursuance of this Act, and may repair or alter any pipe so laid down.

Not to enter on private land without consent.

III. Before the said Company proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the Municipal Commissioners for the Town of Calcutta, or other persons under whose control or management the same may be, or to their Clerk, Surveyor, or other Officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work; except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

Notice to be served on persons having control, &c., before breaking up streets or opening drains.

IV. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the control or management thereof, or of their officer, and according to such plan as shall be approved of by such

persons

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persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by a Magistrate ; and such Magistrate may, on the application of the persons having the control or management of any such sewer or drain, or their officer, require the said Company to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain. Provided always that, if the

If persons having the control, fail to superintend, Company may proceed with the work.

persons having such control or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the said Company's intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the said Company may perform the work specified in such notice without the superintendence of such persons or their officer.

V. When the said Company open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall, with all convenient speed, complete the work for which the same shall be broken up, and fill in the ground, and re-instate and make good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, and carry away the rubbish occasioned thereby ; and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers, to be set up and maintained against or near such road or pavement where the same shall be open or broken up, every night during which the same shall be continued open or broken up ; and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

VI. If the said Company open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary

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temporary or other works as aforesaid, when so required, except in the cases in which the said Company are hereby authorized to perform such works without any superintendence or notice; or if the said Company make any delay in completing any such work, or in filling in the ground or re-instating and making good the road or pavement, or the sewer, drain, or tunnel so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same shall have been made good, or such further time as aforesaid, they shall forfeit to the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding fifty rupees for every such offence, and they shall forfeit an additional sum not exceeding fifty rupees for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

VII. If any such delay or omission as aforesaid take place, the persons having the control or management of the street, bridge, sewer, drain, or tunnel, in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed; and the expense of executing the same shall be repaid to such persons by the said Company; and the amount of such expense shall, in case of any dispute about the same, be ascertained and recovered in Calcutta and in any other Town or place subject to the jurisdiction of any of Her Majesty's Courts of Judicature, in the manner in which expenses are ascertained and recovered under Act XIV of 1856, and in any Town or place not within the jurisdiction of any of Her Majesty's Courts, in the same manner as damages are recoverable under this Act.

In case of delay, other parties may re-instate, and recover the expenses.

Expense how to be ascertained and recovered.

VIII. The Clerk, Engineer, or other Officer duly appointed for the purpose by the said Company, may, at all reasonable times, enter any buildings or place lighted with Gas supplied by the said Company, in order to inspect the meters, fittings, and works for regulating the supply of Gas, and for the purpose of ascertaining the quantity of Gas consumed or supplied; and if any person hinder

Power to enter buildings for ascertaining quantity of Gas consumed.

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hinder such Officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall, for every such offence, forfeit to the said Company a sum not exceeding fifty rupees.

IX. If any person supplied with Gas, or any person to whom any meter or fitting shall have been let for hire by the said Company, Recovery of rent due for Gas. neglect to pay the rent due for the same to the said Company, the said Company may stop the Gas from entering the premises of such person, by cutting off the service-pipes, or by such means as the said Company shall think fit, and recover the rent due from such person, together with the expenses of cutting off the Gas, by action in any Court of competent jurisdiction.

X. In all cases in which the said Company are authorized to cut off and Power to take away pipes when supply of Gas discontinued. take away the supply of Gas from any house or building or premises under the provisions of this Act, the said Company, their agents or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building, or premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the said Company.

XI. Any meter or fitting let for hire by the said Company shall not Meters not liable to distress for rent, &c. be subject to distress for rent or revenue or any rate due upon the premises where the same may be used, nor be taken in execution under any process of a Court of law or equity, or any proceeding in Insolvency against the person in whose possession the same may be.

XII. Every person who shall lay, or cause to be laid, any pipe to Penalty for fraudulently using Gas. communicate with any pipe belonging to the said Company, without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the Gas supplied by the said Company is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the said Company, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or shall otherwise improperly use
or

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or burn the Gas, or shall supply any other person with any part of the Gas supplied to him by the said Company, shall forfeit to the said Company the sum of fifty rupees for every such offence, and also the sum of twenty rupees for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the said Company may take off the Gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

XIII. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the said Company for supplying Gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the Gas supplied by the said Company, shall, for each such offence, forfeit to the said Company any sum not exceeding fifty rupees, in addition to the amount of the damage done.

XIV. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the said Company, or under their control, shall pay such sum of money by way of satisfaction to the said Company for the damage done, not exceeding fifty rupees, as any Magistrate shall think reasonable.

XV. If the said Company shall at any time cause or suffer to be brought, or to flow into any stream, reservoir, aqueduct, pond, or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying Gas, or shall wilfully do any act connected with the making or supplying of Gas, whereby the water in any such stream, reservoir, aqueduct, pond, or place for water, shall be fouled, the said Company shall forfeit for every such offence a sum not exceeding one thousand rupees; and they shall forfeit an additional sum not exceeding five hundred rupees for each day during which such washing or other substance shall be brought or shall flow, or the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the said Company

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Company, by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby; and such penalties shall be paid to such last-mentioned person.

XVI. Whenever any Gas shall escape from any pipe, laid down or set up by or belonging to the said Company, they shall, immediately after receiving notice thereof in writing, prevent such Gas from escaping; and in case the said Company shall not, within twenty-four hours next after service of such notice, effectually prevent the Gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of fifty rupees for each day during which the Gas shall be suffered to escape, after the expiration of twenty-four hours from the service of such notice.

XVII. Whenever any water shall be fouled by the Gas of the said Company, they shall forfeit to the person whose water shall be so fouled for every such offence a sum not exceeding two hundred rupees, and a further sum, not exceeding one hundred rupees, for each day during which the offence shall continue, after the expiration of twenty-four hours from the service of notice of such offence.

XVIII. For the purpose of ascertaining whether such water be fouled by the Gas of the said Company, the person to whom the water supposed to be fouled shall belong, may dig up the ground, and examine the pipes, conduits, and works of the said Company; provided that such person, before proceeding so to dig and examine, shall give twenty-four hours' notice in writing to the said Company of the time at which such digging and examination is intended to take place, and shall give the like notice, to the persons having the control or management of the road, pavement, or place where such digging is to take place, and they shall be subject to the like obligation of re-instating the said road and pavement, and the same penalties for delay, or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the said Company, for the purpose of laying their pipes.

XIX. If

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XIX. If upon any such examination it appear that such water has been fouled by any Gas belonging to the said Company, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the said Company; but if upon such examination, it appear that the water has not been fouled by the Gas of the said Company, the person causing such examination to be made shall pay all such expenses, and shall also make good to the said Company any injury which may be occasioned to their works by such examination.

XX. The amount of the expenses of every such examination and repair, and of any injury done to the said Company, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the manner prescribed for the ascertainment and recovery of expenses in Section VII of this Act.

XXI. Nothing in this Act contained shall prevent the said Company from being liable to an indictment for nuisance, or to any other legal proceedings to which they may be liable in consequence of making or supplying Gas.

XXII. A copy of the original Deed of Association of the said Company, and of every other instrument registered under the said "Joint Stock Companies' Act, 1856," as constituting the Regulations of the said Company, and a copy of every special resolution of a General Meeting whereby any change shall have been, or at any time shall be made in the Regulations of the said Company, shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office; and a copy of such original Deed of Association, and of every other such instrument, and of every special resolution as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such special resolution hereafter to be made, in the Office of the Registrar of Joint Stock Companies, or, if there be no such Officer, in the Office

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Office of the Keeper of the Records of the Supreme Court of Judicature at Fort William, and shall there be filed; and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint Stock Companies, or of the Keeper of the Records of the said Supreme Court, shall be good and sufficient evidence of each such original Deed, instrument, or special resolution, in all actions, suits, and proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice or before any Magistrate, or Revenue or other Officer, and whether acting judicially or in any proceeding preliminary to a judicial inquiry, throughout the Territories of the East India Company.

XXIII. All services of mesne or other process, and all notices whatsoever, which, by law or by the practice of any Court where-
Service of process. in the said Company shall sue or be sued, are required to be made, served, or given for any purpose whatsoever to the said Company, shall and may be made, served, and given, in addition to all ways and means by which the same may otherwise be legally made, served, and given, by leaving the same addressed to the Managing Agent of the said Company at the Office in Calcutta of the said Company.

XXIV. All penalties and forfeitures imposed by this Act, and all damages and expenses the recovery of which is not specially
Recovery of penalties, &c. provided for, may be recovered by summary proceeding before a Magistrate.

XXV. All penalties, forfeitures, damages, and expenses adjudged due under this Act, if the amount be not otherwise paid, may be
Levy by distress. levied by distress and sale of the goods and chattels of the party liable to pay the same, and the overplus arising from such goods and chattels, after satisfying such amount and the expenses of the distress and sale, shall be returned on demand to the party whose goods shall have been distrained; or instead of proceeding by distress and sale, or in case of failure to realize by distress the whole or any part of any penalties, forfeitures, damages, or expenses imposed or incurred under the provisions of this Act, the person claiming such penalty, forfeiture, damage, or expenses, may sue the person liable to pay the same in any Court of competent jurisdiction.

XXVI. No

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XXVI. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall any such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

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

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

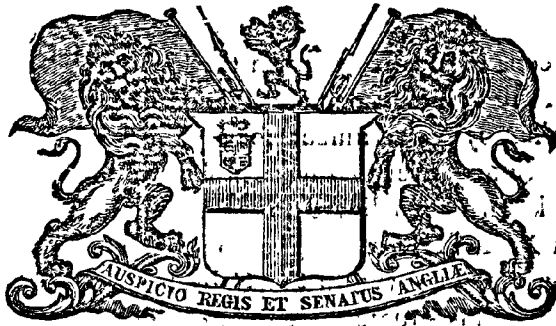
Words importing the masculine gender shall include females.

The word "person" shall include a corporation, whether aggregate or sole.

The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place.

The word "Magistrate" shall include any Magistrate of Police, and any Joint Magistrate or other person lawfully exercising the powers of Magistrate, acting at or for the place or district where the matter requiring the cognizance of any such Magistrate arises.





ACT No. VI. OF 1857.

Passed by the Legislative Council on the 9th May 1857, with the Assent of the Right Honorable the Governor General of India.

An Act for the Acquisition of Land for Public Purposes.

WHEREAS it is expedient to make better provisions for the acquisition of land needed for public purposes within the territories in the possession and under the Government of the East India Company, and for the determination of the amount of compensation to be made for the same; It is enacted as follows:—

Preamble.

I. Sections I. to VII. inclusive, Regulation I. 1824 of the Bengal Code; so much of Act XXVIII. of 1839 as is in force; Act I. of 1850; Act XVII. of 1850; Act XLII. of 1850; Act XX. of 1852; and Act I. of 1854—are hereby repealed, except so far as they repeal the whole or any part of any other Regulation or Act, and except as to suits or proceedings commenced, contracts made, acts done, and liabilities incurred, before the passing of this Act.

Laws repealed.

II. Whenever it appears to the local Government that any land is required to be taken by Government at the public expense for a public purpose, a declaration shall be made to that effect under the signature of a Secretary to the Government, or of some Officer duly authorised to certify the orders of the Government; and such declaration shall be conclusive evidence that the purpose for which the land is needed is a public purpose; and after making such declaration, the Government may take any such land in the manner hereinafter provided.

Land may be taken by Government under the provisions of this Act after declaration made that it is required for a public purpose.

III. Whenever any land shall have been declared to be so required for a public purpose, the Government shall direct the Collector of the District, or some other Officer specially appointed in that behalf, to take order for the acquisition of the land in the manner hereinafter provided.

After declaration, Collector shall be directed to take order for acquisition of land as herein-after provided.

Collector shall cause the land to be marked out and measured, and a plan to be made of the same; and give notice to all persons interested in the land.

IV. The Collector or other Officer shall thereupon cause the land to be marked out and measured, and a plan to be made of the same. After the land has been so marked out and measured, he shall cause a notice to be affixed in some conspicuous place upon the land, and published by proclamation in the neighbouring bazars and villages, to the effect that the land is about to be taken by Government for a public purpose; and shall also give notice to the same effect to the occupier (if any) of such land, and to all such persons known or believed to be interested therein, or to be entitled by Section XXXVIII. of this Act to act for persons so interested, as shall reside or have agents within the Collectorate or other Revenue District in which the land is situate, by serving such notice on such persons or their agents. Such notice shall contain a citation calling on all persons interested in the land to appear personally or by agent at a time and place therein mentioned, such time not being less than fifteen days after the date of publication of the notice, and to state the nature of their interests in the land, and the amount and particulars of their claims to compensation for the same.

Collector to inquire into the value of the land, and the amount of compensation to be awarded.

V. On the day fixed, the Collector or other Officer shall proceed to inquire summarily into the value of the land, and the amount of compensation to be awarded: and if he and all the persons interested who have attended in pursuance of the notice agree as to the amount of compensation to be allowed, shall make an award for the same; and if the said persons agree also in the apportionment of the compensation, such apportionment shall be specified in the award. The award shall be final and conclusive in regard to the value of the land, and the amount of compensation for the same; and also in regard to the apportionment (if any) of the compensation among the persons who have agreed thereto. The Collector or other Officer may, if no claimant shall attend pursuant to the notice, or if he shall think fit for any other cause, postpone the inquiry to a day to be fixed by him, and notified in the manner provided in the preceding Section.

Collector to make award, which shall be conclusive.

Postponement of inquiry.

If no claimant attends, or if Collector and persons interested are unable to agree as to the amount of compensation, the dispute shall be referred to arbitrators.

VI. When the Collector or other Officer proceeds to make the inquiry as aforesaid, whether on the day originally fixed for the inquiry, or on the day to which the inquiry may have been postponed, if no claimant shall attend, or if the said Collector or other Officer shall be unable to agree with the persons interested who have attended in pursuance of the notice as to the amount of compensation to be allowed, the matter shall be referred to the determination of arbitrators, to be appointed in the manner hereinafter provided.

Who shall be deemed to be interested in the land in cases of conflicting claims.

VII. If upon the said inquiry any question arise respecting the title to the land, or any rights or interests therein, between two or more persons making conflicting claims in respect thereof, the person deemed by the Collector or other Officer to be in possession as owner, or in receipt of the rents as being entitled thereto, shall, for the purpose only of taking such measures as may be necessary for fixing the value of the land, and the amount of compensation to be allowed for the same, be held as between such persons to be the person interested in the land.

After Collector's award, or reference to arbitration, possession may be taken, and the land shall be vested absolutely in the Government.

VIII. When the Collector or other Officer has made an award or directed a reference to arbitration, he may take immediate possession of the land, which shall thenceforward be vested absolutely in the Government, free from all other estates, rights, titles, and interests.

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IX. If the Collector or other Officer is opposed or impeded in taking possession of such land, he shall apply to the Magistrate, who shall enforce the surrender of the land.

Magistrate to enforce surrender of land.

X. *Clause 1.*—When any case is referred to arbitration, the Collector or other Officer, and the person interested in the land, shall, unless they concur in the appointment of a single arbitrator, each appoint one arbitrator; if there be several persons having a joint interest in the land, and they cannot agree in the appointment of an arbitrator, such disagreement shall be deemed a refusal to appoint within the meaning of the next following Section.

Appointment of arbitrators.

Clause 2.—If there be several persons having distinct and separate interests in the land, and they cannot agree in the appointment of an arbitrator on their behalf, it shall be competent to the Collector or other Officer (subject to the orders of the Commissioner or other superior Revenue authority) to refer the question of the compensation to be allowed for each of such distinct and separate interests to a separate arbitration, or to select any one of the persons interested whose interest appears to him to qualify such person to represent the others; and the person so selected shall appoint an arbitrator on behalf of all the persons interested.

In every case the appointment shall be in writing, and neither of the parties to the arbitration shall have power to revoke the same without the consent of the other.

XI. If no claimant shall have attended, or if the persons interested in the matter in dispute, or authorised to act in that behalf, refuse or neglect, for the period of fifteen days, to appoint an arbitrator, then a single arbitrator, appointed by the Collector or other Officer, shall arbitrate the matter. Provided that the person so appointed shall not be an Officer of Government.

If no claimant attends, or if no arbitrator is appointed by the persons interested, the arbitrator appointed by the Collector shall proceed to arbitrate.

Proviso.

XII. When more than one arbitrator shall be appointed, the arbitrators shall, before they enter upon the matter referred to them, nominate and appoint by writing a third person to act with them as arbitrator; and in case the arbitrators shall neglect to appoint such third person for a period of one week after having been required to do so, the Collector or other Officer shall appoint a third arbitrator.

Appointment of a third arbitrator.

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

Arbitrator refusing or becoming incapable to act, &c.

XIV. When the amount of compensation is referred to arbitration, it shall be competent to the Collector or other Officer, with the written consent of all the persons interested, to require the arbitrators to determine the proportions in which all such persons are entitled to share in the amount awarded.

The arbitrators may, by consent, determine the proportions in which the persons interested are entitled to share in the amount of compensation awarded.

XV. When the Collector or other Officer and the persons interested in the land agree as to the amount of compensation, or when such amount shall have been settled by arbitration, if any dispute shall arise as to the apportionment of the same or any part thereof, it shall be competent to the Collector or other Officer, with the written consent of all persons interested

Appointment of arbitrators by consent to apportion the compensation in cases where the amount thereof has been agreed upon,

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or has been settled by arbitration.

in the matter in dispute, to refer the same to arbitration. If the parties cannot agree with respect to the nomination of the arbitrators, or if the persons nominated by them shall refuse to accept the arbitration, or, having accepted it, shall refuse to act, and the parties are desirous that the nomination shall be made by the Collector or other Officer, he shall appoint some proper person or persons to arbitrate the matter. The provisions of this Act relating to arbitrators appointed under Sections X. and XI., and to the proceedings of such arbitrators, shall be applicable to persons appointed arbitrators under this Section.

Collector to exercise certain powers for securing attendance of arbitrators and completion of award.

XVI. After the arbitrators have accepted the appointment, the Collector or other Officer shall be competent to exercise towards them such powers and authority for securing their attendance, and the due completion of their award, as the Collector may legally exercise towards witnesses summoned before him when acting judicially, for the purpose of compelling them to attend and give evidence.

In default of award within a specified period, other arbitrators may be chosen.

XVII. If no award be made made within a period to be fixed for that purpose by the Collector or other Officer, he may order that the matter shall be referred to another arbitrator or other arbitrators, to be chosen in the same manner and subject to the same rules as the first.

Collector to furnish information to the arbitrators, and to enforce the attendance and examination of witness, &c.

XVIII. The Collector or other Officer shall furnish the arbitrators, or so far as may be in his power procure for them, any information which his records or those of any public department may afford connected with the subject of inquiry. He shall, on the application of the arbitrators, summon any witnesses whom the arbitrators may call for, and whom the parties may not be able to produce before them without such process, and require the persons so summoned to bring and produce before them all such books, papers, deeds, writings, maps, and plans, as they shall require. Persons so summoned shall be subject to all the provisions of the laws in force regarding persons summoned as witnesses before the Collector when acting judicially.

Witnesses to be examined upon oath, &c. before arbitrators.

XIX. Every witness examined before the arbitrators shall be examined upon oath or affirmation, to be administered by or made before the said arbitrators.

Award of the arbitrators.

XX. On the close of the inquiry, the arbitrators, or a majority of them, shall deliver a full and complete award in respect of the matter referred to them, and shall therein specify (as the nature of the case may require) the amount and particulars of compensation awarded by them, the persons entitled to compensation, and the proportions in which they are so entitled.

Remuneration of arbitrators.

XXI. The arbitrators, on making their award, shall be entitled to reasonable fees for their services, the amount of which shall be fixed by the Collector or other Officer, subject to the orders of the Commissioner or other superior Revenue authority.

Costs.

XXII. The award shall declare the costs of the arbitration, and by whom and in what proportion they shall be paid. All costs, including the fees of the arbitrators, incurred for the purpose only of determining the amount of compensation to be allowed for the land, shall be charged to the Government, unless the arbitrators shall award as compensation the same

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or a less sum than shall have been offered by the Collector or other Officer, in which case each party shall bear his own costs so incurred, and shall also pay a moiety of the fees of the arbitrators. Costs incurred for determining the apportionment of the compensation among the persons interested shall be paid by such persons in such proportions, as the arbitrators shall direct.

XXIII. The proceedings of the arbitration shall be deposited in the office of the Collector or other Officer; and every person interested therein shall be entitled to a copy of the award on plain paper, under the seal and signature of the Collector or other Officer, which copy shall be *prima facie* evidence thereof.

Proceedings of the arbitration to be deposited in the Collector's office.

XXIV. When any land is taken under the provisions of this Act, the amount of compensation to be awarded shall include any damage which may be sustained by any of the persons interested therein, in respect of any adjoining land held therewith.

Compensation to include damage done to adjoining land.

XXV. If any compensation beyond the value of the land be awarded on account of any damage which may be sustained by any person interested in the land, the award shall specify the value of the land and the amount of such damage separately, and also the name of the person to whom compensation for damage is awarded.

If compensation be awarded for damage, the value of the land and the amount of damage to be specified separately.

XXVI. When any land taken under this Act forms part of an estate paying revenue to Government, the award shall specify the net rent of the land, including the Government Revenue, and the computed value of such rent; and it shall be at the discretion of the Revenue authorities either to pay over the whole of such value to the owner of the estate, on the condition of his continuing to pay the jumma thereof without abatement, or to determine what proportion of the net rent shall be allowed as a remission of revenue, in which case a deduction shall be made from the said value proportionate to the value of such remission.

Proceeding where land paying revenue to Government is taken.

XXVII. When the amount of compensation to be paid for land taken under the provisions of this Act is determined by the award of the Collector or other Officer under Section V., he shall pay the amount awarded at the time when possession is taken of the land on account of Government. When the compensation is determined by the award of arbitrators under Section XX., the Collector or other Officer shall pay the amount awarded, with interest at the rate of six per centum per annum from the time when possession was taken of the land on account of Government.

Amount of compensation when and how to be paid.

Sec VIII authorizes the Collector to take possession, as soon as he directs on reference to arbitrators.

XXVIII. Except as provided in the next following Section, payment of the compensation shall be made, according to the award, to the persons named therein. Provided always, that nothing in this Act contained shall affect the liability of any person who may receive the compensation awarded for any land or any portion of such compensation, to pay the same to the person lawfully entitled thereto.

Payment of compensation to whom to be made.

Proviso.

XXIX. If there exist any ground which, in the judgment of the Collector or other Officer, renders it improper to make immediate payment of the compensation, or of any portion thereof, to any of the persons having or claiming any interest in the land, or in the compensation awarded in

Payment of compensation may in certain cases be deferred.

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Amount to be held in deposit until an order of Court is obtained for payment thereof.

respect thereof, the amount, or such portion of the amount as he may deem sufficient, shall be invested in Government securities, and held in deposit until an order of Court shall be obtained for the payment thereof. Such order shall be obtained in the Court which would have had jurisdiction in respect of the land taken.

In certain cases the Small Cause Court may order payment.

XXX. If the land taken be within the local limits of any of Her Majesty's Supreme Courts of Judicature, and the amount of compensation awarded do not exceed five hundred Rupees, the order may be made by the Court of Small Causes.

Reversal or alteration of award.

XXXI. No award of arbitrators made in accordance with the provisions of this Act shall be liable to be reversed or altered, except by the decision of a Civil Court, on the ground of corruption or misconduct of the arbitrators. In case the award shall be so reversed, the matter shall be referred to another arbitrator or other arbitrators, to be appointed in the same manner as the first. All suits to set aside an award under this Act shall be instituted within three months from the date of the award.

A part of a house or building not to be taken.

XXXII. The provisions of this Act shall not be put in force for the purpose of acquiring a part only of any house, or other building or manufactory, if the owner desire that the whole of such house, building, or manufactory shall be taken.

When land is needed for a road, canal, &c. the general direction of the line shall be declared.

XXXIII. Whenever any land is needed for a road, canal, railway, or the like, and the local Government makes the declaration provided in Section II., it shall not be necessary to specify the extent, limits, or position of the land, but it shall be sufficient to declare the general direction of the line of the work, and the average breadth of the land required for the same.

After declaration, persons authorised may enter upon the land and make a survey.

XXXIV. When any declaration has been made under the provisions of Section II. of this Act, the Collector or other Officer may authorise any person, with his servants and workmen, to enter upon the land for the purpose of making a survey thereof; and in the case of a road, canal, or railway, to set out the intended line thereof, and to mark such line by cutting a trench or placing landmarks; and where otherwise the survey cannot be completed, and the line marked, to cut down and clear away any part of any jungle or tope of trees in the direction of the intended line. Provided that no person shall enter into any house or building, or upon the curtilage of any house or any enclosed garden (unless with the consent of the occupier thereof), without previously giving the said occupier twenty-four hours' notice of his intention to do so.

Line of road may be marked out.

Land may be cleared.

Previous notice of entry to be given to occupiers of houses, &c.

Account of damage to be taken, and payment to be offered.

XXXV. It shall be the duty of the Collector or other Officer to take account of all necessary damage done as aforesaid, and forthwith to offer payment for the same to the persons interested. In case the offer is not accepted, the damage shall be allowed for in the compensation to be awarded.

Obstruction to setting out line of works, &c.

XXXVI. Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal, or railway, or wilfully destroys, damages, or displaces any landmark, or effaces or fills any trench intended to mark such line, shall, on conviction, be liable to be imprisoned for any term not exceeding six months, or to fine not exceeding two hundred Rupees, or to both.

ACT No. VI. OF 1857.

XXXVII. The powers of this Act shall extend, in the case of any road, canal, or railway, to authorise the temporary occupation of any land not more than one hundred yards from the centre line of the road, canal, or railway, as marked on the ground, for taking earth or other materials for making or repairing the road, canal, or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon, and of any land which may be needed for making temporary roads, from any public road to the intended line of railway; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken.

Temporary occupation of adjacent land.

Compensation for temporary occupation.

XXXVIII. In any proceedings under this Act, the following persons shall be deemed persons entitled to act as and to the extent hereinafter provided; that is to say,—a trustee or trustees for other persons beneficially interested shall in all cases be deemed the person or persons entitled to act with reference to any such proceedings, and that to the same extent as the persons beneficially interested could have acted if free from disability. A married woman, in cases to which the English law is applicable, shall be deemed the person so entitled to act, and, whether of full age or not, to the same extent as if she were unmarried and of full age. The guardians of minors and the Committees of lunatics or idiots shall be deemed respectively the persons so entitled to act to the same extent as the minors, lunatics or idiots themselves, if free from disability, could have acted.

Trustees, Committees, of lunatics, &c. empowered to act.

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

Interpretation.

The words “the local Government” shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the territories in the possession and under the Government of the East India Company in which the land in question is situate; and shall include any Chief Commissioner or other Chief Civil Officer of a Province whom the Governor General in Council may authorise to exercise the powers vested by this Act in the local Government.

The word “land” shall extend to tenements and hereditaments of any tenure, and all houses, buildings, trees, or appurtenances thereupon, as well as land.

The expression “person interested in the land” shall include all persons interested in the land either for life or for years, or in remainder, reversion, or succession, and all mortgagees, leaseholders, or tenants, not being tenants by the month or at will, of such land.

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

Words importing the masculine gender only shall include females.

The word “person” shall include a corporation.

Act No. II of 1861

An Act to amend Act VI of 1857 (for the acquisition of Land for public purposes).

Whereas it is expedient to amend Act VI of 1857 (for the acquisition of land for public purposes): It is enacted as follows:

Sections repealed. | I. Section IX and XXXVII of Act VI of 1857 are hereby repealed.

II. Within the Presidency Towns of Calcutta, Madras, and Bombay, and within the settlement of Prince of Wales' Island, Singapore, and Malacca, if the Collector or other Officer is opposed or impeded in taking possession, under Act VI of 1857, of land required for public purposes, he shall apply to the Commissioner of Police of the Town or Station, who shall enforce the surrender of the land.

In Presidency Towns and Straits Settlement, Commissioner of Police to enforce surrender of land.

III. The powers conferred by Act VI of 1857 shall extend, in the case of any Road, Canal, or Railway, to authorize the

Temporary occupation and use of adjacent land.

the temporary occupation of any land, not more than one hundred yards from the centre-line of the Road, Canal, or Railway as marked on the ground, for taking earth or other materials for making or repairing the Road, Canal, or Railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon; and of any land which may be needed for making temporary Roads or Railways from any public road or any navigable river to the intended line of Railway, and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand, and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained, in case of disagreement, in the same manner as compensation for land permanently taken.

IV. When the local Government shall be satisfied that in any special case the provisions of the last preceding section of this Act are inadequate for the purpose of taking ballast or of brickmaking, or of quarrying for building stone—

Compensation for temporary occupation and for permanent damage.

occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all

Occupation and use of adjacent land beyond the limits prescribed in preceding section.

that in any special case the provisions of the last preceding section of this Act are inadequate for the purpose of taking ballast or of brickmaking, or of quarrying for building stone—

or limestone, and that it is expedient that land should be temporarily occupied beyond the limits prescribed in the said last preceding section, it shall be competent to the local Government to extend the provisions of that section to any uncultivated land situated within two miles from the centre line of the Road, Canal, or Railway, provided that the land to be so occupied be not worked or used by the owner or any other person in occupation thereof for the purpose or purposes in this section mentioned, at the time that a declaration shall be made with respect to the land aforesaid, under the provisions of Section II of Act VI of 1857.

V. In any case in which the local Government Owner may, in certain cases require the land to be permanently occupied, shall exercise the power vested in it by the last foregoing section, it shall be competent to the person or all the persons to whom compensation would be payable, at any time before he or they shall have agreed to the compensation awarded by the Collector or other Officer, or before the Collector or other Officer shall have referred the matter to arbitration to require the land in question to be permanently taken, and the value thereof to be awarded in the

the manner prescribed in Sections V and VI. of Act VI of 1857. Such person or persons shall make an application in writing to the Collector or other Officer on behalf of Government, and on receipt thereof the Collector shall be bound to take the land on behalf of Government as required, or forego the temporary occupation of the same.

VI. This Act shall be read with and taken Construction, | as a part of Act VI. of 1857.

| signed J. H. Wylie

Clerk of the Council

ACT No. VII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 1st May 1857.)

AN ACT for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort Saint George.

WHEREAS the exigencies of the Public Service require the more extended employment of Uncovenanted Officers in the Revenue and Judicial Departments in the Presidency of Fort Saint George : It is hereby enacted as follows :—

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

Oath or declaration in writing to be made by the Officers so appointed. II. Every person appointed a Deputy Collector or Deputy Magistrate under this Act shall, before entering upon the duties of his Office, make and subscribe an oath or declaration in writing to the same effect as the oath prescribed by law for Assistant Collectors and Assistant Magistrates respectively.

Duties and powers of a Deputy Collector. III. A Deputy Collector appointed under this Act may, within the District to which he is appointed, perform such of the duties and exercise such of the powers of a Covenanted Assistant Collector as shall be assigned to him from time to time by the Collector of such District ; and shall be subject to the same control in all respects as a Covenanted Assistant Collector is subject to.

IV. A Deputy

ACT No. VII of 1857.

IV. A Deputy Magistrate appointed under this Act may, within the District to which he is appointed, perform such of the Duties and powers of a Deputy Magistrate. duties and exercise such of the powers of a Covenanted Assistant Magistrate as shall be assigned to him from time to time by the Magistrate of such District; and the decisions and orders of such Deputy Magistrate shall be subject to the same rules, as respects appeals, as are or may be provided in the case of the orders and decisions of Covenanted Assistant Magistrates.

V. Nothing in this Act contained shall be held to disqualify any Nothing in the Act to disqualify one Officer from holding both offices. Uncovenanted Officer appointed under this Act from holding at the same time the offices of Deputy Collector and Deputy Magistrate.

VI. A Deputy Collector or Deputy Magistrate appointed under this Rules regarding dismissal of Deputy Collectors or Deputy Magistrates. Act shall not be dismissed from Office without the sanction of the Governor in Council. Whenever there may be reason to believe that a Deputy Collector or Deputy Magistrate is disqualified by neglect, incapacity, or corruption for continuance in Office, a report shall be submitted by the Collector or Magistrate through the proper channel for the consideration and orders of the Governor in Council, who shall be competent to suspend such Deputy Collector or Deputy Magistrate and order a further enquiry into his conduct, or to direct his immediate dismissal, as may appear just and proper.



ACT No. VIII OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 16th May 1857.)

AN ACT to amend Act XIX of 1847.

Preamble. WHEREAS it is expedient to facilitate the trial and punishment of offences against the Articles of War for the Native Army: It is enacted as follows:—

I. It shall be lawful for the Governor General of India in Council from time to time, by Order in Council, to empower every General or other Officer having the Command of Troops in the Service of Her Majesty or of the East India Company, or any of such General or other Officers, to appoint General or District or Garrison Courts Martial for the trial of persons amenable to the Articles of War for the Native Troops. as occasion may require, for the trial of any of the Officers, Soldiers, or Followers in the Service of the East India Company, being Natives of the East Indies or of other places within the limits of the said Company's Charter, and amenable to the Articles of War for the Native Troops, who may be charged with any offence punishable by the said Articles of War, which, in the judgment of such General or other Officer, requires to be punished without delay; and also to confirm and carry into effect, immediately or otherwise, any sentence of such Court Martial; or to commute, mitigate, or remit any such sentence; or, in case he shall deem it necessary so to do, to refer any such sentence to the Commander-in-Chief for his orders thereon.

II. Any General Court Martial, which may be appointed under the authority of this Act, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The Order in Council may direct that a General

General Courts Martial to be appointed by the Senior Officer on the spot, and to consist of not less than five Members.

ACT No. VIII OF 1857.

General Court Martial to be appointed under the provisions of this Act, shall consist wholly of European Commissioned Officers

The Order in Council may direct that General Courts Martial shall consist wholly of European or of Native Commissioned Officers.

or of Native Commissioned Officers ; and in such case, the Officer appointing the Court Martial shall determine whether the same shall consist of European Officers or of Native Officers. Every General Court

Martial appointed under the authority of this Act shall have all the powers of a General Court Martial specified in the 75th

Powers of General Courts Martial appointed under this Act.

Article of War for the Native Army ; and sentence of death, or other punishment to which the offender is liable

by the said Articles of War, may be given by such Court Martial, if a majority of the Members present concur in the sentence.

III. General Order No. 677 of 1857, made by the Governor General

General Order of Governor General in Council, Military Department, No. 677 of 1857, confirmed.

in Council in the Military Department, and bearing date the 14th of May 1857, is hereby confirmed ; and the same shall have the force and effect of Law, and shall be deemed to have had such force and effect from

the date thereof.

The said General Order or any Order issued under this Act may be countermanded or altered.

IV. It shall be lawful for the Governor General in Council to countermand or alter the said General Order, or any Order in Council which may be issued under the authority of this Act.



ACT No. IX of 1857.



PASSED BY THE LEGISLATIVE COUNCIL, OF INDIA.

(Received the assent of the Governor General on the 20th May 1857.)

AN ACT to repeal Act VI of 1856.

WHEREAS the Court of Directors of the East India Company have, in
pursuance of the power vested in them by law, disallowed
Preamble. Act VI of 1856, and have signified to the Governor
General of India in Council their disallowance thereof: It is enacted as
follows :—

Act repealed Act VI of 1856 is hereby repealed.



ACT No. X OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th May 1857.)

AN ACT to amend Act XXXVII of 1855

WHEREAS by Act XXXVII of 1855 certain Districts described in the
Schedule to the said Act were removed from the operation
of the General Regulations and Acts; and whereas it is
expedient to make certain alterations in respect to the Districts so removed
It is enacted as follows :—

So much of Act XXXVII of 1855, as removes from the operation of
the General Regulations of the Bengal Code, and Acts of
the Government of India, the Districts described in the
Schedule thereto, and the said Schedule, are hereby repealed,
except as to any proceedings pending at the time of the
passing of this Act, and all the provisions of the said Act, which are applicable
to the Districts described in the said Schedule, shall, after the passing of this
Act, be applicable only to the Districts described in the Schedule to this
Act, in the same manner as if the Schedule to this Act had been the Schedule
to Act XXXVII of 1855.

Districts removed
from the operation of
the General Regulations
and Acts.

SCHEDULE

ACT No. X of 1857.

SCHEDULE.

The Damun-i-Koh.

So much of Pergunnah Bhaugulpore and of Pergunnah Suttiaree as lies East of the Gerooah Nuddee and South of a line drawn Eastward from Humza Chuck to the village of Dighee.

ZILLAH BHAUGULPORE.	}	Pergunnah Teleeagurhee.	}	Except such parts of them as are now or may hereafter be situate on the left bank of the main stream of the Ganges, so that in any change in the course of the river the main stream shall be the boundary.	
		„ Jumoonee.			
		„ Chetowleah.			
		„ Kankjole.			
		„ Bahadurpore.			
		„ Akbernugger.			
		„ Inayutnugger.			
		„ Mukraen.			
		„ Sooltanguge.			
		„ Umber.			
		„ Sooltanabad.			
„ Godda.	}	Except such detached villages as lie within the general boundaries of Pergunnahs not mentioned in this Schedule.			
„ Umloo Mooteah.					
„ Pussye.					
„ Hendwa.					
Tuppeh Muneeharee.					
„ Belputta.					
ZILLAH BEERHOOM.			}	Pergunnah Pubbia.	}
				Tuppeh Saruth Deoghur.	
				„ Kundit Kurayeh.	
				„ Mohumdabad.	
ZILLAH BEERHOOM.			}	Such part of Pergunnah Dureen Molisser as lies North of the Chilla or Chundun Ghat Nullah.	}

Such detached portions of other Pergunnahs and Tuppehs as lie within the general boundaries of any of the above-mentioned Pergunnahs and Tuppehs.

Such portions of Pergunnahs belonging to Maldah and Purneah below the village of Kheederpore in Pergunnah Teleeagurhee, as are now or may hereafter be situate on the right bank of the main stream of the Ganges.



ACT No. XI of 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 30th May 1857.)

AN ACT for the prevention, trial, and punishment of offences against the State

Preamble. WHEREAS it is necessary to make due provision for the prevention, trial, and punishment of offences against the State ; It is enacted as follows : -

Punishment for rebellion, or for waging war against the Government.

I. All persons owing allegiance to the British Government who, after the passing of this Act, shall rebel, or wage war against the Queen or the Government of the East India Company, or shall attempt to wage such war, or shall instigate or abet any such rebellion or the waging of such war, or shall conspire so to rebel or wage war, shall be liable, upon conviction, to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years ; and shall also forfeit all their property and effects of every description.

Proviso. Provided that nothing contained in this Section shall extend to any place subject to Regulation XIV of 1827 of the Bombay Code.

Punishment for harbouring or concealing offenders.

II. All persons who shall knowingly harbour or conceal any person who shall have been guilty of any of the offences mentioned in the preceding Section shall be liable to imprisonment, with or without hard labor, for any term not exceeding seven years, and shall also be liable to fine.

III. *Clause 1.*

ACT No. XI OF 1857.

III. *Clause 1.*—Whenever the Executive Government of any Presidency or place within the said territories shall proclaim that any District subject to its Government is or has been in a state of rebellion, it shall be lawful for such Government to issue a Commission for the trial of all persons who shall be charged with having committed within such District, after a day to be specified in the Commission, any of the crimes mentioned in the preceding Sections, or any other crime against the State, or murder, arson, robbery, or other heinous crime against person or property.

Executive Government may issue a Commission for the trial of persons charged with certain offences in any proclaimed District.

Clause 2.—The Commissioner or Commissioners authorized by any such Commission may hold a Court in any part of the said District mentioned in the Commission, and may there try any person for any of the said crimes committed within any part thereof; it being the intention of this Act, that the District mentioned in the Commission shall, for the purpose of trial and punishment of any of the said offences, be deemed one District.

Court may be held in any part of the District.

IV. It shall be lawful for the Executive Government, by such Commission, to direct that any Court held under the Commission shall have power, without the attendance or futwa of a Law Officer, or the assistance of Assessors, to pass upon every person convicted before the Court of any of the aforesaid crimes any sentence warranted by law for such crime; and that the judgment of such Court shall be final and conclusive; and that the said Court shall not be subordinate to the Sudder Court.

Government may vest certain powers in the Court.

V. If a Commission be issued under the authority of this Act, any Magistrate within the District which is described in the Commission may commit persons charged with any of the aforesaid crimes within such District for trial before a Court to be held under this Act.

Magistrate may commit persons for trial before a Court held under this Act.

Act not to apply to British-born subjects or their children.

VI. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

VII. Whenever

ACT No. XI of 1857.

VII. Whenever the Executive Government shall deem it necessary for the public safety, it shall be lawful for such Government to declare, by proclamation, that from and after a day to be named therein, it shall not be lawful for any person, or for any specified class of persons, to carry or have in their possession any arms or instruments used for warlike purposes, or any specified description of arms or instruments aforesaid within any District mentioned in the proclamation.

Government may issue proclamation prohibiting the carrying or possession of arms in any District.

VIII. After the day named in the proclamation, whoever shall carry, or have in his possession, any arms or other such instrument as aforesaid contrary to the proclamation, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or to imprisonment for a period not exceeding six months; and the arms or other such instrument as aforesaid shall be confiscated.

Penalty for unlawful possession of arms, &c.

IX. It shall be lawful for a Magistrate, by warrant, to cause search to be made in any house or other place in which there may be reasonable grounds for suspecting that any arms or other such instrument as aforesaid, kept contrary to the proclamation, may be found; and any such arms or instrument may be seized and confiscated.

Magistrate empowered to search houses, &c., and to seize arms.

X. Nothing in Sections VII, VIII, and IX of this Act shall extend to any person who may be exempted by the authority of the Executive Government from the prohibition contained in such proclamation.

Government may grant exemption to certain persons.

XI. The word "Magistrate" in this Act shall include any person lawfully exercising the powers of a Magistrate and any Assistant to a Magistrate or Deputy Magistrate specially authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act.

Interpretation.



ACT No. XII OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 29th May 1857.)

AN ACT to authorize the arrest and detention, within the Ports of the Settlement of Prince of Wales' Island, Singapore, and Malacca, of Junks or Native Vessels suspected to be piratical.

WHEREAS there is reason to believe that certain Junks periodically visit the Ports of the said Settlement ostensibly for the purposes of trade, but in reality to equip, arm, and fit themselves out for the purpose of making piratical attacks on peaceful trading Vessels, in the vicinity of the Straits of Malacca, and elsewhere: It is hereby enacted as follows:—

Preamble.

I. The Chief Resident Civil Authority of any Station of the said Settlement may, by an order in writing signed by him, at any time and as often as he shall deem it expedient, direct any public Officer to proceed on board any Junk or other Native Vessel being in any Port or place within the limits of the said Station, and to search such Vessel, and to take an account of the armament thereof, and to make such further and other enquiry and investigation into the objects, pursuits, and movements of the Master or person in charge of such Junk or Vessel as the said Chief Civil Authority shall think fit; and any person who shall hinder, obstruct, or in any wise prevent such search, investigation, or enquiry, or shall obstruct such public Officer, or any person acting in his aid or assistance, in the discharge of his duty—shall, on conviction before a Magistrate of Police, be liable to

Penalty for obstructing search or enquiry ordered by the Chief Resident Civil Authority in respect of any Junk or Native Vessel.

ACT No. XII OF 1857.

to a fine not exceeding five hundred Rupees, or to imprisonment, with or without hard labor, for a term not exceeding six calendar months, or to both.

II. Whenever it shall be proved, by oath or affirmation, to the satisfaction of the Chief Resident Civil Authority of any of the said Stations, that there is reasonable cause to suspect that any Junk or Vessel in any Port or place within the limits of the said Station is a piratical Vessel, or belongs to pirates, or is intended to be used for piratical purposes or for the purpose of knowingly trading with or supplying pirates, he may, by an order in writing signed by him, cause such Junk or Vessel, together with her tackle, apparel, and furniture, arms, stores, and ammunition, and the goods and merchandize laden therein, or any portion thereof, to be seized and detained.

Seizure and detention of any Junk or Native Vessel suspected to be piratical.

III. Whenever any such Junk or Vessel, furniture, arms, stores, ammunition, goods, or merchandize, shall be seized and detained under the provisions of this Act, the Chief Resident Civil Authority shall report the circumstance, as soon as possible, to the Governor of the said Settlement, who shall give orders as to the detention or release of such Junk or Vessel or other things so seized or detained.

Report of seizure and detention to the Governor.

IV. The Chief Resident Civil Authority at any of the said Stations may, by order in writing signed by him, summon the Master, or person in charge, and any of the Crew, of any such Junk or Vessel which he may have reasonable cause to suspect as aforesaid, or any other person, to attend before him, and to produce any document in his possession, and may examine such persons upon oath or affirmation to be administered by him, touching any matter which may appear to be material for the purpose of ascertaining whether the said Vessel is a piratical Vessel or belongs to pirates, or is intended to be used as aforesaid. Every person so summoned, who refuses or neglects to attend or make answer, or to produce any document in his possession, concerning the matters hereby authorized to be inquired into, or who wilfully gives false evidence or otherwise misbehaves in giving or refusing to give evidence, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding five hundred Rupees, or to imprisonment, with or without hard labor, for a term not exceeding six calendar months, or to both.

Penalty for Master or Crew refusing or neglecting to attend as witnesses, or giving false evidence.

V. No

ACT No. XII OF 1857.

No Vessel, or property on board thereof, to be detained beyond six months, unless proceedings commenced within that time.

V. No Vessel or other things seized or detained in pursuance of the provisions herein contained, and no property on board thereof, shall be detained for a longer period than six months, unless within that time proceedings shall have been commenced for the condemnation thereof.

Suspected vessels not to leave Port with increased armament, &c.

VI. Whenever it shall be made to appear to the satisfaction of the Chief Resident Civil Authority of any of the said Stations, that there are reasonable grounds to suspect that any Junk or Native Vessel is about to proceed to Sea from any Port or place within the said Station so manned, armed, equipped, furnished, or fitted out, as to afford reasonable ground to suspect that the said Vessel is intended for piratical purposes, it shall be lawful for the said Chief Civil Authority to take such measures as may be necessary or proper to prevent such Vessel from proceeding to Sea from such Port or place, so long as the same is manned, armed, equipped, furnished, or fitted out beyond what he may deem sufficient for the due navigation and protection thereof as a Trading Vessel.

No damages to be recovered for seizure on reasonable grounds of suspicion.

Condemnation or restitution of Vessel.

VII. No damages shall be recovered for the seizure or detention of any Vessel or other thing in pursuance of this Act, if it shall appear that there were reasonable grounds to suspect that the Vessel or other thing so seized or detained was piratical, or belonged to any pirate or pirates, or was intended to be used for piratical purposes or for the purpose of knowingly trading with or supplying pirates; but whenever any Vessel or other thing shall be seized or detained under the provisions of this Act, proceedings may be taken in any Admiralty or Vice-Admiralty Court having jurisdiction over the place where the seizure was made, or in any division of such Court, for the condemnation or for the restitution of such Vessel or other thing; and if, in such proceeding, it shall appear to the Court that such Vessel or other thing was piratical, or belonged to pirates, or was intended to be used for piratical purposes, or for the purpose of knowingly trading with or supplying pirates, the same shall be forfeited and condemned without a previous conviction of the owner or of any other person of the crime of piracy.



ACT No. XIII OF 1857. ✓ A ✓

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 6th June 1857.)

AN ACT to consolidate and amend the law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal.

WHEREAS the existing law relating to the cultivation of the Poppy and the manufacture of Opium on account of Government is in some respects inconsistent with the practice which now obtains under agreement between the Opium Agents and the cultivators, and it is expedient that such inconsistency should be removed; and whereas it is also expedient that certain obsolete Regulations relating to the provision of Opium should be formally repealed, and that the laws for preventing the illicit cultivation of the Poppy, and for regulating the cultivation of the Poppy and the manufacture of Opium on account of Government, should be consolidated and amended: It is enacted as follows:—

I. Regulation XXXII. 1793, Regulation XXXII. 1795, Regulation LIII. 1795, Sections I to XL of Regulation XIII. 1816, and Clauses 1 to 5 Section XVIII and Sections XXIII and XXIV of Regulation VII. 1824, of the Bengal Code, are hereby repealed, except so far as they repeal the whole or part of any other Regulation, and except as to acts done, offences committed, and liabilities incurred, before the passing of this Act.

Poppy cultivation and Opium manufacture, except for Government, prohibited.

II. The cultivation of the Poppy and the manufacture of Opium within the territories under the Presidency of Fort William in Bengal, except on account of Government, are hereby prohibited.

III. The

ACT No. XIII OF 1857.

III. The superintendence of the provision of Opium for Government shall be intrusted to Agents, or other Officers, being covenanted servants of the Company, duly appointed by Government in that behalf, who shall perform the duties connected therewith under the control and direction of the Board of Revenue in Calcutta. The Agents, or other Officers as aforesaid, shall be assisted by Deputy Agents and Sub-deputy Agents, or such other Officers, covenanted or uncovenanted, as the Government may from time to time appoint for the purpose. The Collector of the District shall ordinarily, and unless Government shall otherwise direct, be *ex-officio* Deputy Agent; and the relative duties and powers of the Deputy Agents and Sub-deputy Agents shall be from time to time regulated by the said Board with the sanction of Government.

To what Agents the superintendence of the provision of Opium shall be intrusted.

IV. The Opium Agents, and their subordinate Officers of every description, are declared amenable to the Civil Courts for all acts done by them in their official capacity, except as otherwise herein provided. But no suit shall be instituted against an Agent, or any subordinate Officer, for any act done in his official capacity, unless the person who shall consider himself aggrieved by the act of such Agent or Officer shall have first made application for redress to the Agent himself. In the event of such person not being satisfied with the order which the Agent may pass upon his application, it shall then be competent to him either to lay his case by petition before the Board of Revenue, or at once to seek redress in the Civil Court.

Opium Agents amenable to the Civil Courts.

No suit to be brought unless application for redress first made to Agent.

V. The Opium Agents shall not in their official capacity institute any suit in a Civil Court without the previous sanction of the Board of Revenue.

Opium Agent not to sue without sanction of Board of Revenue.

VI. In cases in which the Board of Revenue may judge it expedient, or in which they may be so directed by Government, they may take upon themselves, or intrust to an Officer specially appointed for the purpose, the superintendence of the prosecution or defence of any suit or appeal in which they or an Agent, or any other Officer subordinate to them, may be engaged, instead of leaving such superintendence to the Agent or any other Officer.

Board of Revenue may in certain cases appoint an Officer to conduct or defend suits.

VII. The

ACT No. XIII OF 1857.

VII. The Board of Revenue, with the sanction of Government, shall from time to time fix the limits within which licenses may be given for the cultivation of the Poppy on account of Government. With the like sanction they shall from time to time fix the price to be paid to the cultivators for the Opium produced. The price shall be fixed at a certain sum per seer of eighty tolahs for Opium of a certain standard consistence, and shall be subject to a rateable reduction, according to a scale sanctioned by the Board of Revenue, for Opium of a consistence below the standard.

Board to fix limits of cultivation and price to be paid to cultivators.

VIII. The Sub-deputy Agents, or other Officers entrusted with the superintendence of the cultivation, shall, at the proper period of the year, issue licenses to the cultivators, who may choose to engage to cultivate the Poppy, and to deliver the produce to the Officers of Government at the established rates. Every license shall specify the number of beegahs which the party engages and is authorized to cultivate, and shall be in such form as the Agent, with the sanction of the Board of Revenue, may direct. A counterpart engagement, in conformity with the tenor of the license, shall be taken from the cultivator.

Issue of licenses.

What to be specified in license.

IX. It shall be at the option of every cultivator to enter into engagements for the cultivation of the Poppy or not as he may think fit; and any Sub-deputy Agent or other Officer as aforesaid, or any inferior Officer employed in the provision of Opium, who shall compel, or use any means to compel, any cultivator to enter into engagements, or to receive advances, for the cultivation of the Poppy, shall be liable to be dismissed from his situation. It shall be at the option of the Sub-deputy Agent, or other Officer as aforesaid, to withhold a license from any cultivator whenever he may think proper so to do. Any person to whom a license has been refused may appeal to the Agent, and the decision of the Agent shall be final.

Cultivator to have option whether to engage to cultivate or not.

Officers compelling cultivator to enter into engagement liable to be dismissed.

Sub-deputy Agent may, subject to appeal, withhold license to cultivate.

X. If it shall be found that any cultivator, who has received advances from Government, has not cultivated the full quantity of land for which he received such advances, he shall be liable to a penalty of three times the amount of the advances received for the land which he has failed to cultivate;

Penalty on cultivator who has received advances neglecting to cultivate the full quantity of land.

and

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Adjudication of penalty. and the said penalty may be adjudged by the Deputy Agent or Collector, on the complaint of the Sub-deputy Agent or other Officer as aforesaid. Any person dissatisfied with the judgment of the Deputy Agent or Collector may appeal to the Agent, and the decision of the Agent shall be final.

XI. All Opium the produce of land cultivated with Poppy on account of Government, shall be delivered by the cultivators to the Sub-deputy Agents or other District Officers, or shall be brought by them to the Sudder Factory, as the Agent may direct. And no such Opium shall be liable to be distrained or attached by a Zemindar or other proprietor, or a farmer of land, for the recovery of arrears of rent, or by any other creditor of a cultivator under any order or decree of Court, but the sum due to the cultivator on account of such Opium may be attached by order of Court in the hands of the Agent or of the District Officer under the rules in force for such attachments.

Delivery of the Opium produced.

Such Opium not liable to distress or attachment

Value thereof may be attached.

XII. All Opium delivered by the cultivators to the Sub-deputy Agent or other District Officer, shall, before it is forwarded to the Sudder Factory, be weighed, examined, and classified according to its quality and consistence by that Officer, or his assistant if duly authorized by the Agent in that behalf, in the presence of the cultivators and in conformity with rules sanctioned by the Board of Revenue. Any cultivator, who may be dissatisfied with the classification of the District Officer, shall be at liberty either to take his Opium to the Sudder Factory, or to have it forwarded thither by such Officer separate from the Opium respecting which no dispute has arisen.

Opium to be weighed and classified by Sub-deputy Agent.

Proceeding where cultivator is dissatisfied with classification.

XIII. All Opium forwarded by the District Officers to the Sudder Factory, and all Opium delivered at the Sudder Factory by the cultivators, shall be there weighed and examined by the Opium Examiner, or other Officer duly authorized in that behalf, agreeably to rules sanctioned by the Board of Revenue; and the quality and consistence of the Opium, and the deductions from, or additions (if any) to the standard price to be made in accordance with the said rules, shall be determined by the result of such examination. The decision of the

Weighing and examination of Opium at the Sudder Factory.

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the Examiner, or of the Agent in cases in which a reference to the Agent may be prescribed by the said rules, shall be final and conclusive, and not open to question in any Court.

XIV. When Opium delivered by a cultivator, either to a District Officer, or at the Sudder Factory, is suspected of being adulterated with any foreign substance, it shall be immediately sealed up pending examination by the Opium Examiner, and notice of such intended examination shall be given to the cultivator. If upon such examination the Opium shall be found to be so adulterated, the Agent on the report of the Examiner may order that it be confiscated; and the order of the Agent shall be final, and not open to question in any Court.

Confiscation of adulterated Opium.

Adjudication of confiscation.

XV. The weights and scales made use of in the Sudder Factories, and at the District Kothees, shall be provided by the Board of Revenue. Every District Officer shall annually, before beginning to weigh the Opium of the season, examine the weights and scales in use in his District and shall report the result of such examination to the Agent. The Agent shall make a similar examination of the weights and scales of the Sudder Factory, and shall report the result to the Board. No weights or scales shall be made use of which on any such examination have not been found to be strictly accurate. It shall be the duty of all Officers who may superintend the weighing of Opium, to see that the Opium is weighed fairly with an even beam, and the practice of taking excess weight for the purpose of turning the scale, or as an allowance for dryage and wastage, is hereby prohibited.

Weights and scales.

XVI. The accounts of the cultivators shall be adjusted annually by the District Officers as soon after the conclusion of the weighing and examination as possible; and any balance that may remain due from any cultivator, or from any muhto or intermediate manager, may be recovered by the District Officer by distress and sale of the property of the defaulter or of his surety, in the same manner and under the same rules as the property of defaulting cultivators in estates held khas may be distrained and sold by the Collector

Adjustment of cultivator's accounts, and recovery of balance by distress.

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Collector for the recovery of an arrear of rent or Revenue. Provided that
no warrant of distress and sale shall be issued by any
District Officer without the sanction of the Agent previ-
ously obtained.

XVII Any Officer of the Opium Department who shall receive any
fee, gratuity, perquisite, or allowance, either in money or
effects, under any pretence whatsoever, from any cultiva-
tor, or from any other person employed or concerned in the provision of
Opium, other than the authorized allowances of his situation, shall be dis-
missed from his office, and, on conviction before a Magistrate, shall be liable
to a fine not exceeding five hundred Rupees.

XVIII. If any zemindar, or other proprietor of land, or any farmer of
land, shall exact from any ryot on account of his Poppy
land, any illegal cess or any higher rate of rent than he is
lawfully entitled to demand, the ryot, or the Sub-deputy
Agent or other District Officer on his behalf, may insti-
tute a suit before the Collector, and recover from such
proprietor or farmer the sum exacted by him in excess of
his lawful demand, together with a penalty of treble the amount of such
excess ; and such suit shall be tried according to the rules prescribed for
suits instituted before a Collector relating to arrears or exactions of rent.

XIX. Any cultivator entering into engagements for the cultivation of
the Poppy on account of Government, who may embezzle,
or otherwise illegally dispose of, any part of the Opium
produced, shall be liable to a penalty not exceeding ten
times the fixed price of the Opium which he may be proved to have so dis-
posed of, or to a fine not exceeding five hundred Rupees, if the amount of
the said penalty be less than that sum, and the Opium, if found, shall be
liable to confiscation.

XX. Any person purchasing or receiving any Opium from a cultivator
or other person who may have entered into engagements
for the cultivation of the Poppy, or who may be employ-
ed in the provision of Opium on account of Government,
or bargaining for the purchase of Opium with such cultivator or person, or
in

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In any way causing or encouraging such cultivator or person to embezzle or illegally dispose of any Opium, and any Officer of the Opium department

And for illegal connivance by an Opium Officer at embezzlement.

conniving in any way at the embezzlement or illegal disposal of any Opium, shall be liable to a fine not exceeding one thousand Rupees, unless the Opium purchased, bargained for, or illegally disposed of, shall exceed the weight of thirty-one seers and a quarter, in which case the fine may be increased, at a rate not exceeding thirty-two Rupees per seer for all such Opium in excess of that weight ; and the Opium, if found, shall be liable to confiscation.

XXI. Any person who shall cultivate the Poppy without license from a Sub-deputy Agent or other Officer duly authorized in that behalf, and any person who shall in any way cause, encourage, or promote such illegal cultivation, shall be liable to a fine not exceeding five hundred Rupees, unless the quantity of land so illegally cultivated shall exceed twenty beegahs, in which case the fine may be at the rate of twenty-five Rupees per beegah ; and the Poppy plants shall be destroyed, or, if any Opium have been extracted from them, it shall be seized and confiscated. If the Opium shall have been extracted and shall not be seized, the offender shall be liable to a further fine not exceeding the rate of thirty-two Rupees per beegah of land illegally cultivated.

XXII. All proprietors, farmers, tuhseeldars, gomashtahs, and other managers of land, shall give immediate information to the Police or Abkaree Darogahs, or Opium Gomashtahs, or to the Magistrates, Collectors, or Officers in charge of the Abkaree Mehal, or to the Agents, their Deputies, or Sub-deputies, of all Poppy which may be illegally cultivated within the estates or farms held or managed by them ; and every proprietor, farmer, tuhseeldar, gomashtah, or other manager of land, who shall knowingly neglect to give such information, shall be liable to the penalties for illegal cultivation prescribed in the last preceding Section.

XXIII. All Police and Abkaree Darogahs, and Opium Gomashtahs, and all native Officers of Government of whatever description, and all Chowkeydars, Pykes, and other village Police Officers, shall give immediate information to the authority to which they are subordinate when it may come to their knowledge that any land has been illegally cultivated with Poppy ; and such authority

Duty of Police and other Officers to give information of illegal cultivation.

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authority shall transmit the information to the Sub-deputy Agent, or other Officer superintending the cultivation of the Poppy, if in a District where the Poppy is cultivated on account of Government, or to the Collector or Officer in charge of the Abkaree Mehal, if in a District where the Poppy is not so cultivated. Every Police or Abkaree Darogah, Opium Gomashtah, Native Officer, Chowkeydar, or other Police Officer as aforesaid, who shall neglect to give such information, or shall in any respect connive at the illicit cultivation of the Poppy, shall be liable to a fine not exceeding one thousand Rupees if the offender be an Officer of the Opium department, or in any other case to a fine not exceeding five hundred Rupees.

XXIV. Whenever a Police or Abkaree Darogah or Opium Gomashtah shall receive intelligence of any land within his jurisdiction having been illegally cultivated with Poppy, he shall immediately proceed to the spot, and if the information be correct, shall attach the crop so illegally cultivated, and report the same without delay to the authority to which he may be subordinate. He shall at the same time take security from the cultivator of the said land for his appearance before the Magistrate; and in the event of such cultivator not giving the required security, he shall send him in custody to the Magistrate.

Police or Abkaree Darogah how to proceed in case of illegal cultivation.

XXV. Proprietors, farmers, tuhseeldars, gomashtahs, and other managers of land, shall be at liberty to attach any Poppy grown in opposition to the provisions of this Act in any estate or farm held or managed by them, and shall immediately report such attachment to the nearest Police or Abkaree Darogah, or Opium Gomashtah, who shall thereupon proceed in conformity with the rules contained in the last preceding Section.

Land-holders, &c., may attach in cases of illegal cultivation.

XXVI. Except as otherwise herein provided, all fines, penalties, and confiscations prescribed by this Act shall be adjudged by the Magistrate on the information of the Deputy Agent or Sub-deputy Agent in Districts in which the Poppy is cultivated on account of Government, and in other Districts on the information of the Collector or Officer in charge of the Abkaree Mehal; provided that no information of an offence against this Act shall be admitted unless it be preferred

Adjudication of penalties.

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preferred within the period of one year after the commission of the offence to which the information refers.

XXVII. When any person is sentenced to pay any fine or penalty under this Act, such person, in default of payment of the same, may be imprisoned by order of the Magistrate for any time not exceeding six months, or until the fine is sooner paid.

Imprisonment in default of payment of fines under this Act.

XXVIII. Whenever any person shall be convicted of an offence against this Act after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding six months; and a like punishment of imprisonment not exceeding six months shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Punishment for repetition of offences.

XXIX. Every person who shall be imprisoned under the last preceding Section, or on account of the non-payment of any fine or penalty prescribed by this Act, unless such person be an Officer of Government or a village Police Officer convicted of an offence under Section XVII, XX, or XXIII, shall be imprisoned in the Civil Jail.

Place of imprisonment under the last Section.

XXX. One-half of all fines and penalties levied from persons convicted of offences under Sections XIX, XX, and XXI of this Act, together with a reward of one Rupee eight annas for each seer of Opium confiscated and declared by the Civil Surgeon to be fit for use, shall upon adjudication of the case be awarded to the Officer or Officers who apprehended the offender, and the other half of such fines and forfeitures, together with a reward of one Rupee eight annas for each seer of Opium confiscated as aforesaid, shall be given to the informer. If in any case the fine or penalty is not realized, the Board of Revenue may grant such reasonable reward, not exceeding the sum of two hundred Rupees, as may seem to them fit.

Disposal of fines and forfeitures.

XXXI. The

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XXXI. The Governor General in Council may authorize, by an Order of Government, the cultivation of the Poppy and the manufacture of Opium in any District or Districts without license from a Sub-deputy Opium Agent or other Officer of Government; and when such order has been published, all the provisions of this Act shall cease to have effect in such District or Districts. Provided always that the Government may prescribe rules for the delivery of the Opium so produced to Officers of Government appointed to receive it; and when such rules have been passed, any cultivator or other person engaged in the cultivation of the Poppy and manufacture of Opium who shall dispose of any Opium otherwise than is allowed by such rules, and any person who shall purchase or receive any such Opium in contravention of the said rules, shall be subject to the penalties prescribed in Section XIX of this Act; and such penalties may be adjudged by a Magistrate on the information of any Officer of Government or of any other person.

Governor General in Council may allow free cultivation of Poppy and manufacture of Opium in any District.

Proviso.



ACT No. XIV OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 6th June 1857.)

AN ACT to make further provision for the trial and punishment of certain offences relating to the Army, and of offences against the State.

Preamble. WHEREAS it is necessary to make further provision for the trial and punishment of persons who endeavour to excite mutiny and sedition among the Forces of the East India Company, and also for the trial of offences against the State: It is enacted as follows:—

Punishment for exciting or causing others to excite mutiny or sedition in the Army. I. Whoever intentionally seduces or endeavours to seduce any Officer or Soldier in the service or pay of the East India Company from his allegiance to the British Government or his duty to the East India Company, or intentionally excites or stirs up, or endeavours to excite or stir up, any such Officer or Soldier, or any Officer or Soldier serving in any part of the British Territories in India in aid of the Troops of the British Government, to commit any act of mutiny or sedition; and whoever intentionally causes, or endeavours to cause, any other person to commit any such offence—shall be liable upon conviction to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years; and shall forfeit all his property and effects of every description.

Punishment for harbouring or concealing offenders. II. Whoever shall knowingly harbour or conceal any person who shall have been guilty of any offence mentioned in the preceding Section, shall be liable to imprisonment, with or without

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out hard labour, for any term not exceeding seven years, and shall also be liable to fine.

III. It shall be lawful for the Governor General of India in Council, from time to time, by Order in Council, to empower every General or other Officer having the Command of Troops in the Service of Her Majesty or of the East India Company, or any of such General or other Officers, to appoint General Courts Martial for the trial of any person or persons charged with having committed an offence punishable by this Act or by Section I or Section II of Act XI of 1857, and also to confirm and carry into effect any sentence of such Court Martial.

Governor General in Council may empower Officers to appoint Courts Martial for the trial of offences against this Act or Act XI of 1857.

IV. Any General Court Martial, which may be appointed under the authority of this Act, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The Order in Council may direct that a General Court Martial to be appointed under the provisions of this Act shall consist wholly of European Commissioned Officers or wholly of Native Commissioned Officers, or partly of European Commissioned Officers and partly of Native Commissioned Officers; and in such case the Officer appointing the Court Martial shall determine whether the same shall consist wholly of European Officers or wholly of Native Officers, or partly of European Officers and partly of Native Officers.

General Courts Martial to be appointed by the Senior Officer on the spot, and to consist of not less than five Members, either Europeans or Natives, or both.

V. Sentence of death or other punishment to which the offender is liable by law, may be given by such Court Martial, if a majority of the Members present concur in the sentence; and any such sentence may be confirmed by, and carried into effect immediately or otherwise by order of, the Officer by whom the Court Martial shall have been appointed, or, in case of his absence, by the Senior Officer on the spot.

Majority of Members may sentence to death or other lawful punishment.

Sentence may be confirmed and carried into effect immediately or otherwise.

Order in Council may be revoked or countermanded.

VI. It shall be lawful for the Governor General in Council to countermand or alter any Order in Council which may be issued under the authority of this Act.

VII. It

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VII. It shall be lawful for the Governor General in Council, or for the Executive Government of any Presidency or place, or for any person or persons whom the Governor General in Council may authorize so to do, from time to time to issue a Commission for the trial of all or any persons or person charged with having committed within any District described in the Commission, whether such District shall or shall not have been proclaimed to be in a state of rebellion, any offence punishable by Sections I and II of Act XI of 1857, or by this Act, or any other crime against the State, or murder, arson, robbery, or other heinous crime against person or property.

Governor General in Council or Executive Government, or any person authorized, may issue a Commission for the trial of persons charged with offences against the State or with other offences.

VIII. The Commissioner or Commissioners authorized by any such Commission, may hold a Court in any part of the District mentioned in the Commission, and may there try any person for any of the said crimes committed within any part thereof, it being the intention of this Act that the District mentioned in the Commission shall, for the purpose of trial and punishment of any of the said offences, be deemed one District.

Court may be held in any part of the District.

IX. Any Court held under the Commission shall have power, without the attendance or futwa of a Law Officer, or the assistance of Assessors, to pass upon every person convicted before the Court of any of the aforesaid crimes any sentence warranted by law for such crime ; and the judgment of such Court shall be final and conclusive ; and the said Court shall not be subordinate to the Sudder or other Court.

Powers of the Court.

X. If a Commission be issued under the authority of this Act, any Magistrate or other Officer having power to commit for trial within the District described in the Commission may commit persons charged with any of the aforesaid crimes within such District for trial before a Court to be held under this Act.

Magistrate or other Officer may commit persons for trial before a Court held under this Act

XI. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

Act not to apply to British-born subjects or their children.

XII. This

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Nor to persons sub-
ject to the Articles of
War.

XII. This Act shall not extend to the trial or punishment of any person for any offence for which he is liable to be tried by the Articles of War.

Interpretation.

XIII. The word "Soldier" shall include every person subject to any Articles of War.

Duration of Act.

XIV. This Act shall continue in force for one year.



ACT No. XV OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 13th June 1857.)

AN ACT to regulate the establishment of Printing Presses and to restrain in certain cases the circulation of printed books and papers.

WHEREAS it is expedient to prohibit the keeping or using of Printing Presses, types, or other materials for printing, in any part of the territories in the possession and under the Government of the East India Company, except with the previous sanction and license of Government, and under suitable provisions to guard against abuse ; and whereas it may be deemed proper to prohibit the circulation, within the said territories, of newspapers, books, or other printed papers of a particular description : It is enacted as follows :—

Preamble.

I. No person shall keep or use any Printing Press, or types, or other materials or articles for printing, without having obtained the previous sanction and license for that purpose of the Governor General of India in Council, or of the Executive Government of the Presidency in which such Printing Press, types, or other materials or articles for printing are intended to be kept or used, or of such other person or persons as the Governor General of India in Council may authorize to grant such sanction or license ; and any person who shall keep or use any Printing Press, or types, or other materials or articles for printing, without having obtained such license, shall be liable, on conviction before a Magistrate, to a fine not exceeding five thousand Rupees, or to imprisonment not exceeding two years, or to both.

No Printing Press to be kept or used without the license of Government.

II. If

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II. If any person shall keep or use any Printing Press, or types, or other materials or articles for printing, without such sanction or license as aforesaid, any Magistrate, within whose jurisdiction the same may be found, may seize the same, or cause them to be seized, together with any books or printed papers found on the premises, and shall dispose of the same as the Governor General of India in Council, or the Executive Government of any Presidency, or such other person as the Governor General in Council shall authorize in that behalf, may direct; and it shall be lawful for any Magistrate to issue a search-warrant for the entry and search of any house, building, or other place, in which he may have reason to believe that any such unlicensed Printing Press, types, or other materials or articles for printing are kept or used.

III. Whenever any person or persons shall be desirous of keeping or using any Printing Press, or types, or other materials or articles for printing, he or they shall apply by writing to the Magistrate within whose jurisdiction he proposes to keep or use such Printing Press or other such materials or articles as aforesaid, or to such other person as the Governor General in Council, or the Executive Government of the Presidency, or such other person as the Governor General in Council shall authorize in that behalf, may appoint for that purpose. The application shall specify the name, profession, and place of abode of the proprietor or proprietors of such Printing Press, types, or other materials or articles for printing, and of the person or persons who is or are intended to use the same, and the place where such Printing Press, types, or other materials or articles for printing are intended to be used; and such application shall be verified by the oath, affirmation, or solemn declaration of the proprietors and persons intending to keep or use such Printing Press, types, or other materials or articles for printing, or such of them as the Magistrate or other person to whom the application shall be made shall direct; and any person wilfully making a false oath, affirmation, or declaration shall be deemed guilty of perjury.

IV. The Magistrate shall forward a copy of such application to the Governor General in Council, or to the Executive Government of the Presidency, or to such other person as may be authorized to grant the license; and the said Governor General

Power to search for and seize unlicensed Printing Presses, &c.

Application for license to keep Printing Press.

Government may grant license subject to conditions, and may revoke the same.

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General in Council, or such Executive Government, or other person as aforesaid, may at his or their discretion grant such license subject to such conditions (if any) as he or they may think fit, and may also at any time revoke the same.

V. If any person or persons shall keep or use, or cause or allow to be kept or used, any such Printing Press, types, or other materials or articles for printing, contrary to the conditions upon which the license may have been granted, or after notice of the revocation of such license shall have been given to or left for him or them at the place at which the Printing Press shall have been established, he or they shall be subject to the same penalties as if no such license had been granted; and such Printing Press, types, and other materials or articles for printing may be seized and disposed of in the manner prescribed in Section II of this Act.

VI. All books and other papers, printed at a Press licensed under this Act, shall have printed legibly on them the name of the printer and of the publisher, and the place of the printing and publication thereof; and a copy of every such book or printed paper shall be immediately forwarded to the Magistrate or to such other person as the Government or other person granting the license may direct; and every person who shall print or publish any book or paper otherwise than in conformity with this provision, or who shall neglect to forward a copy of such book or paper in manner hereinbefore directed, unless specially exempted therefrom by the Governor General in Council or other person granting the license, shall be liable, on conviction before a Magistrate, to a fine not exceeding one thousand Rupees, and in default of payment to imprisonment for a term not exceeding six calendar months.

VII. The Governor General of India in Council, or the Executive Government of any Presidency, may, by Order to be published in the *Government Gazette*, prohibit the publication or circulation, within the said territories or the territories subject to the said Government, or within any particular part of the said territories, of any particular newspaper, book, or other printed paper, or any newspaper, book, or printed paper of any particular description, whether printed within the

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the said territories or not; and whoever, after such prohibition, shall knowingly import, publish, or circulate, or cause to be imported, published, or circulated, any such book or paper, shall be liable for every such offence, on conviction before a Magistrate, to a fine not exceeding five thousand Rupees, or to imprisonment not exceeding two years, or to both; and every such book or paper shall be seized and forfeited.

VIII. The word "printing" shall include lithographing. The word
Interpretation. "Magistrate" shall include a person exercising the powers of a Magistrate, and also a Justice of the Peace; and every person hereby made punishable by a Justice of the Peace may be punished upon summary conviction.

Act not to exempt
compliance with Act
XI of 1835.

IX. Nothing in this Act shall exempt any person from complying with the provisions of Act XI of 1835.

X. No person shall be prosecuted for any offence against the provisions of this Act, within fourteen days after the passing of the Act, without an order of the Governor General in Council, or the Executive Government of the Presidency in which the offence shall be committed, or the person authorized under the provisions of this Act to grant licenses.

Within 14 days after
the passing of the Act
no person shall be pro-
secuted without a Go-
vernment order.

Duration of Act.

XI. This Act shall continue in force for one year.



ACT No. XVI OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 13th June 1857.)

AN ACT to make temporary provision for the trial and punishment of heinous offences in certain Districts.

Preamble. WHEREAS it is expedient to make temporary provision for the trial and punishment of heinous offences in certain Districts :
It is enacted as follows :—

Punishment for any heinous offence in Districts or places subject to Martial Law or to which this Act is extended.
I. Whoever shall commit or attempt to commit any heinous offence in any District or place in which Martial Law hath been or shall be established, or in any District or place to which this Act shall be extended by order of the Governor General of India in Council, shall be liable, on conviction, to the punishment of death, or to the punishment of transportation for life, or of imprisonment with hard labor for any term not exceeding fourteen years ; and shall forfeit all his property and effects of every description.

Interpretation of the words "heinous offence."
II. The words "heinous offence" shall be deemed to include an attempt to murder, rape, maiming, dacoity, robbery, burglary, knowingly receiving property obtained by dacoity robbery or burglary, breaking and entering a dwelling-house and stealing therein, intentionally setting fire to a village, house, or any public building, stealing or destroying any property provided for the conveyance or subsistence of Troops, and all crimes against person or property attended with great personal violence, and all crimes committed with the intention of assisting those who are waging war against the State or forwarding their designs.

III. Every

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III. Every person who shall be guilty of murder or any of the offences above described, may be tried either by Court Martial appointed under Act XIV of 1857, or by a Commissioner or Commissioners authorized by a Commission issued under the said Act, or by the ordinary Courts of Judicature.

Offenders by whom
to be tried.

IV. Nothing in this Act shall extend to the trial or punishment of any of Her Majesty's natural-born subjects born in Europe, or of the children of such subjects.

Act not to apply to
British-born subjects or
their children.

Duration of Act.

V. This Act shall continue in force for one year.



ACT No. XVII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 20th June 1857)

• AN ACT to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion.

WHEREAS it is expedient to make temporary provision for the apprehension and trial of Mutineers and Deserters amenable to the Articles of War for the Native Troops of the East India Company : It is enacted as follows :—

I. It shall be lawful for every Sessions Judge, and for every person exercising the same powers as a Sessions Judge, and for any person or persons whom the Governor General of India in Council, or the Executive Government of any Presidency or place, or the Chief Commissioners of the Punjab and Oude respectively, or the Commissioner of Nagpore, may, from time to time, invest with such power, to try for Mutiny or Desertion, where-soever the offence may have been committed, any person subject to the Articles of War for the Native Troops of the East India Company, who, in the judgment of such Officer or other person, ought to be tried and punished without delay; and such Officer or other person may, on conviction of the offender, sentence him to such of the following punishments as might by the said Articles of War be awarded against him by a General Court Martial—that is to say, if the offender be an Officer, to death or transportation for life; and, if a Soldier, to death, transportation for life, or imprisonment, with or without hard labor, for life or for any term of years. Such sentence shall be final and conclusive; and if a sentence of death be passed, the same may be carried into execution immediately or at such time as such Officer or other

Trial by Sessions Judges and others of persons amenable to the Articles of War for the Native Troops, for Mutiny or Desertion.

Punishment.

Sentence to be final.

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other person shall direct. The Sessions Judge or other Officer by whom the sentence shall be passed may, if he think proper, report the case to the Governor General in Council or to the Executive Government of the Presidency, together with any remarks or recommendation which he may think fit to make thereon; and the Governor General in Council or the Executive Government of the Presidency may either pardon the offender or commute the sentence to any less punishment.

Pardon, or commutation of sentence.

II. It shall be lawful for the Governor General in Council, or the Executive Government of any Presidency or place, or any of the said Commissioners, to authorize any person or persons to issue a Commission for the trial of Mutiny and Desertion by any person or persons amenable to the said Articles of War; and every person authorized by such Commission shall have all the powers vested by this Act in a Sessions Judge.

Government may authorize the issue of a Commission for the trial of Mutineers and Deserters.

Powers of Commission.

III. It shall be lawful for any Police Officer or other person to apprehend without warrant any person upon reasonable suspicion that he is a Mutineer or Deserter and amenable to the Articles of War for the Native Troops of the East India Company.

Apprehension of Mutineers and Deserters.

IV. Every person who shall be apprehended as a Mutineer or Deserter under the provisions of this Act shall be conveyed without delay before a Magistrate or an Officer exercising any of the powers of a Magistrate in or near to the place where such person shall have been so apprehended, and may in the meantime be detained in custody; and if the said Magistrate or other Officer shall be satisfied that such person is a Mutineer or Deserter and amenable to the Articles of War for the Native Troops, he shall cause him to be delivered, together with any depositions and papers relative to the case, to the Commanding Officer of some Military Station, in order that he may be dealt with according to law; or the Magistrate or other Officer may commit him for trial before any Officer or other person authorized by or under the provisions of this Act to try him for such offence, if the Magistrate or other Officer shall see good and sufficient reason for so doing; or if the Magistrate or other Officer shall be authorized under the provisions

Procedure after apprehension.

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provisions of this Act to try for Mutiny or Desertion, he may, if he think fit, proceed forthwith to try the offender.

V. The provisions of Sections V and VI of Act XI of 1856 are hereby extended to all Officers, Soldiers, and other persons amenable to the Articles of War for the Native Troops.

Extension of Sections V and VI Act XI. 1856.

VI. All Zemindars, Talookdars, and other persons who, by Regulation VI 1810 of the Bengal Code, are declared to be accountable for the early communication of intelligence respecting the resort to their estates of the classes of offenders therein specified, are hereby declared to be accountable for the early communication of intelligence of the resort to any place within the limits of their estates of any person against whom there shall be reasonable suspicion of his having been guilty of Mutiny or Desertion; and all the provisions of the said Regulation shall have the same force and effect as if persons guilty of Mutiny and Desertion had been specially included in the classes of offenders specified in that Regulation. Provided that no proceeding shall be taken against any Zemindar, Talookdar, or other person by virtue of this Section for any thing done or omitted to be done by him within fourteen days after the passing of this Act.

Liability of certain land-holders to communicate early intelligence of the resort to their estates of Mutineers and Deserters.

Proviso.

VII. The word "Magistrate" shall include persons exercising the powers of a Magistrate, Police Magistrates, and Justices of the Peace.

Interpretation of the word "Magistrate."

Duration of Act.

VIII. This Act shall continue in force for one year.



ACT No. XVIII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 4th July 1857.)

AN ACT relating to the issuing of writs or process against certain Members of the Family, Household, and Retinue of His late Highness the Nabob of the Carnatic.

WHEREAS it has been decided by Her Majesty's Supreme Court of Judicature at Fort St. George that Act I of 1844 was a personal Act, and that upon the death of His late Highness the Nabob of the Carnatic it ceased to have any effect; and whereas doubts are entertained as to the correctness of the decision, and it is desirable that the persons against whom any such decision has been given should have an opportunity of petitioning Her Majesty in Council for leave to appeal against the same, and that litigation should be prevented in the meantime: It is enacted as follows:—

I. No writ or process shall, at any time within the period of one year from the time of the passing of this Act, be sued forth or prosecuted against the person, goods, or property of any person whose name was included in any list which was published under the provisions of the said Act, and which was in force and effect for the purpose of the said Act at the time of the death of His said late Highness the Nabob of the Carnatic, unless such writ or process shall be 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.

No process to issue against the Family or Retinue of the late Nabob of the Carnatic for one year, unless with the consent of the Governor in Council.

II. If

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II. If an appeal against any such decision as aforesaid be admitted by Her Majesty in Council, no such writ or process shall be sued forth or prosecuted against the person, goods, or effects of any person named in such list as aforesaid until after the determination of the appeal, unless such writ or process be sued forth or prosecuted with the consent of the said Governor in Council to be testified as aforesaid, or unless the Court out of which such writ or process shall be sued forth or prosecuted shall be satisfied that the appellant has been guilty of unreasonable delay in prosecuting the appeal, and shall make a special order authorizing such writ or process to be sued forth and prosecuted.

If appeal to Queen in Council be admitted, no process to issue until after the determination of the appeal.

Unless with consent of Governor in Council.

Or unless by special order of Court.

Process issued contrary to the Act to be void.

III. Every writ or process sued forth or prosecuted contrary to the provisions of this Act shall be utterly null and void.



ACT No. XIX OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 10th July 1857.)

AN ACT for the incorporation and regulation of Joint-Stock Companies and other Associations, either with or without limited liability of the Members thereof.

Preamble. WHEREAS it is expedient that the law relating to the incorporation and regulation of Joint-Stock Companies and other Associations should be amended, and that the members of Joint-Stock Companies and other Associations should be enabled to limit their liability for the debts and engagements thereof: It is enacted as follows:—

PART I.

CONSTITUTION AND INCORPORATION OF COMPANIES AND ASSOCIATIONS.

Registry.

I. Seven or more persons, associated for any lawful purpose, may, by subscribing their names to a Memorandum of Association, and otherwise complying with the requisitions of this Act in respect of registration, form themselves into an incorporated Company, with or without limited liability. Provided that nothing in this Act shall authorize any persons to form themselves into a Joint-Stock Company or Association, with limited liability, for the purpose of Banking or Insurance.

II. Not more than twenty persons shall after the first day of January 1858 carry on in partnership, in any part of the territories in the possession and under the Government of the East India Company, any trade or business having gain for its

A object

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object, unless they are registered as a Company under this Act, or are authorized so to carry on business by an Act of Parliament, or by Royal Charter or Letters Patent, or by an Act of the Governor General of India in Council; and if any persons carry on business in partnership contrary to this provision, every person so acting shall be severally liable for the payment of the whole debts of the partnership, and may be sued for the same without the joinder in the action or suit of any other members of the partnership.

Matters required to be prescribed by Memorandum of Association.

III. The Memorandum of Association shall contain the following things : (that is to say)

- (1.) The name of the proposed Company ;
- (2.) The part of the said territories in which the registered Office of the Company is to be established ;
- (3.) The objects for which the proposed Company is to be established ;
- (4.) The liability of the shareholders, whether it is to be limited or unlimited ;
- (5.) The amount of the nominal Capital of the proposed Company ;
- (6.) The number of shares into which such Capital is to be divided, and the amount of each share.

In the case of a Company formed with limited liability, and hereinafter called a limited Company, the word " limited " shall be the last word in the name of the Company.

IV. No Company shall be registered under a name identical with that by which a subsisting Company is already registered, or so nearly resembling the same as to be calculated to deceive ; and if any Company, through inadvertence or otherwise, is registered by a name identical with that by which a subsisting Company is registered, or so nearly resembling the same as to be

Prohibition against identity of names in registered Companies.

be

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be calculated to deceive, such first-mentioned Company may, with the sanction of the Registrar, and shall, if required by him so to do, change its name, and upon such change being made, the Registrar shall enter the new name on the Register in the place of the former name ; but no such alteration of name shall affect any rights or obligations of the Company or of any member thereof, or render defective any legal proceedings instituted or to be instituted by or against the Company ; and any legal proceedings may be continued or commenced against the Company by its new name, that might have been continued or commenced against the Company by its former name.

V. The Memorandum of Association shall be in the form marked A in the Schedule hereto, or as near thereto as circumstances admit ; and it shall, when registered, bind the Company and the shareholders therein to the same extent as if each shareholder had subscribed his name and affixed his seal thereto, or otherwise duly executed the same, and there were in such Memorandum contained, on the part of himself, his heirs, executors, administrators, or representatives, a covenant to conform to all the regulations of such Memorandum, subject to the provisions of this Act.

VI. Every subscriber of the Memorandum of Association shall take one share at the least in the Company ; the number of shares taken by each subscriber shall be set opposite his name in such Memorandum of Association ; and upon the incorporation of the Company, he shall be entered in the Register of shareholders hereinafter mentioned as a shareholder to the extent of the shares he has taken.

VII. The Memorandum of Association may be accompanied by, or have annexed thereto, or endorsed thereon, Articles of Association signed by the subscribers to the Memorandum of Association, and prescribing regulations for the Company ; but if no such regulations are prescribed or so far as the same do not extend to modify the regulations contained in the Table marked B in the Schedule hereto, such last-mentioned regulations shall, so far as the same are applicable, be deemed to be the regulations of the Company,

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Company, and shall bind the Company and the shareholders therein to the same extent as if they had been inserted in Articles of Association, and such articles had been registered.

VIII. The Articles of Association shall be in the form marked C in the Schedule hereto, or as near thereto as circumstances admit ; they shall, when registered, bind the Company and the shareholders therein to the same extent as if each shareholder had subscribed his name and affixed his seal thereto or otherwise duly executed the same, and there were in such Articles contained, on the part of himself, his heirs, executors, administrators, or representatives, a covenant to conform to all the regulations of such Articles, subject to the provisions of this Act.

IX. Any person signing a printed copy of the Memorandum of Association, or Articles of Association, shall be deemed to have signed such Memorandum and Articles respectively. The execution by any person of the Memorandum of Association or Articles of Association shall be attested by one witness at the least.

X. The Memorandum of Association and Articles of Association shall be delivered to the Registrar of Joint-Stock Companies, who shall retain and register the same ; there shall be paid to the Registrar of Joint-Stock Companies, in respect of the several matters mentioned in the Table marked D in the Schedule hereto, the several fees therein specified, or such smaller fees as the Governor General of India in Council may from time to time direct ; and all fees so paid shall be accounted for to Government.

XI. Upon any such Memorandum of Association, either with or without Articles of Association as aforesaid, being registered, the Registrar shall certify under his hand that the Company is incorporated, and, in the case of a limited Company, that the Company is limited ; the subscribers of the Memorandum of Association, together with such other persons as may from time to time become shareholders in the Company, shall thereupon be a body corporate by the name prescribed in the Memorandum of Association, having a perpetual succession and a common seal, with power to hold lands, but with such pecuniary liability on the part of the shareholders

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shareholders as is hereinafter mentioned : the certificate of incorporation given by the Registrar shall be conclusive evidence that all the requisitions of this Act in respect of registration have been complied with ; and the date of such certificate shall be deemed to be the date of the incorporation of the Company.

XII. If the Directors of any such Company shall declare and pay any dividend contrary to the provisions of this Act or when the Company is known by them to be insolvent, or any dividend the payment of which would, to their knowledge, render it insolvent, they shall be jointly and severally liable for all the debts of the Company then existing, and for all that shall be thereafter contracted, so long as they shall respectively continue in office ; provided always that the amount for which they shall all be so liable shall not exceed the amount of such dividend, and that, if any of the Directors shall be absent at the time of making the dividend or dividends so declared or paid, or if present and objecting thereto shall file their objection in writing with the Clerk of the Company, and shall forthwith publish notice of such objection in the *Official Gazette* or in some newspaper circulating in the place in which the registered Office of the Company is situate, they shall be exempted from the said liability.

Directors to be liable for debts if dividend be paid contrary to the provisions of the Act, or when the Company is known by them to be insolvent.

Proviso.

XIII. As soon as a certificate of incorporation has been granted by the Registrar of Joint-Stock Companies, the Company may issue certificates of shares to the subscribers to the Memorandum of Association, and to all other persons to whom shares may be allotted, of such number and amount as may be prescribed by the Memorandum of Association, but not of any greater number or amount : the shares so issued shall be personal estate, and shall not be of the nature of real estate, and each share shall be distinguished by its appropriate number.

Issue of shares by Company.

Register of Shareholders.

XIV. Every Company registered under this Act, hereinafter referred to as "the Company," shall cause to be kept in one

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or more books a Register of shareholders, and there shall be entered therein the following particulars :—

- (1.) The names, addresses, and occupations, if any, of the shareholders in the Company, and the shares held by each of them, distinguishing each share by its number ;
- (2.) The amount paid on the shares of each shareholder ;
- (3.) The date at which the name of any person was entered in the Register as a shareholder ;
- (4.) The date at which any person ceased to be a shareholder in respect of any share.

XV. Once at the least in every year a list shall be made of all persons Annual list of shareholders on Register. who, on the fourteenth day succeeding the day on which the ordinary general meeting of the Company, or, if there is more than one ordinary meeting in each year, the first of such ordinary general meetings is held, are holders of shares in the Company ; and such list shall state the names, addresses, and occupations of all the persons therein mentioned, and the number of shares held by each of them, and shall contain a summary specifying the following particulars :—

- (1.) The amount of the nominal Capital of the Company, and the number of shares into which it is divided ;
- (2.) The number of shares taken from the commencement of the Company up to the date of the summary ;
- (3.) The amount of calls made on each share ;
- (4.) The total amount of calls that have been received ;
- (5.) The total amount of calls unpaid ;
- (6.) The total amount of shares forfeited.

The above list and summary shall be contained in a separate part of the Register, and shall be in the form marked E in the Schedule hereto, or as near thereto as circumstances admit : such list and summary shall be completed

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completed within seven days after such fourteenth day as is mentioned in this Section, and a copy thereof, authenticated by the seal of the Company, shall forthwith be forwarded to the Registrar ; and any person may inspect and take copies of the same, subject to the regulations under which a person is hereinafter declared to be entitled to inspect and take copies of any documents kept by the Registrar.

XVI. If any Company registered under this Act makes default in keeping a Register of shareholders, or in sending a copy of such list and summary as aforesaid to the Registrar, in compliance with the foregoing rules, such Company shall incur a penalty not exceeding fifty Rupees for every day during which such default continues.

XVII. No notice of any trust, express or implied or constructive, shall be entered on the Register or be receivable by the Company ; and every person who has accepted any share in a Company registered under this Act, and whose name is entered in the Register of shareholders, and no other person (except a subscriber to the Memorandum of Association in respect of the shares subscribed for by him) shall, for the purposes of this Act, be deemed to be a shareholder.

XVIII. The transfer of any share in the Company shall be in the form marked F in the Schedule hereto, or to the like effect, and shall be executed both by the transferrer and transferee ; the transferrer shall be deemed to remain a holder of such share until the name of the transferee is entered in the Register-book in respect thereof.

XIX. A certificate, under the common seal of the Company, specifying any share or shares held by any shareholder, shall be *prima facie* evidence of the title of the shareholder to the share or shares therein specified.

XX. The amount of calls, for the time being unpaid on any share, shall be deemed to be a debt due from the holder of such share to the Company.

XXI. The

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XXI. The Register and annual list of shareholders commencing from the incorporation of the Company, shall be kept at the registered Office of the Company hereinafter mentioned ; except when the Register is closed as hereinafter mentioned, such Register and annual list shall during business hours, but subject to such reasonable restrictions as the Company in general meeting may impose, so that not less than two hours in each day be appointed for inspection, be opened to the inspection of any shareholder gratis, and to the inspection of any other person on the payment of one Rupee, or such less sum as the Company may prescribe for each inspection ; and every such shareholder or other person may require a copy of such Register and annual list, or of any part thereof, on payment of two annas for every one hundred words required to be copied ; if such inspection or copy is refused, the Company shall incur for each refusal a penalty not exceeding Fifty Rupees, and a further penalty not exceeding Twenty Rupees for every day during which such refusal continues.

XXII. The Company may, upon giving notice by advertisement in some newspapers circulating in that part of the said territories in which the registered Office of the Company is situate, close the Register of shareholders for any time or times not exceeding on the whole twenty-one days in each year ; and the period, during which the books are closed, shall not be reckoned as part of the time within which a transfer is to be registered.

XXIII. If the name of any person is without sufficient cause entered or omitted to be entered in the Register of shareholders of any Company, such person, or any shareholder of the Company, may, by petition to the principal Court of original Civil jurisdiction in the district or place in which the registered Office of the Company is situate, apply to such Court for an order that the Register may be rectified ; and the Court may either refuse such application, with or without costs to be paid by the applicant, or it may, if satisfied of the justice of the case, make an order for the rectification of the Register, and may direct the Company to pay all the costs of such motion or petition, and any damages the party aggrieved may have sustained ;
and

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and if the Company makes default or is guilty of unnecessary delay in registering any transfer of shares, they shall be responsible to any person injured by such default or delay for the amount of damage he may thereby have sustained.

XXIV. The Register of shareholders shall be *prima facie* evidence of any matters by this Act directed or authorized to be inserted therein.
Register to be evidence.

XXV. Copies of the Memorandum of Association and Articles of Association shall be forwarded by the Company to every shareholder, at his request, on payment of the sum of one Rupee for each copy, or such less sum as may be prescribed by the Company.
Copies of Memorandum and Articles of Association to be forwarded to shareholders.

PART II.

MANAGEMENT AND ADMINISTRATION OF COMPANIES.

General.

XXVI. The Company shall have a registered Office to which all communications and notices may be addressed ; if any Company registered under this Act carries on business without having such an Office, it shall incur a penalty not exceeding Fifty Rupees for every day during which business is so carried on.
Registered Office of Company.

XXVII. Notice of the situation of such registered Office, and of any change therein, shall be given to the Registrar of Joint-Stock Companies, and recorded by him : until such notice is given, the Company shall not be deemed to have complied with the provisions of this Act with respect to having a registered Office.
Notice of situation of registered Office.

XXVIII. Every limited Company registered under this Act shall paint or affix, and shall keep painted or affixed, its name on the outside of every Office or place in which the business of the Company is carried on, in a conspicuous position, in letters easily legible in the English language and also in the language required to
Publication of name by a limited Company.

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be used in judicial proceedings in the Courts of the East India Company in the District in which the registered Office is situate, and shall have its name engraven in legible characters in such languages on its seal, and shall have its name mentioned in legible characters in such languages in all notices, advertisements, and other official publications of such Company, and in all Bills of Exchange, Hoondees, Promissory Notes, Endorsements, Cheques, and orders for money or goods, purporting to be signed by or on behalf of such Company, and in all Bills of parcels, invoices, receipts, and letters of credit of the Company.

XXIX. If any limited Company registered under this Act does not ^{Penalties on non-} paint or affix, and keep painted or affixed, its name in ^{publication of name.} manner aforesaid, it shall be liable to a penalty not exceeding Fifty Rupees for not so painting or affixing its name, and for every day during which such name is not so kept painted or affixed ; and if any Officer of such Company, or any person on its behalf, uses any seal purporting to be a seal of the Company whereon its name is not so engraven as aforesaid, or issues or authorizes the issue of any notice, advertisement, or other official publication of such Company, or signs or authorizes to be signed on behalf of such Company any Bill of Exchange, Hoondee, Promissory Note, Endorsement, Cheque, or order for money or goods, or issues or authorizes to be issued any Bill of parcels, invoice, receipt, or letter of credit of the Company, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of Five hundred Rupees, and shall further be personally liable to the holder of any such Bill of Exchange, Hoondee, Promissory Note, Cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the Company.

^{General Meeting of Company.} **XXX.** A general meeting of the Company shall be held once at the least in every year.

^{What accounts to be kept.} **XXXI.** The Directors shall cause true accounts to be kept—

Of the Stock-in-Trade of the Company ;

Of the sums of money received and expended by the Company, and the matter in respect of which such receipt and expenditure takes place ; and

Of

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Of the credits and liabilities of the Company.

XXXII. A balance-sheet shall be made out and filed with the Registrar of Joint-Stock Companies within twelve months after the incorporation of the Company, and once at least in every year afterwards within twelve months from the filing of the balance-sheet immediately preceding. Such balance-sheet shall contain a summary of the property and liabilities of the Company arranged under the heads appearing in the form annexed to Table B in the Schedule hereto, or as near thereto as circumstances admit.

Balance-sheet to be made out annually and filed with the Registrar.

Form of balance-sheet.

XXXIII. The balance-sheet shall be signed by the Directors or any three or more of them, who shall certify at the foot thereof that the same, to the best of their belief, contains a true account of the capital and liabilities and of the property and assets of the Company.

Balance-sheet to be signed and certified by the Directors.

XXXIV. No dividend shall be payable except out of the profits arising from the business of the Company including interest on capital.

No dividend payable except out of profits.

XXXV. The accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained, by one or more Auditor or Auditors who shall certify, at the foot of such balance-sheet, that the same, to the best of their belief, contains a true account of the capital and liabilities and of the property and assets of the Company, or make such special report thereon as they think necessary.

Audt.

XXXVI. A copy of every balance-sheet and of the report thereon by the Auditors shall be kept at the registered Office of the Company, and shall be open to inspection in the same manner as the Register of shareholders kept at such Office.

Inspection of balance-sheet and of report of Auditors thereon.

XXXVII. Unless other provisions shall be contained in the regulations of the Company for the appointment of Auditors, the Auditors shall be appointed at the first general meeting

Appointment of Auditors.

of

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of the Company in every year, and, in the case of any casual vacancy occurring in such office, at an extraordinary general meeting called for the purpose of supplying the same. No Director or other Officer shall be eligible as an Auditor.

XXXVIII. Any Company registered under this Act may in general meeting, from time to time, by such special resolution as is hereinafter mentioned, alter and make new provisions in lieu of or in addition to any regulations of the Company contained in the Articles of Association or the Table marked B in the Schedule.

Power of Company to alter regulations by special resolution.

XXXIX. A resolution shall be deemed to be a special resolution of the Company whenever the same has been passed by three-fourths in number and value of such shareholders of the Company, for the time being entitled to vote, as may be present in person or by proxy (in cases where, by the regulations of the Company, proxies are allowed) at any meeting of which notice specifying the intention to propose such resolution has been duly given, and such resolution has been confirmed by a majority of such shareholders, for the time being entitled to vote, as may be present in person or by proxy at a subsequent meeting of which notice specifying the intention to propose such confirmation has been duly given, and held at an interval of not less than one month, nor more than three months, from the date of the meeting at which such special resolution was first passed ; unless a poll is demanded by at least five shareholders, a declaration of the Chairman of any such meeting as is mentioned in this Section, that a special resolution has been carried or confirmed, shall be deemed conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against the same ; notice of any meeting shall, for the purposes of this Section, be deemed to be duly given, and the meeting to be duly held, whenever such notice is given and meeting held in manner prescribed by the regulations of the Company.

Definition of special resolution.

XL. A copy of any special resolution that is passed by any Company registered under this Act shall be forwarded to the Registrar of Joint-Stock Companies, and recorded by him ; if such copy is not so forwarded within fifteen days from the date of the passing of the resolution, the Company shall incur a penalty not exceeding Twenty

Registry of special resolution.

Rupees

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Rupees for every day after the expiration of such fifteen days during which such copy is omitted to be forwarded.

XLI. A copy of any special resolution shall be given to any shareholder on payment of one Rupee or of such less sum as the Company may direct.

Copies of special resolutions.

XLII. The Company, if authorized so to do by its regulations, may increase its nominal capital in manner directed by such regulations ; but notice of any increase so made shall be given to the Registrar of Joint-Stock Companies within fifteen days from the date of the passing of the resolution by which such increase has been authorized, and the Registrar shall forthwith record the amount of such increase ; if such notice is not given within the period aforesaid, the Company shall incur a penalty not exceeding Fifty Rupees for every day during which such neglect to give notice continues.

Notice to Registrar of increase of capital.

XLIII. If any Company registered under this Act carries on business when the number of its shareholders is less than seven, for a period of six months after the number has been so reduced, then every Director of such Company during the time that it so carries on business after such period of six months, shall be severally liable for the payment of the whole debts of the Company contracted during such time, and may be sued for the same without the joinder in the action or suit of any other person.

Prohibition against carrying on business with less than seven shareholders.

XLIV. The Company shall cause Minutes of all resolutions and proceedings of general meetings of the Company to be duly entered in books to be from time to time provided for the purpose, and any such Minute as aforesaid, if signed by any person purporting to be the Chairman of such meeting, shall be receivable in evidence in all legal proceedings ; and, until the contrary is proved, every general meeting, in respect of the proceedings of which Minutes have been so made, shall be deemed to have been duly held and convened.

Evidence of proceedings at Meetings.

Legal Instruments of Company.

XLV. Contracts on behalf of any Company registered under this Act may be made as follows ; (that is to say)

Contracts how made.

D

(1.) Any

ACT No. XIX OF 1857.

(1.) Any contract which, if made between private persons, would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the Company in writing under the common seal of the Company ; and such contract may be in the same manner varied or discharged.

(2.) Any contract which, if made between private persons, would be by law required to be in writing and signed by the parties to be charged therewith, may be made on behalf of the Company in writing signed by any person acting under the express or implied authority of the Company ; and such contract may in the same manner be varied or discharged.

(3.) Any contract which, if made between private persons, would by law be valid although made verbally only and not reduced into writing, may be made verbally on behalf of the Company by any person acting under the express or implied authority of the Company ; and such contract may in the same way be varied or discharged.

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the Company and their successors, and all other parties thereto, their heirs, Executors, Administrators, or representatives, as the case may be.

Deeds.

XLVI. Any Company registered under this Act may, by instrument or writing under their common seal, empower any person Execution of deeds. either generally or in respect of any specified matters, as their attorney, to execute deeds on their behalf in any place ; and every deed signed by such attorney, on behalf of the Company, and under his seal, shall be binding on the Company to the same extent as if it were under the common seal of the Company.

XLVII. A Promissory Note, Bill of Exchange, or Hoondee shall be deemed to have been made, accepted, or endorsed on behalf of any Company registered under this Act, if made, accepted, or endorsed in the name of the Company by any person acting under the express or implied authority of the Company.

Promissory Notes,
Bills of Exchange, and
Hoondees.

Examination

ACT No. XIX of 1857.

Examination of Affairs of Company.

XLVIII. Upon the application of one-fifth in number and value of the shareholders of any Company registered under this Act, the local Government may appoint one or more competent Inspectors to examine into the affairs of the Company, and to report thereon in such manner as the local Government directs.

Examination of affairs of Company by Inspectors appointed by the local Government.

XLIX. It shall be the duty of all Officers and Agents of the Company to produce, for the examination of the Inspectors, all books and documents in their custody or power: any Inspector may examine the Officers and Agents of the Company in relation to its business, and may, if he thinks fit, administer an oath or affirmation to such person; if any Officer or Agent refuses to produce any such book or document, or to answer any question relating to the affairs of the Company, he shall incur a penalty not exceeding Fifty Rupees in respect of each offence.

Power of Inspectors.

L. Upon the conclusion of the examination, the Inspectors shall report their opinion to the local Government; a copy shall be forwarded to the registered Office of the Company and shall be open to the inspection of any shareholder who shall be at liberty to take a copy thereof; and a further copy shall, at the request of the shareholders upon whose application the inspection was made, be delivered to them or to any one or more of them: all expenses of and incidental to any such examination as aforesaid shall be defrayed by the shareholders upon whose application the Inspectors were appointed.

Result of examination how dealt with.

LI. Any Company registered under this Act may in general meeting appoint Inspectors for the purpose of examining into the affairs of the Company; the Inspectors so appointed shall have the same powers and perform the same duties as Inspectors appointed by the local Government, with this exception, that, instead of making their report to the local Government, they shall make the same in such manner and to such persons as the Company in general meeting directs; and the Officers and Agents of the Company shall incur the same penalties, in case of any refusal to produce any book or document to such Inspectors, or to

answer

ACT No. XIX OF 1857.

answer any question, as they would have incurred if such Inspectors had been appointed by the local Government.

LII. A copy of the report of any Inspectors appointed under this Act, Report of Inspectors to be evidence. authenticated by the seal of the Company into whose affairs they have made inspection, shall without further proof be admissible as evidence of the report in any legal proceeding.

Notices.

LIII. Any summons or notice requiring to be served upon the Company may, except in cases where a particular mode of service is directed, be served by leaving the same, or sending it through the post by a registered letter addressed to the Company at their registered Office, or by giving it to any Director, Secretary, or other principal Officer of the Company; and any notice to the Registrar of Joint-Stock Companies may be served by sending it to him through the post by a registered letter, or by delivering it to him, or by leaving it for him at his Office.

LIV. Notices by letter shall be posted in such time as to admit of the letter being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice; and in proving such service it shall be sufficient to prove that such notice was properly directed, and that it was put into the Post Office at such time as aforesaid.

LV. Any summons, notice, writ, or proceeding requiring authentication by the Company may be signed by any Director, Secretary, or other authorized Officer of the Company, and need not be under the common seal of the Company; and the same may be in writing or in print, or partly in writing and partly in print.

LVI. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act XIII of 1856, relating to the adjudication of fines and penalties and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca.

Alteration

ACT No. XIX OF 1857.

Alteration of Forms.

LVII. The Governor General of India in Council may from time to time make such alterations in the Forms and Tables contained in the Schedule hereto as may be deemed requisite : any Form or Table, when altered, shall be published in the *Calcutta Gazette*, and, after the expiration of one month from the date of such publication, shall have the same force as if it were included in the Schedule to this Act.

Governor General of India in Council may alter Forms in Schedule.

PART III.

WINDING-UP.

Preliminary.

LVIII. The provisions of this Act relating to the winding-up of Companies shall apply to all Companies registered under this Act, and to all Companies registered under Act XLIII of 1850 or duly constituted by law previously to the passing of this Act, from and after the date at which they have obtained registration under this Act in manner hereinafter mentioned, but not to any other Companies.

Application of Part III of Act.

LIX. The expression "the Court," as used in the Third Part of this Act, shall mean the principal Court having original Civil jurisdiction in the place in which the registered Office of the Company is situate ; unless in the regulations for the management of the Company it shall be stipulated that the said Company, if wound-up shall be wound-up by the Supreme Court of Judicature for the Presidency in which the registered Office of the Company is situate, or, if the registered Office is not situate within any Presidency or in the Settlement of Prince of Wales' Island, Singapore, and Malacca, that it shall be wound-up by such Supreme Court as shall be stipulated by such regulations, in either of which cases the word "Court" shall mean the Supreme Court of Judicature mentioned in such stipulation.

Meaning of the expression "the Court" as used in Part III of the Act.

LX. In the event of any Company being wound-up by the Court or voluntarily, the existing shareholders shall be liable to contribute to the assets of the Company to an amount sufficient to pay the debts and liabilities of the Company, and the costs, charges, and expenses of winding-up the same, with this

Liability of present shareholders in respect of debts.

ACT No. XIX of 1857.

qualification, that, if the Company is limited, no contribution shall be required from any shareholder exceeding the amount, if any, unpaid on the shares held by him.

LXI. In the event of any Company other than a limited Company being wound-up by the Court, any person who has ceased to be a shareholder within the period of three years prior to the commencement of the winding-up shall be liable to contribute, in respect of the shares held by him within that period, towards payment of the debts and liabilities of the Company, and the costs, charges, and expenses of winding-up the same, and shall have in all respects the same rights, and be subject to the same liabilities to creditors in respect of such shares, as if he had not so ceased to be a shareholder, with this exception, that he shall not be liable in respect of any debt or liability of the Company contracted after the time at which he ceased to be a shareholder.

Liability of former shareholders in a Company other than a limited Company with respect to debts.

LXII. In the event of any limited Company being wound-up by the Court, any person who has ceased to be a holder of any share or shares within the period of one year prior to the commencement of the winding-up shall be liable in respect of such share or shares to contribute towards payment of the debts and liabilities of the Company, and the costs, charges, and expenses of winding-up the same, and shall have in all respects the same rights and be subject to the same liabilities to creditors in respect of such share or shares as if he had not so ceased to be a shareholder.

Liability of former shareholders in a limited Company with respect to debts and liabilities.

LXIII. The winding-up shall, if the Company is wound-up by the Court, be deemed to commence at the time of the presentation of such petition as is hereinafter required to be presented to the Court; and, if the Company is wound-up voluntarily, be deemed to commence at the time of the passing of the resolution authorizing such winding-up.

Commencement of winding-up of Company defined.

LXIV. Any existing or former shareholder, upon whom calls are authorized to be made by the Third Part of this Act, is hereinafter called a "contributory"; and the representatives of any deceased contributory shall be liable in a

Definition of "contributory," and legal character of his liability.

due

ACT No. XIX of 1857.

due course of administration to the same extent as such contributory would be liable under this Act if alive.

LXV. For the purpose of ascertaining the liability of existing and former shareholders as between themselves, the following rule shall be adopted in the absence of any express contract to the contrary ; (that is to say)

Rights of contributories between themselves.

(1.) In the case of a Company other than a limited Company, every transferee of shares shall, in a degree proportioned to the shares transferred, indemnify the transferrer against all existing and future debts of the Company.

(2.) In the case of a limited Company, every transferee shall indemnify the transferrer against all calls made or accrued due on the shares transferred subsequently to the transfer.

Winding-up by Court.

LXVI. A Company may be wound-up by the Court under the following circumstances ; (that is to say)

Circumstances under which Company may be wound-up by Court.

(1.) Whenever the Company in general meeting has passed a special resolution requiring the Company to be wound-up by the Court ;

(2.) Whenever the Company does not commence its business within a year from its incorporation, or suspends its business for the space of a whole year ;

(3.) Whenever the shareholders are reduced in number to less than seven ;

(4.) Whenever the Company is unable to pay its debts ;

(5.) Whenever three-fourths of the Capital of the Company have been lost or become unavailable.

LXVII. A Company shall be deemed to be unable to pay its debts—

Company when deemed unable to pay its debts.

(1.) Whenever

ACT No. XIX OF 1857.

(1.) Whenever a creditor, to whom the Company is indebted in a sum exceeding Five hundred Rupees then due, has served on the Company, by leaving or causing to be left at their registered Office, a demand under his hand requiring the Company to pay the sum so due, and the Company have, for the space of three weeks succeeding the service of such demand, neglected to pay such sum, or to secure or compound for the same to the satisfaction of the creditor ;

(2.) Whenever satisfaction of a judgment, decree, or order of any Court in favor of any creditor in any suit or other legal proceeding cannot be obtained.

LXVIII. Any application for the winding-up of a Company shall be by petition accompanied by a declaration signed by the petitioner stating that he verily believes the same to be true: such petition may, in cases where the Company is unable to pay its debts, be presented either by a creditor or a contributory ; but where any other ground is alleged for winding-up the Company, a contributory alone is entitled to present the petition.

LXIX. Upon the hearing of any petition presented by a creditor, the Court may dismiss such petition with or without costs to be paid by the petitioner, or it may make an order directing the Company, by a day to be named in the order, to pay or secure payment to the creditor of all monies that may be proved due to him, together with such costs as the Court may direct ; or the Court may, if it so thinks fit, on the hearing of such petition, make an order or decree for winding-up the Company in the first instance, or such other order as it deems just.

LXX. If, at the expiration of the time named in such order, such payment is not made, or security given, the Court may thereupon make an order or decree for winding-up the Company.

LXXI. Upon the hearing of a petition presented by a contributory, the Court may dismiss such petition with or without costs to be paid by the petitioner, or it may make an order or decree directing the Company to be wound-up, or such other order or decree as it deems just.

LXXII. After

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LXXII. After the date of such order or decree for winding-up the Company, all suits and actions against the Company shall, if the Court so orders, be stayed : no Director or other Officer of the Company shall, without the sanction of the Court, dispose of any of the property, effects, or things in action of the Company ; and no transfer of any shares shall be valid without the sanction of the Court : a copy of such order or decree shall forthwith be reported by the Company to the Registrar of Joint-Stock Companies, who shall make a minute thereof in his books relating to the Company.

LXXIII. As soon as may be after making an order or decree for winding-up the Company, the Court shall cause the assets of the Company to be collected, and applied in discharge of its liabilities, in a due course of administration.

LXXIV. Any conveyance, mortgage, delivery of goods, payment, or other act relating to property, if made, done, or suffered voluntarily by any Company registered under this Act whilst in insolvent circumstances, with a view to give any undue or fraudulent preference to any creditor of such Company, shall be void if made, done, or suffered within three months before the commencement of the winding-up of such Company.

LXXV. After an order or decree for winding-up the Company has been made, any person known or suspected to have in his possession any of the estate or effects of the Company, or supposed to be indebted to the Company, and any person whom the Court may deem capable of giving information concerning the trade, dealings, estate, or effects of the Company, may be compelled to give evidence, and to produce any books, papers, deeds, writings, or other documents in his custody or power which may appear to the Court requisite to the full disclosure of any of the matters which the Court thinks necessary to be enquired into for the purpose of winding-up the Company, in the same manner as a witness may be compelled to give evidence and to produce documents in any action or suit depending in such Court.

LXXVI. If any Director, Officer, or Contributory of any Company registered under this Act destroys, mutilates, alters, or falsifies any books, papers, writings, or securities, or

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makes or is privy to the making of any false or fraudulent entry in any register, book of account, or other document belonging to the Company, with intent to defraud the creditors or contributories of such Company or any of them or any other person, every person so offending shall, upon conviction, be liable to imprisonment, with or without hard labor, for any term not exceeding two years.

LXXVII. If, upon any judgment or decree voluntarily suffered by any Company being insolvent to any person with intent to give such person a preference over other creditors of the Company, any attachment, sequestration, or execution is issued against such Company, by virtue whereof the estate and effects of the Company, or any of them, are attached, sequestrated, or taken in execution, at any time within three months next before the filing or presentation of the petition for winding-up the Company, such attachment, sequestration, or taking in execution shall be void in favor of the Liquidators of the Company, as against the attaching, sequestrating, or execution creditor, whether the same has been completely executed or not, except that such creditor shall, if the attachment, sequestration, or execution would have been valid but for this provision, be entitled to retain, out of any money already realized, his costs of suit, and of the attachment, sequestration, or execution, or to proceed with the attachment, sequestration, or execution for the purpose of realizing such costs ; but on satisfaction of such costs, or on tender of the amount thereof by the Liquidators to the creditor, it shall be lawful for the Liquidators to recover from such creditor the property so attached, sequestrated, and taken in execution, and the proceeds of such property, or the residue thereof, as the case may be.

LXXVIII. All books, accounts, and documents of the Company, and of the Liquidators hereinafter mentioned, shall, as between the contributories of the Company, be *prima facie* evidence of the truth of all matters therein contained, and purporting to be therein recorded.

LXXIX. The Court may, at any time after making an order or decree for winding-up a Company, and either before or after it has ascertained the sufficiency of the assets of the Company,

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Company, or the debts in respect of which the several classes of contributories are liable, make calls on all or any of the contributories, to the extent of their liability, for payment of all or any sums it deems necessary to satisfy the debts and liabilities of the Company and the costs of winding it up ; and it may, in making a call, take into consideration the probability that some contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same ; and every such call shall be deemed a debt due to the Company.

LXXX. Upon such calls being made, the Official Liquidator or Liquidators shall proceed immediately to collect the same, and shall Recovery of calls. monthly or oftener report to the said Court the names of defaulters, together with the amounts remaining unpaid of the calls made upon them respectively, and thereupon the said Court shall order the payment of such calls or any of them within such time or times and upon such notice or demand by advertisements or otherwise as the said Court may think fit ; and in case any contributory, whether subject to the ordinary Civil jurisdiction of the Court or not, shall neglect to pay any part of the call within the time fixed by the Court for the payment thereof, and shall not within such time show to the Court sufficient cause for the non-payment thereof, the said Court may make an order upon such contributory for the payment of the amount due upon the call, and such order shall have the force and effect of a decree or judgment of the Court and may be executed accordingly ; and all the provisions of Acts XXXIII of 1852 and XXXIV of 1855 shall apply to the execution thereof.

LXXXI. The Court may at any time make calls upon any former Calls may be made upon former shareholders in respect of shares. holder of a share who is liable under Section LXI or LXII of this Act in respect of such share as well as upon the existing holder of that share ; but any payment made or obtained from any contributory in respect of a share shall operate for the benefit of every other contributory in respect of such share.

LXXXII. All monies received under the direction of the Court on Payment of money into Court. account of the sale or conversion of any of the assets of the Company, or in respect of calls made on any contributories

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contributories, or of any other matter, with the exception of such balance (if any) as the Official Liquidators may, with the sanction of the Court, retain in their hands for the payment of current expenses, shall be paid into Court or deposited in such manner as the Court may direct; and no money standing to such account shall be paid out except upon cheques signed in such manner as the Court directs.

LXXXIII. The Court may, at any time after the presentation of a petition for winding-up a Company, and either before or after making an order for winding-up the same, upon the application of any creditor or contributory of such Company, restrain further proceedings in any action or suit against the Company, or appoint a receiver of the estate and effects of the Company; it may also, by notice or advertisement, require all creditors to present and prove their claims within a certain time, or be precluded from the benefit of any distribution which may be made before such claim is proved.

Power of Court to grant injunction.

LXXXIV. The Court may, at any time after an order has been made for winding-up a Company, upon the application of any creditor or contributory of the Company, and upon proof to the satisfaction of the Court that all proceedings in relation to such winding-up ought to be stayed, make an order staying the same, either altogether or for a limited time, on such terms and subject to such conditions as it deems fit.

Power of Court to stay proceedings.

LXXXV. As soon as the creditors are satisfied, the Court shall proceed to adjust the rights of the contributories amongst themselves, and to distribute any surplus that may remain amongst the parties entitled thereto; and for the purposes of such adjustment it may make calls on the contributories to the extent of their liability for payment of such sums as it deems necessary; and it may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same. Nothing in this Section shall preclude any former shareholder entitled to indemnity under Section LXV of this Act from enforcing such indemnity by due course of law.

Power of Court to adjust rights of contributories.

LXXXVI. The

ACT No. XLIX OF 1857.

LXXXVI. The Court may make such order as to the priority and payment out of the estate of the Company of the costs, charges, and expenses incurred in winding-up any Company as it thinks just.

Power of Court to order costs.

Official Liquidators.

LXXXVII. For the purpose of conducting the proceedings in winding-up a Company, and assisting the Court therein, there shall be appointed a person or persons to be called an Official Liquidator or Official Liquidators ; and such appointment shall be made as follows ; (that is to say)

Appointment of Official Liquidators.

The Court having jurisdiction may, after requiring due security, appoint such persons or person, either provisionally or otherwise, as it think fit, to the office of Official Liquidators ; it may from time to time remove any person or persons so appointed, and fill up any vacancy occasioned by such removal or by the death or resignation of any such appointee or appointees ; if one person only is appointed, he shall have all the powers hereby given to several Liquidators ; if more persons than one are appointed, the Court shall declare whether any act hereby required or authorized to be done by the Official Liquidators may be done by all or any one or more of such persons :

In cases where the winding-up takes place at the suit of a creditor, it shall be lawful for the major part in value of the creditors assembled at a meeting to be held for the purpose, and, in cases where the winding-up takes place at the suit of a contributory, for the major part in value of the contributories assembled at a meeting to be held for the purpose, to appoint an Official Liquidator to act concurrently with the Official Liquidator so named by the Court. Every such meeting shall be held at a time and place to be fixed by the Court, and of which meeting such notice shall be given as the Court may direct.

LXXXVIII. The Official Liquidators or Liquidator shall be described by the style of the Official Liquidators or Official Liquidator of the particular Company in respect of which they or

Style and duties of Official Liquidators.

ACT No. XIX OF 1857.

he are or is appointed, and not by their or his individual names or name ; they or he shall take into their or his custody all the property, effects, and things in action of the Company, and shall perform such duties in reference to the winding-up of the Company as may be imposed by the Court.

LXXXIX. The Official Liquidators shall have
Powers of Official Liquidators. power, with the sanction of the Court, to do the following things :—

To bring or defend any action, suit, or prosecution, or other legal proceeding, Civil or Criminal, in the name and on behalf of the Company ; and in such name to claim, prove, and draw dividends under any bankruptcy, insolvency, or sequestration :

To carry on the business of the Company, so far as may be necessary for the beneficial winding-up of the same :

To sell the property (moveable or immoveable), effects, and things in action of the Company by public auction or private contract, with power, if they think fit, to transfer the whole thereof to any person or Company, or to sell the same in parcels :

To execute, in the name and on behalf of the Company, all deeds, receipts, and other documents they may think necessary ; and for that purpose to use, when necessary, the Company's seal :

To refer disputes to arbitration, and compromise any debts or claims :

To draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the security of the assets of the Company from time to time any requisite sum or sums of money ; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same effect with respect to the liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the business thereof :

To do and execute all such other things as may be necessary for winding-up the affairs of the Company and distributing its assets.

. XC. There

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XC. There shall be paid to the Official Liquidators such salary or remuneration, by way of percentage or otherwise, as the Court directs.

Remuneration of Official Liquidators.

XCI. When the affairs of the Company have been completely wound-up, the Court shall make an order or decree declaring the Company to be dissolved from the date of such order or decree ; and the Company shall be dissolved accordingly.

Dissolution of Company.

XCII. Any order or decree so made shall be reported by the Official Liquidators to the Registrar of Joint-Stock Companies, who shall make a Minute accordingly in his books of the dissolution of such Company.

Registrar to make minute of dissolution of Company.

Voluntary Winding-up of Company.

XCIII. A Company may be wound-up voluntarily, whenever the Company in general meeting has passed a special resolution to that effect. In such case the Company shall, from the date of the commencement of such winding-up, cease to carry on its business, except in so far as may be required for the beneficial winding-up thereof ; but its corporate state and all its corporate powers shall, notwithstanding any provision to the contrary in its Articles of Association, continue until the affairs of the Company are wound-up.

Circumstances under which Company may be wound-up voluntarily.

XCIV. Notice of any special resolution to wind-up a Company voluntarily shall be given as respects Companies registered in any Presidency in the Official *Gazette* of that Presidency, and also in some newspaper (if any) circulating in the place where the registered Office of the Company is situate ; and, as respects a Company registered in any other part of the said Territories, in some newspaper circulating in that part of the said Territories, and also in some newspaper circulating in the part of the said Territories in which the registered Office is situate.

Notice of resolution to wind-up voluntarily.

XCV. The following consequences shall ensue upon the voluntary winding-up of a Company :—

Consequences of voluntary wind-up.

(1.) The

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(1.) The property of the Company shall be applied in satisfaction of its liabilities, and, subject thereto, shall, unless it be otherwise provided by the Articles of Association, be distributed amongst the shareholders in proportion to their shares :

(2.) Liquidators shall be appointed for the purpose of winding-up the affairs of the Company and distributing the property :

(3.) The Company in general meeting may appoint such person or persons as it thinks fit to be a Liquidator or Liquidators, and may fix the remuneration to be paid to them :

(4.) If one person only is appointed, all the provisions herein contained in reference to several Liquidators shall apply to him :

(5.) When several Liquidators are appointed, every power hereby given may be exercised by any two of them :

(6.) The Liquidators may, at any time after the passing of the resolution for winding-up the Company, and before they have ascertained the sufficiency of the assets of the Company, or the debts and liabilities in respect of which the contributories are liable, call on all or any of the contributories to the extent of their liability to pay all or any sums they deem necessary to satisfy the debts and liabilities of the Company and the costs of winding it up ; and they may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same :

(7.) The Liquidators shall have all powers hereinbefore vested in Official Liquidators, and may exercise the same without the intervention of the Court :

(8.) All books, papers, and documents in the hands of the Liquidators shall at all reasonable times be open to the inspection of the shareholders :

(9.) When the creditors are satisfied, the Liquidators shall proceed to adjust the rights of the contributories amongst themselves ; and for the
purposes

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purposes of such adjustment they may make calls on all the contributories to the extent of their liability for any sums they may deem necessary ; and they may, in making a call, take into consideration the probability that some of the contributories upon whom the same is made may partly or wholly fail to pay their respective portions of the same :

(10.) As soon as the affairs of the Company are fully wound-up, the Liquidators shall make up an account showing the manner in which such winding-up has been conducted, and the property of the Company disposed of ; and such account, with the vouchers thereof, shall be laid before such person or persons as may be appointed by the Company to inspect the same ; and upon such inspection being concluded the Liquidators shall proceed to call a general meeting of the shareholders for the purpose of considering such account ; but no such meeting shall be deemed to be duly held unless two months' previous notice, specifying the time, place, and object of such meeting, has been published in the manner specified in Section XCIV of this Act :

(11.) Such general meeting shall not enter upon any business except the consideration of the account ; but the meeting may proceed to the consideration thereof, notwithstanding the quorum required by any regulation of the Company to be present at general meetings is not present thereat ; and if, on consideration, the meeting is of opinion that the affairs of the Company have been fairly wound-up, they shall pass a resolution to that effect, and thereupon the Liquidators shall publish a notice of such resolution in the manner specified in Section XCIV of this Act, and shall also make a return to the Registrar of Joint-Stock Companies of such resolution ; and on the expiration of one month from the date of the registration of such return, the Company shall be deemed to be dissolved :

(12.) If, within one year after the passing of a resolution for winding-up the affairs of the Company, such affairs are not wound-up, the Liquidators shall immediately thereafter make up an account showing the state of the affairs and the progress which has been made in winding-up down to that date, and they shall add thereto a report stating the reason why the winding-up has not been completed ; and a general meeting shall be called to consider the same, and so on from year to year until the winding-up of the affairs of the Company is completed.

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All costs, charges, and expenses properly incurred in the voluntary winding-up of a Company, including the remuneration of the Liquidators, shall be payable out of the assets of the Company in priority to all other claims. .

XCVI. The voluntary winding-up of a Company shall not prejudice the right of any creditor of such Company to ^{Saving of rights of} institute proceedings for the purpose of having the _{creditors.} same wound-up by the Court.

PART IV.

Registration.

XCVII. The registration of Companies shall be ^{Registration.} conducted as follows ; (that is to say)

(1.) The local Government may, after the sanction of the Governor General in Council to the creation of any such Offices shall have been obtained, from time to time appoint such Registrars, Assistant Registrars, Clerks, and servants as it may think necessary for the registration of Companies under this Act, and remove them at pleasure :

(2.) The local Government may make such regulations as it thinks fit with respect to the duties to be performed by any such Registrars, Assistant Registrars, Clerks, and servants as aforesaid :

(3.) The local Government may from time to time determine the place or places at which Offices for the registration of Companies are to be established : Provided always that there shall be at all times maintained in each of the three Presidency Towns of Calcutta, Madras, and Bombay at least one such Office, and that every Company whose registered Office is within any Presidency shall be registered in that Presidency :

(4.) Every person may inspect the documents kept by the Registrar of Joint-Stock Companies ; and there shall be paid for such inspection a fee of one Rupee for each inspection ; and any person may require a copy or extract of any document or any part of any document, to be certified by
the

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the Registrar on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained in all legal proceedings whatever :

(5.) There shall be paid to any Registrar, Assistant Registrar, Clerk, or servant that may hereafter be employed in the registration of Joint-Stock Companies, such salary as the local Government may, with the sanction of the Governor General in Council, direct :

6. Whenever any act is herein directed to be done to or by the Registrar of Joint-Stock Companies, such act shall, until a Registrar of Joint-Stock Companies shall have been appointed by the local Government, be done to or by the keeper of the records of the Supreme Court of the Presidency in which the registered Office of the Company is situate, if such registered Office is situate within a Presidency ; otherwise by the keeper of the records of the Supreme Court of the Presidency of Bengal.

PART V.

REPEAL OF FORMER ACT AND TEMPORARY PROVISIONS.

Repeal.

XCVIII. Act XLIII of 1850 is hereby repealed, except as to acts done or proceedings commenced or liabilities incurred before the passing of this Act. But such repeal shall not take effect with respect to any Company registered under the said Act, until such Company has obtained registration under this Act as hereinafter mentioned.

Temporary Provisions.

XCIX. Any Company registered under the said Act, and any other Company duly constituted by law previously to the passing of this Act, and consisting of seven or more shareholders, may at any time hereafter register itself as a Company under this Act, with or without limited liability, subject to this proviso, that no Company established for the purpose of Banking or Insurance shall be registered under

this

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this Act as a limited Company ; and that no Company shall be registered under this Act unless an assent to its being so registered has been given by three-fourths in number and value of such of its shareholders as may have been present, personally, or by proxy in cases where proxies are allowed by the regulations of the Company, at some general meeting summoned for that purpose.

C. Previously to the registration under this Act of any existing Company, there shall be delivered to the Registrar of Joint-Stock Companies the following documents ; (that is to say)

Requisitions for registration by existing Companies.

(1.) In the case of a Company registered under the said Act, if such Company is not intended to be registered as a limited Company, a list showing the names, addresses, and occupations, of all persons who on the day of registration are holders of shares in the Company, with the addition of the shares held by such persons respectively, distinguishing each share by its number :

(2.) If such Company is intended to be registered as a limited Company under the provisions of this Act, the above list shall be accompanied with a statement specifying the following particulars :—

The nominal Capital of the Company, and the number of shares into which it is divided ;

The number of shares taken, and the amount paid on each share ; and

The name of such Company, with the addition of the word " Limited " as the last word thereof :

(3.) In the case of any other Company duly constituted by law previously to the passing of this Act, and consisting of seven or more shareholders, if it is not intended to be registered as a limited Company, there shall be delivered to the Registrar of Joint-Stock Companies such list of shareholders as is hereinbefore mentioned, and also a copy of any Law, Royal Charter, Letters Patent, Deed of Settlement, or other instrument constituting or regulating the Company :

(4.) If

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(4.) If any such Company as last aforesaid is intended to be registered as a limited Company, the above list and copy shall be accompanied by a statement specifying the following particulars ; (that is to say)

The nominal capital of the Company, and the number of shares into which it is divided ;

The number of shares taken, and the amount paid on each share ;
and

The name of the Company, with the addition of the word " Limited " as the last word thereof.

CI. The list of shareholders and any other particulars relating to the Company, hereby required to be delivered to the Registrar, shall be verified by declaration of the Directors of the Company delivering the same, or any two of them, or of any two other principal Officers of the Company.

Authentication of statements of existing Companies.

CII. Upon compliance with the foregoing requisitions, the Registrar of Joint-Stock Companies shall certify under his hand that the Company so applying for registration is incorporated as a Company under this Act, and, in the case of a limited Company, that it is limited ; and thereupon such Company shall be incorporated accordingly ; and all provisions contained in any Deed of Settlement, Law, Royal Charter, or Letters Patent, or other instrument constituting or regulating the Company, shall be deemed to be regulations of the Company within the meaning of this Act ; and all the provisions of this Act shall apply to such Company in the same manner in all respects as if it had been originally incorporated under this Act, subject nevertheless to the reservations hereinafter contained with respect to the existing rights of creditors and other persons, and subject to this proviso, that, except in so far as is hereinafter permitted, no Company, constituted by any special law, shall have power to alter any of the provisions contained in such law ; and no Company constituted by Royal Charter or Letters Patent shall have power, by a special resolution or otherwise, to alter any of the provisions contained in such Charter or Letters Patent.

Certificate of registration of existing Companies.

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CIII. Any existing Company may, for the purpose of obtaining registration with limited liability, change its name by adding thereto the word "Limited," or do any other act that may be necessary.

Power of Company to change name

CIV. The certificate of incorporation given to any existing Company, in pursuance of this Act, shall be conclusive evidence that all the requisitions herein contained in respect of registration under this Act have been complied with ; and the date of such certificate shall be deemed to be the date on which the Company is incorporated under this Act.

Certificate to be evidence of compliance with Act.

CV. The registration of any existing Company under this Act shall not, nor shall any act of the Company subsequent to such registration, prejudice any right which previously to such registration has, or which would, if no such registration had taken place, have accrued to any creditor or other person against the Company in its corporate capacity in respect of any act done or liability incurred previously to such registration, or against any person then being or having been a member of such Company ; but every such creditor or other person shall be entitled, in respect of any such act or liability, to all such remedies against the Company in its corporate capacity, and against every person then being or having been a member of such Company, as he would have been entitled to in case such registration had not taken place.

Saving rights of creditors.

SCHEDULE.
FORM A.

Memorandum of Association of "The Limited." *Company*

1. The name of the Company is "The Limited." *Company,*

2. The registered Office of the Company is to be established in

3. The objects for which the Company is established are "the ; and the doing all such other things as are incidental or conducive to the attainment of the above object."

4. The

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4. The liability of the shareholders is " Limited."

5. The nominal capital of the Company is _____ Rupees
divided into _____ shares of _____ Rupees each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this Memorandum of Association ; and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names :—

<i>Names and addresses of Subscribers.</i>	<i>Number of shares taken by each subscriber.</i>
1. A. B.
2. B. C.
3. C. D.
4. E. F.
5. G. H.
6. I. J.
7. K. L.
Total shares taken...	...

Dated the _____ day of _____ .
Witness to the above Signatures
A. B.

TABLE B.

REGULATIONS FOR MANAGEMENT OF THE COMPANY.

SHARES.

1. No person shall be deemed to have accepted any share in the Company, unless he has testified his acceptance thereof by writing under his hand in such form as the Company from time to time directs.

2. The Company may from time to time make such calls upon the shareholders, in respect of all monies unpaid on their shares, as they think fit,

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fit, provided that twenty-one days' notice at least is given of each call ; and each shareholder shall be liable to pay the amount of calls so made to the persons and at the times and places appointed by the Company.

3. A call shall be deemed to have been made at the time when the resolution authorizing such call was passed.

4. If, before or on the day appointed for payment, any shareholder does not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate of 5 per cent. per annum from the day appointed for the payment thereof to the time of the actual payment.

5. The Company may, if they think fit, receive, from any of the shareholders willing to advance the same, all or any part of the monies due upon their respective shares beyond the sums actually called for ; and upon the monies so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Company may pay interest at such rate as the shareholder paying such sum in advance and the Company agree upon.

6. If several persons are registered as joint holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

7. The Company may decline to register any transfer of shares made, by a shareholder who is indebted to them.

8. Every shareholder shall, on payment of such sum not exceeding eight annas as the Company may prescribe, be entitled to a certificate, under the common seal of the Company, specifying the share or shares held by him, and the amount paid up thereon.

9. If such certificate is worn out or lost, it may be renewed, on payment of such sum, not exceeding eight annas, as the Company may prescribe.

10. The transfer books shall be closed during the fourteen days immediately preceding the ordinary general meeting in each year.

TRANSMISSION

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TRANSMISSION OF SHARES.

11. The executors or administrators or representatives of a deceased shareholder shall be the only persons recognized by the Company as having any title to his share.

12. Any person becoming entitled to a share in consequence of the death, bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of any female shareholder, or in any way other than by transfer, may be registered as a shareholder upon such evidence being produced as may from time to time be required by the Company.

13. Any person who has become entitled to a share in any way other than by transfer may, instead of being registered himself, elect to have some person to be named by him registered as a holder of such share.

14. The person so becoming entitled shall testify such election by executing to his nominee a transfer of such share.

15. The instrument of transfer shall be presented to the Company accompanied with such evidence as they may require to prove the title of the transferrer, and thereupon the Company shall register the transferee as a shareholder.

FORFEITURE OF SHARES.

16. If any shareholder fails to pay any call due on the appointed day, the Company may, at any time thereafter, during such time as the call remains unpaid, serve a notice on him, requiring him to pay such call, together with any interest that may have accrued by reason of such non-payment.

17. The notice shall name a further date, and a place or places being a place or places at which calls of the Company are usually made payable, on and at which such call is to be paid : it shall also state that, in the event of non-payment at the time and place appointed, the shares in respect of which such call was made will be liable to be forfeited.

18. If the requisitions of any such notice as aforesaid are not complied with, any share in respect of which such notice has been given may be forfeited by a resolution of the Directors to that effect.

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19. Any shares so forfeited shall be deemed to be the property of the Company, and may be disposed of in such manner as the Company thinks fit.

20. Any shareholder whose shares have been forfeited shall notwithstanding be liable to pay to the Company all calls owing upon such shares at the time of the forfeiture.

INCREASE IN CAPITAL.

21. The Company may, with the sanction of the Company previously given in general meeting, increase its capital.

22. Any capital raised by the creation of new shares shall be considered as part of the original capital ; and shall be subject to the same provisions in all respects, whether with reference to the payment of calls, or the forfeiture of shares on non-payment of calls, or otherwise, as if it had been part of the original capital.

GENERAL MEETINGS.

23. The first general meeting shall be held at such time, not being more than twelve months after the incorporation of the Company, and at such place as the Directors may determine.

24. Subsequent general meetings shall be held at such time and place as may be prescribed by the Company in general meeting ; and if no other time or place is prescribed, a general meeting shall be held on the first Monday in February in every year, at such place as may be determined by the Directors.

25. The above-mentioned general meetings shall be called ordinary meetings ; all other general meetings shall be called extraordinary.

26. The Directors may, whenever they think fit, and they shall, upon a requisition made in writing by any number of shareholders holding in the aggregate not less than one-fifth part of the shares of the Company, convene an extraordinary general meeting.

27. Any

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27. Any requisition so made by the shareholders shall express the object of the meeting proposed to be called, and shall be left at the registered Office of the Company.

28. Upon the receipt of such requisition, the Directors shall forthwith proceed to convene a general meeting : if they do not proceed to convene the same within twenty-one days from the date of the requisition, the requisitionists, or any other shareholders holding the required number of shares, may themselves convene a meeting.

29. Seven days' notice at the least, specifying the place, the time, the hour of meeting, and the purpose for which any general meeting is to be held, shall be given by advertisement, or in such other manner (if any) as may be prescribed by the Company.

30. Any shareholder may, on giving not less than three days' previous notice, submit any resolution to a meeting beyond the matters contained in the notice given of such meeting.

31. The notice required of a shareholder shall be given by leaving a copy of the resolution at the registered Office of the Company.

32. No business shall be transacted at any meeting, except the declaration of a dividend, unless a quorum of shareholders is present at the commencement of such business : and such quorum shall be ascertained as follows ; (that is to say) if the shareholders belonging to the Company at the time of the meeting do not exceed ten in number, the quorum shall be five ; if they exceed ten, there shall be added to the above quorum one for every five additional shareholders up to fifty, and one for every ten additional shareholders after fifty, with this limitation, that it shall not be necessary for any quorum in any case to exceed forty.

33. If within one hour from the time appointed for the meeting the required number of shareholders is not present, the meeting, if convened upon the requisition of the shareholders, shall be dissolved : in any other case it shall stand adjourned to the following day at the same time and place ; and if at such adjourned meeting the required number of shareholders is not present, it shall be adjourned *sine die*.

34. The

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34. The Chairman (if any) of the Board of Directors shall preside as Chairman at every meeting of the Company.

35. If there is no such Chairman, or if at any meeting he is not present at the time of holding the same, the shareholders present shall choose some one of their number to be Chairman of such meeting.

36. The Chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place ; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

37. At any general meeting, unless a poll is demanded by at least five shareholders, a declaration by the Chairman that a resolution has been carried, and an entry to that effect in the book of proceedings of the Company, shall be sufficient evidence of the fact, without proof of the number or proportion of the votes recorded in favor of or against such resolution.

38. If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the Chairman directs ; and the result of such poll shall be deemed to be the resolution of the Company in general meeting.

VOTES OF SHAREHOLDERS.

39. Every shareholder shall have one vote for every share up to ten ; he shall have an additional vote for every five shares beyond the first ten shares up to one hundred, and an additional vote for every ten shares held by him beyond the first hundred shares.

40. If any shareholder is a lunatic or idiot, he may vote by his Committee ; and if any shareholder is a minor, he may vote by his guardian, or any one of his guardians if more than one.

41. If more persons than one are jointly entitled to a share or shares, the person whose name stands first in the Register of shareholders as one of the holders of such share or shares, and no other, shall be entitled to vote in respect of the same.

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42. No shareholder shall be entitled to vote at any meeting unless all calls due from him have been paid, nor until he shall have been possessed of his shares three calendar months, unless such shares shall have been acquired or shall have come by bequest, or by marriage, or by succession to an intestate's estate, or by any deed of settlement after the death of any person who shall have been entitled for life to the dividends of such shares.

43. Votes may be given either personally or by proxies : a proxy shall be appointed in writing under the hand of the appointer, or, if such appointer is a corporation, under their common seal.

44. No person shall be appointed a proxy who is not a shareholder, and the instrument appointing him shall be deposited at the registered Office of the Company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote ; but no instrument appointing a proxy shall be valid after the expiration of one month from the date of its execution.

DIRECTORS.

45. The number of the Directors, and the names of the first Directors, shall be determined by the subscribers of the Memorandum of Association.

46. Until Directors are appointed, the subscribers of the Memorandum of Association shall for all the purposes of this Act be deemed to be Directors.

POWERS OF DIRECTORS.

47. The business of the Company shall be managed by the Directors, who may exercise all such powers of the Company as are not by this Act or by the Articles of Association (if any) declared to be exercisable by the Company in general meeting, subject nevertheless to any regulations of the Articles of Association, to the provisions of this Act, and to such regulations, not being inconsistent with the aforesaid regulations or provisions, as may be prescribed by the Company in general meeting ; but no regulation made by the Company in general meeting shall invalidate any prior act of the Directors which would have been valid if such regulation had not been made.

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DISQUALIFICATION OF DIRECTORS.

48. The office of Director shall be vacated—

If he holds any other office or place of profit under the Company ;

If he becomes bankrupt or insolvent ;

If he is concerned in or participates in the profits of any contract with the Company ;

If he participates in the profits of any work done for the Company :

But the above rules shall be subject to the following exceptions :—that no Director shall vacate his office by reason of his being a shareholder in any incorporated Company which has entered into contracts with or done any work for the Company of which he is Director ; nevertheless he shall not vote in respect of such contract or work ; and if he does so vote, his vote shall not be counted, and he shall incur a penalty not exceeding Five hundred Rupees.

ROTATION OF DIRECTORS.

49. At the first ordinary meeting after the incorporation of the Company, the whole of the Directors shall retire from office ; and at the first ordinary meeting in every subsequent year, one-third of the Directors for the time being, or, if their number is not a multiple of three, then the number nearest to one-third, shall retire from office.

50. The one-third or other nearest number to retire during the first and second years ensuing the incorporation of the Company shall, unless the Directors agree among themselves, be determined by ballot : in every subsequent year the one-third or other nearest number who have been longest in office shall retire.

51. A retiring Director shall be re-eligible.

52. The Company at the general meeting at which any Directors retire in manner aforesaid shall fill up the vacated offices by electing a like number of persons.

53. If at any meeting at which an election of Directors ought to take place no such election is made, the meeting shall stand adjourned till the
next

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next day, at the same time and place; and if at such adjourned meeting no election takes place, the former Directors shall continue to act until new Directors are appointed at the first ordinary meeting of the following year.

54. The Company may from time to time, in general meeting, increase or reduce the number of Directors, and may also determine in what rotation such increased or reduced number is to go out of office.

55. Any casual vacancy occurring in the Board of Directors may be filled up by the Directors; but any person so chosen shall retain his office so long only as the vacating Director would have retained the same if no vacancy had occurred.

PROCEEDINGS OF DIRECTORS.

56. The Directors may meet together for the despatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction of business: questions arising at any meeting shall be decided by a majority of votes: in case of an equality of votes, the Chairman, in addition to his original vote, shall have a casting vote: a Director may at any time summon a meeting of the Directors.

57. The Directors may elect a Chairman of their meetings and determine the period for which he is to hold office; but if no such Chairman is elected, or if at any meeting the Chairman is not present at the time appointed for holding the same, the Directors present shall choose some one of their number to be Chairman of such meeting.

58. The Directors may delegate any of their powers to Committees consisting of such member or members of their body as they think fit: any Committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on them by the Directors.

59. A Committee may elect a Chairman of their meetings: if no such Chairman is elected, or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of such meeting.

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60. A Committee may meet and adjourn as they think proper : questions at any meeting shall be determined by a majority of votes of the members present ; and in case of an equal division of votes, the Chairman shall have a casting vote.

61. All acts done by any meeting of the Directors, or of a Committee of Directors, or by any person acting as a Director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such Directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Director.

62. The Directors shall cause Minutes to be made in books provided for the purpose.

(1.) Of all appointments of Officers made by the Directors ;

(2.) Of the names of the Directors present at each meeting of Directors and Committees of Directors ;

(3.) Of all orders made by the Directors and Committees of Directors ; and

(4.) Of all resolutions and proceedings of meetings of the Company, and of the Directors and Committees of Directors.

And any such Minute as aforesaid, if signed by any person purporting to be the Chairman of any meeting of Directors, or Committee of Directors, shall be receivable in evidence without any further proof.

63. The Company, in general meeting, may, by a special resolution, remove any Director before the expiration of his period of office, and appoint another qualified person in his stead : the person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

DIVIDENDS.

64. The Directors may, with the sanction of the Company in general meeting, declare a dividend to be paid to the shareholders in proportion to their shares.

65. The

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65. The Directors may, before recommending any dividend, set aside out of the profits of the Company such sum as they think proper as a reserved fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the works connected with the business of the Company, or any part thereof; and the Directors may invest the sum so set apart as a reserved fund upon such securities as they, with the sanction of the Company, may select.

66. The Directors may deduct from the dividends payable to any shareholder all such sums of money as may be due from him to the Company on account of calls or otherwise.

67. Notice of any dividend that may have been declared shall be given to each shareholder, or sent by post or otherwise to his registered place of abode; and all dividends unclaimed for three years, after having been declared, may be forfeited by the Directors for the benefit of the Company.

68. No dividend shall bear interest as against the Company.

ACCOUNTS.

69. Once at the least in every year the Directors shall lay before the Company in general meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such meeting.

70. The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the expense of the establishment, salaries, and other like matters; every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance of profit and loss may be laid before the meeting; and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole amount of such item shall be stated, with the addition of the reasons why only a portion of such expenditure is charged against the income of the year.

71. A balance-sheet shall be made out in every year, and laid before the general meeting of the Company; and such balance-sheet shall contain a

M

summary

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summary of the property and liabilities of the Company arranged under the heads appearing in the Form annexed to this Table, or as near thereto as circumstances admit.

72. A printed copy of such balance-sheet shall, seven days previously to such meeting, be delivered at or sent by post to the registered address of every shareholder.

AUDIT.

73. The accounts of the Company shall be examined, and the correctness of the balance-sheet ascertained by one or more Auditor or Auditors to be elected by the Company in general meeting.

74. If not more than one Auditor is appointed, all the provisions herein contained relating to Auditors shall apply to him.

75. The Auditors need not be shareholders in the Company: no person is eligible as an Auditor who is interested otherwise than as a shareholder in any transaction of the Company; and no Director or other Officer of the Company is eligible during his continuance in office.

76. The election of Auditors shall be made by the Company at their ordinary meeting, or, if there are more than one, at their first ordinary meeting in each year.

77. The remuneration of the Auditors shall be fixed by the Company at the time of their election.

78. Any Auditor shall be re-eligible on his quitting office.

79. If any casual vacancy occurs in the office of Auditor, the Directors shall forthwith call an extraordinary general meeting for the purpose of supplying the same.

80. If no election of Auditors is made in manner aforesaid, the local Government may, on the application of one-fifth in number of the shareholders of the Company, appoint an Auditor for the current year, and fix the remuneration to be paid to him by the Company for his services.

81. Every

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81. Every Auditor shall be supplied with a copy of the balance-sheet, and it shall be his duty to examine the same with the accounts and vouchers relating thereto.

82. Every Auditor shall have a list delivered to him of all books kept by the Company, and he shall at all reasonable times have access to the books and accounts of the Company; he may, at the expense of the Company, employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts examine the Directors or any other Officer of the Company.

83. The Auditors shall make a report to the shareholders upon the balance-sheet and accounts; and in every such report they shall state whether, in their opinion, the balance-sheet is a full and fair balance-sheet, containing the particulars required by these regulations, and properly drawn up so as to exhibit a true and correct view of the state of the Company's affairs; and in case they have called for explanations or information from the Directors, whether such explanations or information have been given by the Directors, and whether they have been satisfactory; and such report shall be read, together with the report of the Directors, at the ordinary meeting.

NOTICES.

84. Notices requiring to be served by the Company upon the shareholders may be served either personally, or by leaving the same, or sending them through the post in a letter addressed to the shareholders, at their registered places of abode.

85. All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to which ever of the said persons is named first in the Register of shareholders; and notice so given shall be sufficient notice to all the proprietors of such share.

FORM OF BALANCE-SHEET REFERRED TO IN TABLE B.

Dr. BALANCE-SHEET of the Co. made up to 18 Cr.

CAPITAL AND LIABILITIES.			PROPERTY AND ASSETS.				
		Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	
L CAPITAL	1	Showing The total amount received from the Shareholders ; showing also (a) The number of Shares - (b) The Amount paid per Share - (c) If any arrears of Calls, the Nature of the Arrear, and the Names of the Defaulters. Any Arrears due from any Director or Officer of the Company to be separately stated. (d) The particulars of any forfeited Shares.			III PROPERTY held by the Company	4	Showing Immoveable Property, distinguishing (a.) Land (describing tenure). (b) Buildings. 5 Moveable Property, distinguishing (c) Stock-in-Trade. (d.) Plant. (The Cost to be stated with Deduction for Deterioration in Value as charged to the Reserve Fund or Profit and Loss.)
II. DEBTS AND LIABILITIES of the Company	2	Showing The Amount of Loans on Mortgage or Debenture Bonds.			IV. DEBTS owing to the Company	6	Showing Debts considered good for which the Company hold Bill, or other Securities.
	3	The Amount of Debts owing by the Company, distinguishing— (a.) Debts for which Acceptances have been given (b.) Debts to Tradesmen for Supplies of Stock-in-Trade or other Articles. (c.) Debts for Law Expenses. (d.) Debts for Interest on Debentures or other Loans. (e.) Unclaimed Dividends. (f.) Debts not enumerated above.				7	Debts considered good for which the Company hold no Security.
VI. RESERVE FUND		Showing The amount set aside from Profits to meet contingencies.			V. CASH AND INVESTMENT	8	Debts considered doubtful and bad. Any Debt due from a Director or other Officer of the Company to be separately stated.
VII. PROFIT AND LOSS		Showing The disposable Balance for Payment of Dividend, &c.				9	Showing The Nature of Investment and Rate of Interest.
CONTINGENT LIABILITIES		Claims against the Company not acknowledged as Debts. Monies for which the Company is contingently liable.				10	The Amount of Cash, where lodged, and if bearing Interest.

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FORM

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FORM C.

*Memorandum of Association of "The _____ Company, Limited," with
Articles of Association annexed.*

MEMORANDUM OF ASSOCIATION.

1. THE name of the Company is "The _____ Company, Limited."
2. The registered Office of the Company is to be established in _____
3. The objects for which the Company is established are _____
4. The liability of the shareholders is "Limited."
5. The capital of the Company is Rupees _____, divided into
shares of Rupees _____ each.

We, the several persons whose names are subscribed, are desirous of being formed into a Company, in pursuance of this Memorandum of Association; and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names.

Names and addresses of Subscribers.	Number of shares taken by Subscribers.
1. A. B.....	
2. B. C.....	
3. C. D.....	
4. E. F.....	
5. G. H.....	
6. I. J.....	
7. K. L.....	
Total shares taken.....	

Witness to the above Signatures.

A. B.

N

Articles

Articles of Association of the

Company, Limited.

. It is agreed as follows :—

1. No shareholder shall transfer his shares without the consent of the Directors expressed in writing.

2. If any shareholder feels aggrieved with the refusal of the Directors to allow him to transfer his shares, the matter shall be settled by arbitration.

3. Calls on the shares of the Company, not considered as paid-up shares, shall be made at such time as the Directors think fit ; but no call shall exceed One hundred Rupees per share.

4. The Company shall not be obliged to register the transferee under the regulations numbered 13 and 14 in the Table B, unless he is approved by the Directors ; but in the event of their disapproving, the matter may be decided by arbitration.

5. The regulations of Table B as to general meetings, numbered 23, 24, and 26, shall not apply.

6. The first general meeting of the Company shall be held on the first day of _____ next, and subsequent general meetings shall be held on the first day of _____ in every succeeding year, or, if that day is a Sunday, on the succeeding Monday.

7. An extraordinary general meeting may be summoned at any time by any two shareholders of the Company.

8. All matters in question between the shareholders shall be decided by an arbitrator appointed by _____

9. The regulation of Table B as to votes of shareholders, numbered 30, shall not apply ; and every shareholder shall have one vote in respect of every share that he holds.

The

ACT No. XIX OF 1857.

The several persons hereinafter named, subscribers to the Memorandum of Association, shall be the first Directors of the Company, that is to say, A. B., B. C., C. D., E. F., G. H., and I. J.,

Names and addresses of Subscribers.

1. A. B.
2. B. C.
3. C. D.
4. E. F.
5. G. H.
6. I. J.
7. K. L.

Witness to the above Signatures.

A. B.

TABLE D.

TABLE OF FEES.

	<i>Rs.</i>	<i>A.</i>	<i>P.</i>
For Registration of a Company whose nominal capital does not exceed 10,000 Rupees	50	0	0
For every 10,000 Rupees of nominal capital, or part of 10,000 Rupees, after the first 10,000 Rupees, and up to 10,00,000 Rupees, an additional fee of	2	8	0
For every 10,000 Rupees, or part of 10,000 Rupees, after the first 10,00,000 Rupees, an additional fee of	0	8	0
For Registration of any increase in the Capital of a Company, for every 10,0000 Rupees, or part of 10,000 Rupees, up to 10,00,00 Rupees in the whole	2	8	0
For every 10,000 Rupees, or part of 10,000 Rupees, beyond the first 10,00,000 Rupees, an additional fee of	0	8	0
For registering any document hereby required or authorized to be registered other than the Memorandum of Association, a fee of	2	8	0
For making a record of any fact hereby authorized or required to be recorded by the Registrar of Companies, a fee of ...	2	8	0

FORM E.

FORM E.

Summary of Capital and Shares of the _____ Company, made up to the _____ day of _____

Nominal Capital Co.'s Rupees _____ divided into _____ Shares of Co.'s Rupees _____ each.

Number of shares taken up to the _____ day of _____

There has been called up on each share Co.'s Rupees _____

Total amount of calls received Co.'s Rupees _____

Total amount of calls unpaid Co.'s Rupees _____

Total amount of shares forfeited Co.'s Rupees _____

List of persons holding shares in the _____ Company on the _____ day of _____ and of persons who have held shares thereon at any time during the year immediately preceding the said _____ day of _____ showing their names and addresses and an account of the shares so held.

Folio in Register Ledger containing particulars.	NAMES, ADDRESSES, AND OCCUPATIONS.			ACCOUNT OF SHARES.				REMARKS.	
	Name.	Address.	Occupation if any, or other description.	Shares held by existing shareholders on the day of	Additional shares held by existing shareholders during preceding year.		Shares held by persons no longer shareholders.		
					Number.	Date of transfer.	Number.		Date of transfer.

ACT No. XIX OF 1857.

FORM F.

ACT No. XIX OF 1857.

FORM F.

FORM OF TRANSFER OF SHARES.

* These words will be omitted if no consideration is paid.

I of (in consideration of the sum of paid to me by of)* do hereby transfer to the said share [or shares] numbered in "The Company" standing in my name in the books of the Company, to hold unto the said his executors, administrators, representatives, or assigns [or successors and assigns] subject to the several conditions on which I held the same at the time of the execution hereof; and I the said do hereby agree to take the said share [or shares] subject to the same conditions. As witness our hands, the day of



ACT No. XX OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 10th July 1857.)

AN ACT to amend Act IX of 1850.

Preamble. WHEREAS it is expedient that authority should be given to vary the rate of diet-money to be deposited for the subsistence of persons imprisoned under Act IX of 1850; It is enacted as follows:—

I. Whenever, with reference to the price of provisions in any Presidency, the Governor in Council shall be of opinion that the rate of diet-money prescribed in Section LXII of Act IX of 1850 is insufficient for the subsistence of persons imprisoned under that Act, it shall be lawful for the Governor in Council from time to time to fix such other rate, not exceeding three annas for each day, as may to him seem sufficient.

Government empowered to regulate the rate of diet-money prescribed in Section LXII, Act IX of 1850.

II. It shall be lawful for a Judge of a Court of Small Causes holden under the said Act, in case of illness or for other special cause, to order that the diet-money to be deposited for the subsistence of a prisoner taken in execution under a warrant of the Court shall be deposited after such rate, not exceeding six annas for each day, as may to him seem necessary. Every such order may from time to time be revised and altered on due cause being shown.

Court may vary the rate, in case of illness or for other special cause.

Construction. III. This Act shall be read with and taken as a part of Act IX of 1850.

ACT No. XXI OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 10th July 1857.)

AN ACT to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah.

WHEREAS Acts have been passed for regulating the Police and for the
Conservancy and improvement of the Town of Calcutta
and of the other Presidency Towns; and whereas large
portions of the Suburbs of the said Town of Calcutta and of the Station of
Howrah are not less populous than parts of the said Town, and it will conduce
to the order and good government of the said Suburbs and Station that some
of the provisions of the said Acts, with certain necessary modifications, should
be extended to the said Suburbs and Station: It is enacted as follows:—

I. Whoever is charged with having committed any of the offences
mentioned in this Act within the limits of the said Sub-
urbs or Station, as described in the Schedule hereunto
annexed, may be tried for any such offence by the Magistrate within whose
jurisdiction the offence is alleged to have been committed, and on conviction,
may be sentenced by such Magistrate to the punishment hereinafter prescribed
for the offence.

II. *Clause 1.*—Whoever has in his possession, or conveys in any man-
ner, any thing which may be reasonably suspected of
being stolen or fraudulently obtained, shall, if he fail to
account satisfactorily how he came by the same, be liable
to a penalty not exceeding one hundred Rupees, or to imprisonment, with
or without hard labor, for any term not exceeding three months.

a

Clause 2.—If

ACT No. XXI of 1857.

Clause 2.—If any person, charged with having or conveying any thing stolen or fraudulently obtained, shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant, to convey the same for some other person, the Magistrate may cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed (provided that such other person shall be alleged to have had possession of the same within the jurisdiction of such Magistrate) to be brought before him and examined, and shall examine witnesses touching the same; and if it appear to such Magistrate that any person so brought before him had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to a penalty not exceeding one hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Power to summon persons declared to have had possession of stolen property within the jurisdiction of the Magistrate.

Penalty if such possession fraudulent.

III. Any person found, between sun-set and sun-rise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any offence against the person or property of another; any reputed thief found, between sun-set and sun-rise, on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found, between sun-set and sun-rise, having his face covered or otherwise disguised, with intent to commit any such offence as aforesaid; any person found, between sun-set and sun-rise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking, shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months; and any such person may be taken into custody by any Police Officer without a warrant.

Apprehension and punishment of reputed thieves, &c.

IV. Whoever, not being a soldier or sailor in the Army or Navy of the Queen or the East India Company, or a Police Officer, goes armed with any sword, spear, gun, or other offensive weapon, in any street, thoroughfare, or public place, unless by leave of the Magistrate,

Penalty for carrying arms without authority.

ACT No. XXI OF 1857.

Magistrate, shall be liable to be disarmed by any Police Officer; and the weapon so seized shall be forfeited to the Government, unless redeemed by payment of a fine, at the discretion of the Magistrate, not exceeding ten Rupees.

V. If any person, having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for the Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty Rupees in the whole, as to the Magistrate shall seem reasonable; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner in which fines may be levied, or may order him to be imprisoned, with or without hard labor, for any term not exceeding one month. Provided always that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child, justifying such reduction.

VI. Whoever wilfully harbours or conceals any seaman or apprentice belonging to a merchant vessel, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable to a fine not exceeding one hundred Rupees.

VII. On the complaint of three or more householders, that a house in their immediate neighbourhood is used as a common brothel or lodging-house for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the Magistrate may summon the owner or tenant of the house to answer the complaint; and on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees for every day thereafter that the house shall be so used.

VIII. Except

ACT No. XXI of 1857.

VIII. Except as hereinafter provided, no license shall be granted by the Collector for the sale by retail of any spirituous or fermented liquors in any Hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy Shop, or other place of public resort and entertainment, without the concurrence of the Magistrate.

Licenses for retail sale of spirituous or fermented liquors to be granted with concurrence of Magistrate.

If a difference should arise between the Collector and the Magistrate respecting the grant of any such license, the case shall be reported to the Commissioner of Revenue and Circuit; and the decision of the Commissioner, subject to the orders and control of the Lieutenant-Governor of Bengal, shall be final.

IX. Whenever any person, being the keeper of any such house or place of public resort and entertainment as aforesaid, is convicted of any of the offences specified in Section XLV Act XXI of 1856, the Magistrate may, if he think proper, apply to the Collector to revoke the license granted by him to such person; and upon such application the Collector shall forthwith revoke such license.

Revocation of license.

X. Whoever, being the owner or occupier, or having the use of any house, room, or place, keeps or uses the same as a common gaming-house; and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be kept or used by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, or place so kept or used; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place—shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for owning or keeping, or having charge of, a gaming-house, &c.

XI. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable to a fine not exceeding one hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Penalty for being found playing in a gaming-house.

XII. If

ACT No. XXI OF 1857.

XII. If the Magistrate, upon information on oath, and after such enquiry as he may think necessary, has reason to believe that any house, room, or place is used as a common gaming-house, he may, by his warrant, give authority to any superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place ; and to take into custody all persons whom he finds therein, whether or not then actually gaming ; and to seize all instruments of gaming, and all monies, and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein ; and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody ; and to seize and take possession of all instruments of gaming found upon such search.

XIII. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein, to be forfeited, or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

XIV. The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under Sections X and XI of this Act, or any part of the monies, or proceeds of articles seized, and ordered to be forfeited under Section XIII, to be paid to an informer.

XV. A Police Officer may apprehend without warrant any person found gaming with cards, dice, counters, money, or other instruments of gaming, in any public street, place, or thoroughfare ; and such person shall be liable to a fine not exceeding twenty Rupees,

ACT No. XXI of 1857.

or to imprisonment, with or without hard labor, for any term not exceeding one month ; and such instruments of gaming and money shall be forfeited.

XVI. If any property regarding which written or printed information shall be given by any Police Officer to any pawn-broker, or dealer in second-hand property, or money-changer, as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the possession of or be offered in pawn or for sale or change to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information at the nearest Police Office, that certain property, answering the description of the said property, was offered to him, or is in his possession, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty not exceeding fifty Rupees for each and every such neglect or offence ; provided always that, in the case of wearing apparel or other articles, which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

XVII. If any pawn-broker or dealer in second-hand goods, or worker in gold or silver, after receiving information of the theft, or the embezzling, or the fraudulent disposal of any metals, goods, or articles of whatsoever description, melts, alters, defaces, or puts away the same, or causes the same to be melted, altered, defaced, or put away, without having previously received the permission of the Magistrate, and it shall be found that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of by the person from whom such pawn-broker, dealer, or worker received the same, or by any other person, then and in such case it shall be held that such pawn-broker, dealer, or worker knew that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of ; and such pawn-broker, dealer, or worker shall be proceeded against according to law as a receiver of stolen goods, or as being a party to the fraud, and punished accordingly ; and no other evidence of his guilt shall be necessary than evidence of such melting, altering, defacing, or putting away, after receiving information as aforesaid.

If stolen articles be altered or defaced by broker, after information of the theft, he shall be deemed a receiver of stolen goods.

XVIII. Whoever

ACT No. XXI OF 1857.

XVIII. Whoever manufactures Gunpowder, or without a license from the
Magistrate has in his possession, in any house, shop, ware-
house, or other building, at any one time, a greater quan-
tity of Gunpowder than ten pounds, shall be liable to a fine not exceeding two
hundred Rupees, and also to forfeit such Gunpowder so manufactured or pos-
sessed, together with the vessel or receptacle in which it may be contained.

XIX. The Magistrate may grant to any person a license for the sale or
keeping in deposit of any quantity of Gunpowder not
exceeding fifty pounds, on such conditions, and for such term
not exceeding one year, as shall be specified in the license ;
and any person, who shall be guilty of a breach of any of such conditions, shall
be liable to a fine not exceeding one hundred Rupees, and to forfeit all Gun-
powder so kept in deposit contrary thereto, and the vessels containing it, and
also to forfeit his license.

XX. Whoever is found drunk and incapable of taking care of himself
or is guilty of any riotous or indecent behaviour in any
street or thoroughfare or in any place of public amuse-
ment or resort, and whoever is guilty of violent behaviour in
any Police Office, shall be liable to a fine not exceeding twenty Rupees,
or to imprisonment, with or without hard labor, for a term not exceeding
fourteen days.

XXI. Whoever wilfully and indecently exposes his person, or commits
a nuisance by easing himself in or by the side of or near
to any public street or thoroughfare or place, shall be liable
to a fine not exceeding ten Rupees, or, in default of payment thereof, to
imprisonment, with or without hard labor, for a term not exceeding
fourteen days.

XXII. Whoever in any public road, street, thoroughfare, or place, begs
or applies for alms, or exposes or exhibits any sores, wounds,
bodily ailment, or deformity, with the object of excit-
ing charity or of obtaining alms ; or whoever seeks for or obtains alms, by
means of any false statement or pretences—shall be liable to imprisonment,
with or without hard labor, for any term not exceeding one month.

XXIII. Whoever

ACT No. XXI of 1857.

XXIII. Whoever, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable to a fine not exceeding twenty Rupees:—

Penalty for the following offences in public streets, &c.

1. Whoever drives or rides any animal, or drives any vehicle, in a manner so rash or negligent as to indicate a want of due regard for the safety of others.

Furious or negligent driving or riding.

2. Whoever negligently lets loose any horse, or suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal.

Letting loose horses, ferocious dogs, &c.

3. Whoever being in charge of a cart, carriage, or horse, leaves it at such a distance as not to have the same under due control.

Leaving cart, &c., without control.

4. Whoever fastens any animal so as to cause obstruction or danger to passengers.

Obstruction to passengers by fastening animals.

5. Whoever cruelly beats, abuses, or tortures any animal.

Ill-treating animals.

6. Whoever sets fire to or burns any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off or throws any fire-work, or sends up any fire-balloon.

Lighting fires and discharging guns, fire-works, &c.

XXIV. Within such parts of the said Suburbs or Station as shall be from time to time defined by the Magistrate with the sanction of the Lieutenant Governor of Bengal, whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any metal instrument or utensil, between the hours of ten at night and four in the morning, in any public street, road, or thoroughfare, so as to disturb the repose of the inhabitants, except when permitted by the Magistrate on occasions of festivals and ceremonies, shall be liable to a fine not exceeding twenty Rupees.

Beating drums, tom-toms, &c.

XXV. Whoever

ACT No. XXI of 1857.

XXV. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-ware, or other rubbish, in any street, or on any public quay jetty, ghaut, or landing place, except in such places and in such manner and at such hours as shall be fixed by the Magistrate; or throws or puts, or permits his servants to throw or put, any such substances into any public sewer or drain, or into any drain communicating therewith—shall be liable to a fine not exceeding ten Rupees.

XXVI. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any street; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street—shall be liable to a fine not exceeding ten Rupees.

XXVII. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public street or road, or in or over any open drain, sewer, or aqueduct along the side of any such street or road after the passing of this Act, shall be liable to a fine not exceeding one hundred Rupees; and the Magistrate shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

XXVIII. Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any public street, without the consent in writing of the Magistrate, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

XXIX. The Magistrate may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which, after the passing of this Act, shall be erected or placed against

ACT No. XXI of 1857.

or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects, or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Magistrate; and in default thereof, shall be liable to a fine not exceeding two hundred Rupees; and the Magistrate in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

XXX. The Magistrate may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building, in any public street before the passing of this Act, to be removed or altered as he shall think fit; provided that he give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, he shall make reasonable compensation to every person who suffers damage by such removal or alteration.

Removal of existing projections from houses.

Notice of removal.

Compensation when to be made.

XXXI. When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be re-built or altered, the Magistrate may require the same to be set back to or towards the line of the street or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of any such house or building for any damage he may thereby sustain. If any dispute shall arise touching the amount of compensation to be allowed under this or the preceding Section, the same shall be settled in the manner provided by the laws in force for the settlement of disputes respecting compensation for lands taken for public purposes.

Houses projecting beyond line of street when taken down to be set back.

XXXII. The

ACT No. XXI of 1857.

XXXII. The Magistrate may give notice to the owner or occupier of any land to cut and trim any hedges and trees Power to trim hedges and trees bordering roads. overhanging any public road or street, so as to obstruct the passage or to cause damage thereto ; and in the event of such notice not being complied with within eight days from the date thereof, the Magistrate may cause the said hedges and trees to be cut and trimmed in the manner required ; and the expense incurred by the Magistrate in respect thereof shall be paid by the owners, and shall be recoverable as hereinafter provided.

XXXIII. If, in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Magistrate to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, he may cause notice in writing to be given to the owner, if he be known and resident within the limits of his jurisdiction, and may also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require ; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Magistrate may cause all or so much of such house, building, wall, or thing, as he shall think necessary, to be taken down, repaired, or otherwise secured ; and all the expenses shall be paid by the owner of the premises, and shall be recoverable from him as hereinafter provided.

XXXIV. If any such house, building, or wall, or any part of the same, Sale of materials of ruinous houses. be pulled down by virtue of the powers aforesaid, the Magistrate may sell the materials thereof, or of so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall on demand. The Magistrate, although he sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said

ACT No. XXI of 1857.

said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to him for compelling the payment of the whole of the said expenses.

XXXV. Whoever, being the occupier of a house in or near any street, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, and to cleanse and purify the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty on occupier of a house not removing filth.

XXXVI. Whoever, being the owner or occupier of any house, building, or land, in or near any street, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation, shall be liable to a fine not exceeding fifty Rupees, and to a fine not exceeding five Rupees for every day after conviction for such offence during which the offence is continued.

Filthy houses, &c.

XXXVII. Whoever, being the owner or keeper of any Cattle, Sheep, or Pigs, suffers the stall, pen, or place in which they are kept, in or near any street, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees.

Penalty for keeping sheep-pen, &c., in a filthy state.

XXXVIII. The Magistrate may license such necessaries for public accommodation as he, from time to time, may think proper; and whoever keeps any public necessary without such license, or, having a license for a public necessary, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty Rupees; and the license may be cancelled.

Licensing of public necessaries.

XXXIX. Whoever, being the owner of any private drain, privy, or cesspool, neglects or refuses, after warning from the Magistrate, to keep the same in a proper state, shall be liable to a fine not exceeding fifty Rupees.

Penalty for keeping private drain, &c., in improper state.

XL. Whoever

ACT No. XXI OF 1857.

XL. Whoever bathes in any public tank, the water of which shall have been declared by the Magistrate to be appropriated to the domestic use of the inhabitants; or washes, or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing; or throws, puts, or casts, or causes to enter therein, any animal, or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing; or causes or suffers to run, drain, or be brought thereunto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him or flowing from any house or building or from any ground occupied by him; or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted—shall be liable to a fine not exceeding fifty Rupees.

Fouling water by—
Bathing.
Washing.

Throwing rubbish,
&c.

Allowing drain water to flow into a public tank.

XLI. When any tank or other excavation containing waste or stagnant water, the same being within any private enclosure, appears to the Magistrate to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Magistrate to require, by notice in writing, the owner of the premises to cleanse or fill up such tank or excavation; and if he do not begin to cleanse or fill up the same within one week after such notice, and do not complete such work with due diligence, the Magistrate, his officers, and workmen, may enter into the said premises and do all necessary acts for the purpose aforesaid as he shall think fit; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Power to fill up unwholesome tanks on private premises.

XLII. The Magistrate may, from time to time as he shall see fit, drain off into any sewers, and cleanse and fill up, or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to him to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise.

Power to drain off and cleanse stagnant pools in open places.

ACT No. XXI OF 1857.

XLIII. No person intending to build, or take down, alter, or repair any building, shall deposit any building materials, or make a hole in any street, without the permission of the Magistrate ; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, and shall cause the same to be sufficiently lighted during the night ; and whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Magistrate.

Penalty for not lighting deposits of building materials or excavations.

XLIV. If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Magistrate shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom ; and the expenses of such repair, protection, or enclosure, shall be paid by the owner of the property so repaired, protected, or enclosed, and shall be recoverable as hereinafter provided.

Places dangerous to passengers to be repaired or enclosed.

XLV. No place, which is not used as a slaughter-house at the time of the passing of this Act, shall be so used without a license in writing from the Magistrate ; and whoever uses as a slaughter-house any place not so used at the time of the passing of this Act, without such license, shall be liable to a fine not exceeding one hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

Penalty for establishing a slaughter-house without license, after passing of Act.

XLVI. Every owner or occupier of any slaughter-house, or of any market or shop for the sale of butcher's meat, fish, or vegetables, shall keep the same in a cleanly and proper state, and shall admit at all reasonable hours any person authorized by the Magistrate to enter and inspect the same ; and the owner or occupier of any such slaughter-house, market, or shop, which shall not be kept in a cleanly and proper state, shall be liable for every default to a fine not exceeding twenty Rupees.

Penalty for keeping slaughter-house in improper state.

XLVII. *Within

ACT No. XXI OF 1857.

XLVII. Within the limits which shall be prescribed for the purposes of this Section by the Lieutenant-Governor of Bengal, no place shall be newly used, except under license from the Magistrate, for any of the following purposes, namely, for melting tallow—or for boiling offal or blood—or as a soap-house—oil-boiling house—dyeing house—tannery—brick, pottery, or lime kiln—sago manufactory—or other manufactory or place of business from which offensive or unwholesome smells arise—or as a yard or depôt for hay, straw, wood, or coal; and whoever, without a license, uses any such place for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

XLVIII. No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant-Governor of Bengal, without a license from the Magistrate; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground, made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

XLIX. If, upon the evidence of competent persons, it shall appear to the Magistrate that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a convenient place for interment or burning, as the case may be, exists within a convenient distance and is available, the Magistrate, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground; and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

L. It shall be lawful for the Magistrate, by order in writing to be affixed at the principal Police Stations and also to be published in some public newspaper, to appoint from time to time certain

Penalty for establishing offensive and dangerous trades within certain limits.

No burial or burning place henceforth to be constructed without leave of Magistrate.

Magistrate may order certain burial or burning places to be closed.

Penalty for burying or burning in such places.

Stray dogs.

certain

ACT No. XXI OF 1857.

certain periods within which any dogs, found straying in the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

Police Officer may arrest without warrant on view of offence.

LI. Any Police Officer may arrest without a warrant any person committing in his view any offence against this Act, if the name and address of such person be unknown to him.

Police Officer may take into custody, without warrant, persons charged with aggravated assault recently committed.

LII. Any Police Officer may take into custody, without a warrant, any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender.

Persons taken into custody by a Police Officer without warrant may be detained in Police Office until brought before a Magistrate or bailed.

LIII. Every person taken into custody without a warrant by a Police Officer under this Act shall be taken to the nearest Police Office, in order that such person may be detained until he can be brought before the Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before the Magistrate. Any person so detained and not entering into recognizances shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.

Procedure on information or complaint laid before the Magistrate of an offence against this Act.

LIV. Upon any information or complaint laid before the Magistrate of any offence committed against this Act, the Magistrate may summon the person charged to appear at a time to be mentioned in the summons; or, if he see sufficient cause for so doing, may issue a warrant for his apprehension. The provisions of the general Regulations of the Bengal Code and Acts of the Government of India for the time being in force, relative to the issue and service of summonses and warrants, to the summons, attendance, and examination of witnesses, and generally to the trial of cases, to the recovery of fines and penalties, and to appeals against orders and sentences passed by a Magistrate, shall be applicable to all cases under this Act. Provided that, in all

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all cases of offences punishable with fine only, if after due service of summons the person charged shall not appear in pursuance thereof, the Magistrate, at his discretion, may hear and determine the case in his absence. Provided also that no appeal shall lie from any order of a Magistrate passed with the sanction of the Lieutenant-Governor of Bengal, under Section XLIX of this Act.

LV. In all cases where any costs or expenses are by this Act directed to be paid, the amount of the same shall be ascertained and determined by the Magistrate; and the Magistrate may, for that purpose, summon the parties, and examine them and the witnesses on their behalf; and such amount, together with the costs of the enquiry, shall be recoverable in the same manner as fines may be recovered.

LVI. Any Joint Magistrate or Deputy Magistrate duly authorized to exercise the powers of a Magistrate, and any Assistant vested with special powers, may, in cases referred to him by the Magistrate, exercise all the powers vested in a Magistrate by this Act.

LVII. All fines imposed and levied under this Act shall be applied in aid of any fund applicable to Police and Conservancy purposes in the said Suburbs or Station; and all costs and expenses which the Magistrate is hereby authorized to incur, shall be paid from and repaid to such fund; or, if there be no such fund, all such fines as aforesaid shall be applied by the Magistrate to the cleansing or otherwise improving of the said Suburbs or Station.

LVIII. With respect to all matters expressly provided for by this Act, and within the limits subject to the same, the provisions of this Act shall be held to supersede the provisions of Act XXI of 1841.

LIX. In the construction of this Act, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include females.

ACT No. XXI OF 1857.

SCHEDULE

Of Places included in the Suburbs of Calcutta and Station of Howrah.

—
SUBURBS OF CALCUTTA.

The Villages composing the Government Estate of Panchanogram, and all lands belonging to any other Estate which are situate within the general limits of the said Government Estate.

Garden Reach or Moocheekhola.
Ramnugger.
Singeratee.
Indree.
Sonaie.
Borrberiah.
Rajahrampoor.
Bhookylas.
Dukhin Sherepoor.
Kiddérpoor.
Bykantpoor.
Adee Gunga Chur.
Ramchrunderpoor.
Ekbalpoor.
Mominpoor.
Balrampoor.
Alleepoor.
Jeeraut.
Radhanuggur.
Gopalnuggur.
Doorgapoor.
Chetlah.
Jarool.
Dowlutpoor.
Sonadanga.
Manjrat.
Moyapoor.
Shurhurpoor.

STATION

ACT No. XXI OF 1857.

STATION OF HOWRAH.

Howrah, (including)

Punchanuntolla.

Jolapara.

Chandmarry (with Tandal Bagan).

North Bettra.

South Bettra.

Ichapoor.

Saunpoor.

Gholadanga.

Ramkistopoor.

Khoorut (with Kasondia).

Chuckerbair.

Santragatchee.

Sathghurra.

Godar Hât (with Kinkur Chatterjea's Hât).

Battore.

Seebpoor (with Baje Seebpoor, Majairhat, Bhurpara, Battatolla, Sreehurrynowpara, Bishop's College, and Company's Botanical Garden).

Puddopookhur.

South Baxara.

North Baxara.

Sulkeah, including

Bandaghat (with Hurrogunge and Banerjeaparrah).

Ghoosery (with Bhat Bagan).

Malipanchghura.

Barrackpoor.

Belloore.

Nukshah.

Chuckpara.

Nelloah.

Belgatchia (with Paikan Belgatchia).

Bamungutchee.

Chowrasta (with Dhurmtolla, Goghatta, and Baboodanga.)

Golabarry (with Pheelkana).



ACT No. XXII OF 1857.

—oo—

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 18th July 1857)

AN ACT to establish and incorporate an University at Bombay.

WHEREAS, for the better encouragement of Her Majesty's subjects of all
Preamble. classes and denominations within the Presidency of
Bombay and other parts of India in the pursuit of a
regular and liberal course of education, it has been determined to establish
an University at Bombay for the purpose of ascertaining, by means of exami-
nation, the persons who have acquired proficiency in different branches of
Literature, Science, and Art, and of rewarding them by Academical Degrees
as evidence of their respective attainments, and marks of honor proportioned
thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient
that such University should be incorporated; It is enacted as follows :
(that is to say)—

Incorporation.

I. The following persons, namely,

The Right Honorable JOHN, LORD ELPHINSTONE,
Governor of Bombay.

The Honorable Sir WILLIAM YARDLEY, Knight,
Chief Justice of the Supreme Court of Judicature at Bombay.

The Right Reverend JOHN HARDING,
Doctor of Divinity, Bishop of Bombay, *Ex-officio*.

The Honorable SIR HENRY SOMERSET, Lieutenant-General,
Knight Companion of the Most Honorable Order of the Bath,
Commander-in-Chief of the Forces in Bombay, *Ex-officio*.

The

ACT No. XXII OF 1857.

The Honorable JAMES GRANT LUMSDEN,
Member of the Council of Bombay, *Ex-officio*.

The Honorable ARTHUR MALET,
Member of the Council of Bombay, *Ex-officio*.

EDWARD IRVINE HOWARD, Esquire,
Director of Public Instruction, *Ex-officio*.

ROBERT HAINES, Esquire, M. D.,
Acting Educational Inspector, Presidency Division, *Ex-officio*.

C. MOREHEAD, Esquire, M. D.,
Principal of the Grant Medical College, *Ex-officio*.

JOHN HARKNESS, Esquire, L. L. D.,
Principal of the Elphinstone College, *Ex-officio*.

The REVEREND JAMES McDUGALL,
Acting Principal of the Poona College, *Ex-officio*.

PHILIP WILLIAM LEGETT, Esquire,
Member of the Legislative Council of India.

The Honorable SIR MATTHEW RICHARD SAUSSE, Knight,
Puisne Judge of the Supreme Court of Judicature at Bombay.

SIR JAMSETJEE JEEJEEBHAY, Knight.

METCALFE LARKEN, Esquire,
Judge of the Sudder Court in Bombay, and President
of the late Board of Education.

JUGGONAUTH SUNKERSETT, Esquire,
Member of the late Board of Education.

BOMANJEE HORMUSJEE, Esquire,
Member of the late Board of Education.

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BHAO DAJEE, Esquire,
Graduate of the Grant Medical College,
Member of the late Board of Education.

MATTHEW STOVELL, Esquire,
Surgeon in the Bombay Army,
Secretary to the late Board of Education.

CLAUDIUS JAMES ERSKINE, Esquire,
Civil Service, late Director of Public Instruction.

WILLIAM EDWARD FRERE, Esquire,
Member of the Royal Asiatic Society, and
President of the Bombay Branch of the Royal Asiatic Society,
Judge of the Sudder Court in Bombay.

Major General CHARLES WADDINGTON,
Companion of the Most Honorable Order of the Bath,
Chief Engineer of Public Works.

The Reverend JOHN WILSON,
Doctor of Divinity, Fellow of the Royal Society,
Honorary President of the Bombay Branch of the Royal Asiatic Society.

The Reverend PHILIP ANDERSON, Master of Arts,
Chaplain on the Bombay Establishment.

HENRY BARTLE EDWARD FREERE, Esquire,
Commissioner in Scinde.

Lieutenant EDWARD FREDERICK TIERNEY FERGUSON, Indian Navy.

MAHOMED YUSOOF MOORGAY, Cazee of Bombay.

JAMES JOHN BERKLEY, Esquire,
Fellow of the Geographical Society, M. I. C. E.,
President of the Bombay Mechanics' Institution, and
Chief Resident Engineer of the Great Indian Peninsular Railway Company.

HENRY

ACT No. XXII OF 1857.

HENRY LACON ANDERSON, Esquire,
Secretary to Government.

being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Bombay; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company.

II. The said Body Corporate shall be able and capable in law to Power to hold and dispose of property. take, purchase, and hold any property, moveable or immoveable, which may becomẽ vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one Constitution of Body Corporate. Vice-Chancellor, and such number of ex-officio and other Fellows as the Governor of Bombay in Council hath already appointed, or shall from time to time, by any order published in the *Bombay Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute Senate. the Senate of the said University. Provided that, if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, Office vacated by leaving India. shall leave India without the intention of returning thereto, his office shall thereupon become vacant.

IV. The Governor of Bombay for the time being shall be the Chancellor of the said University, and the first Chancellor shall Chancellor. be the Right Honorable John, Lord Elphinstone.

V. The

ACT No. XXII OF 1857.

V. The first Vice-Chancellor of the said University shall be Sir William Yardley, Knight. The Office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor herein-before nominated shall go out of Office on the first day of January 1859. Whenever a vacancy shall occur in the Office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor of Bombay in Council shall, by notification in the *Bombay Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that, on any vacancy in the said Office which shall occur by effluxion of time, the Governor of Bombay in Council shall have power to re-appoint the Vice-Chancellor herein-before nominated, or any future Vice-Chancellor, to such Office.

VI. The Chief Justice of Her Majesty's Supreme Court of Judicature, the Bishop of Bombay, the Members of the Council of Bombay, the Director or Acting Director of Public Instruction, the Educational Inspector or Acting Educational Inspector of the Presidency Division, the Principals and Acting Principals of Government Colleges, all for the time being, shall, while filling such Offices, be ex-officio Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than twenty-six; and whenever the number of the said Fellows, exclusive as aforesaid, shall by death, resignation, departure from India, or otherwise, be reduced below twenty-six, the Governor of Bombay in Council shall forthwith, by notification in the *Bombay Gazette*, nominate so many fit and proper persons to be Fellows of the said University as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, twenty-six. But nothing herein contained shall prevent the Governor of Bombay in Council from nominating more than twenty-six persons to be Fellows of the said University if he shall see fit.

VII. The Governor of Bombay in Council may cancel the appointment of any person already appointed or hereafter to be appointed a Fellow of the University; and as soon as such order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

The appointment of a Fellow may be cancelled.

VIII. The

ACT No. XXII OF 1857.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law, or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same; and touching the examination for honors and the granting of marks of honor for a higher proficiency in the different branches of Literature, Science, and Art; and touching the qualifications of the candidates for degrees, and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to and shall have received the approval of the Governor of Bombay in Council.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Senate by the majority of the members present; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman; and, in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

X. The

ACT No. XXII OF 1857.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint, and as they shall see occasion to remove, all Examiners, Officers, and servants of the said University.

Appointment and removal of Examiners and Officers.

XI. The said Chancellor, Vice-Chancellor, and Fellows, shall have power, after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering; they shall also have power, after examination, to confer upon the candidates for the said several degrees marks of honor for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

Power to confer degrees.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate from one of the Institutions authorized in that behalf by the Governor of Bombay in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

Qualification for admission of candidates for degrees.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor, and Fellows, or by other Examiners so to be appointed; and on every such examination the candidates, whether candidates for an ordinary degree, or for a degree with honors, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

Examination for degrees.

XIV. At the conclusion of any examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees,

Grant of degrees.

ACT No. XXII OF 1857.

degrees, and his proficiency in relation to other candidates; and also the honors which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Bombay and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have
Fees. power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University, and for continuance therein, as they, with the approbation of the Governor of Bombay in Council, shall from time to time see fit to impose.

Annual accounts. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University, under the directions and regulations of the Governor of Bombay in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor of Bombay in Council may direct.



ACT No. XXIII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 18th July 1857.)

AN ACT to provide for the good order and discipline of certain Volunteer Corps, and to invest them with certain powers.

WHEREAS, in consequence of the rebellion and disturbances which unhappily exist in many parts of the British territories in India, many loyal subjects of Her Majesty have volunteered their services for the protection of life and property and the preservation of the peace, and have with the sanction of Government associated and enrolled themselves as Military Corps under the command of Officers appointed for that purpose; and it is necessary to provide for the good order and discipline of such Corps, and to invest them with certain powers: It is enacted as follows:—

- I. Every member of any such Corps, or of any other Corps which may be associated or enrolled with the sanction of the Governor General in Council or otherwise according to the provisions of this Act, shall, for all Military offences of which he shall be guilty whilst on actual duty or on parade, be subject to the Articles of War for the European Officers and Soldiers of the East India Company, so far as the same are applicable to Officers and consistent with the provisions of this Act. Provided that no such person shall, for any offence against the said Articles, be subject to the punishment of death.
- Members of Volunteer Corps to be subject to the Articles of War for the European Troops of the East India Company, so far as they are applicable to Officers and consistent with this Act.
- * Proviso.

II. General

ACT No. XXIII OF 1857.

II. General Courts Martial shall be convened and appointed by the Commanding Officer of the Corps with the sanction of the Governor General of India in Council for the trial of Military offences of which any member of such Corps shall be guilty whilst on actual duty; and no sentence of such Court Martial shall be put into execution until after a report of the whole proceedings shall have been made to, and the sentence shall have been confirmed by, the Governor General in Council. The Governor General in Council may commute any such sentence for a less punishment, or pardon the offender.

Appointment of and sentences by General Courts Martial.

III. General Courts Martial shall consist of not less than thirteen members of the Corps; and every member of the Corps, whether an Officer or not, shall be competent to sit and act as a member of such Court Martial.

General Courts Martial.

IV. Regimental Courts Martial may be convened by the Commanding Officer of the Corps, and shall consist of not less than three members of the Corps.

Regimental Courts Martial.

V. The proceedings of Courts Martial convened under this Act shall be conducted according to the laws and customs applicable to Courts Martial held under the said Articles of War for the European Officers and Soldiers of the East India Company, except so far as the same are inconsistent with the provisions of this Act.

Proceedings of Courts Martial.

VI. Any person enrolled as a member of such Corps, whether he shall have been elected or commissioned as an Officer in such Corps or not, may, except whilst on actual duty, quit the Corps upon giving to the Officer commanding the Corps seven days' previous notice in writing of his intention so to do, or without such notice if the Commanding Officer of the Corps shall consider it reasonable to allow him so to do.

Members not on actual duty may quit the Corps after seven days' previous notice in writing, or without notice if allowed by the Commanding Officer.

VII. Every Commission to any member of such Corps, appointing him an Officer in such Corps, shall cease upon the retirement or dismissal of such member from the Corps.

Commissions to Officers to cease on their retirement or dismissal.

VIII. Every

ACT No. XXIII OF 1857.

VIII. Every person who shall have received any arms, ammunition, accoutrements, or uniform belonging to Government, or which shall have been furnished from the public stores or at the public expense, shall, upon his quitting such Corps, or upon his dismissal therefrom, or whenever he shall be required so to do by the Commanding Officer of the Corps, or whenever the said Corps shall be disbanded, deliver up to the Commanding Officer, or such person as he shall appoint to receive the same, all such arms, ammunition, accoutrements, and uniform in good order and condition, reasonable wear thereof only excepted ; and in default thereof he shall pay such sum of money as shall be adjudged by a Regimental Court Martial to be assembled for that purpose by the Commanding Officer of the Corps, which adjudication shall be deemed a judgment and may be enforced by any Court of Civil jurisdiction under the provisions of Acts XXXIII of 1852 and XXXIV of 1855.

Delivery of arms belonging to Government by members quitting the Corps.

IX. No member of such Corps shall be bound, without his consent, to serve or proceed on duty beyond the limits within which he shall have voluntarily engaged to serve or proceed on duty in accordance with the terms upon which the Corps to which he belongs shall have been constituted ; and in case no such limits shall have been fixed, he shall not be liable to serve or proceed on duty beyond four miles from the place at which he was enrolled.

No member bound to serve beyond certain distance.

X. The Commanding Officer of the Corps may frame such general rules as he may think fit for regulating the times at which and the manner in which the duties of the Corps and of the several members or detachments thereof shall be discharged ; and such rules, when sanctioned by the Governor General in Council, shall be binding on the Corps and on the several members thereof.

Commanding Officer to frame rules.

XI. If any member of such Corps, being warned for actual duty other than drill or parade, shall without reasonable excuse neglect to attend such duty, he shall be liable, upon conviction by a General Court Martial, to a fine not exceeding one hundred Rupees, or to simple dismissal from the Corps, or to dismissal from the Corps as unworthy to belong to it.

Punishment for not attending actual duty other than drill or parade.

XII. If

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XII. If any member of such Corps shall without reasonable excuse neglect to attend drill or parade at such times as may be appointed for that purpose, or shall be guilty of any neglect of duty or other Military offence which in the judgment of the Commanding Officer of the Corps will be sufficiently punished by a small fine, he shall be liable to pay such sum, not exceeding fifty Rupees, as a Regimental Court Martial shall adjudge.

Punishment for not attending drill or parade or other Military offence punishable with fine.

XIII. In case any member of such Corps shall neglect or refuse to pay any fine to which he shall be sentenced by any Court Martial, within such time as shall be fixed by the Commanding Officer of the Corps, he may be dismissed by the said Commanding Officer from the said Corps; and every dismissal shall be recorded and reported to the Governor General in Council.

Punishment for non-payment of fine.

XIV. Every sentence of a Court Martial, by which a fine shall be imposed, shall be deemed a judgment and may be enforced by any Court of Civil jurisdiction under the provisions of Acts XXXIII of 1852 and XXXIV of 1855.

Recovery of fines.

XV. Every mounted Officer, and every mounted orderly of such Corps, and every member of such Corps for the time during which he shall belong to a troop of Cavalry in such Corps, shall be at liberty to keep one horse without being liable to pay in respect thereof any tax imposed upon horses.

Exemption from horse-tax.

XVI. It shall be lawful for any member of such Corps, whenever he may be in discharge of his duty as a member of the Corps, and wheresoever he may then be, to disarm any person, not being in the Military or Naval Service of the Queen or of the East India Company, or a Police Officer, who shall be found between sun-set and sun-rise in any public street, thoroughfare, or other public place, armed with a sword, spear, gun, or other fire-arms or warlike instruments without a pass or license for that purpose from the Commissioner of Police or other Officer authorized by Government to grant such pass; and also to disarm any person who may be found armed at any time contrary to law or to any order of Government in any public street, thoroughfare, or other public place; and also to apprehend and deliver

Power to disarm persons.

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deliver over to a Police Officer any person so found armed, in order that he may be dealt with according to law; and the weapon so seized shall be forfeited to Government or otherwise dealt with according to law or to the orders of Government.

XVII. It shall also be lawful for any member of such Corps, whenever he may be on duty, to prevent any disturbance of the public peace; and to disperse any persons whom he may find assembled together to the number of five or more without reasonable cause between sun-set and sun-rise in any public street, thoroughfare, or other public place in which such member of the said Corps may be in the discharge of his duty; and also to apprehend any person against whom there shall be reasonable grounds to suspect that he has committed or is about to commit any offence against the State, or that he has aided or is about to aid any other person in the commission of such offence, or that he has incited or is about to incite any person or persons to mutiny or rebellion, or other offence against the State; and to deliver him over to some Police Officer.

Also to prevent disturbances of the public peace, to disperse unlawful assemblies, and to apprehend certain suspected persons.

XVIII. Whoever assaults or resists, or aids or assists any person in assaulting or resisting, or incites any person to assault or resist, any member of such Corps in the execution of his duty, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding two hundred Rupees, or to imprisonment for any term not exceeding six calendar months with or without hard labour.

Penalty for assaulting or resisting members in execution of their duty.

XIX. The word "Magistrate" shall include Magistrates of Police, Joint Magistrates, and persons exercising the powers of a Magistrate.

Interpretation of the word "Magistrate."

XX. Corps may be enrolled in the Presidencies of Fort St. George and Bombay respectively, or, if the Governor General in Council shall so order, in the Lieutenant Governorship of Bengal, or in the Lieutenant-Governorship of the North-Western Provinces, or in the Punjab, or in the Provinces of Oude or Nagpore, or other place; and all powers hereby vested in, and acts required

Enrolment of Volunteers Corps in the other Presidencies, &c.

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required to be sanctioned or confirmed by, the Governor General of India in Council shall, as regards Corps enrolled in either of the Presidencies of Fort St. George or Bombay respectively, be exercised, sanctioned, or confirmed by the Governor in Council of such Presidency; and, if the Governor General in Council shall so order, may, as regards Corps to be enrolled within their respective jurisdictions, be exercised, sanctioned, or confirmed by the Lieutenant-Governor of Bengal or the Lieutenant-Governor of the North-Western Provinces, or by the Chief Commissioners of the Punjab and Oude respectively, or the Commissioner of Nagpore, or such other Officer as the Governor General in Council shall authorize in that behalf.

XXI. No suit, action, or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act, without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

Limitation of suits, &c.

XXII. Every person who shall have been enrolled in any such Corps before the passing of this Act shall be entitled to the benefit and protection of this Act, and is hereby indemnified for all acts done by him in the discharge of his duty, which he would have been authorized to do by this Act if it had been in force at the time.

Indemnity for acts done before the passing of this Act.

XXIII. A certificate of enrolment in such Corps, signed by the Commanding Officer thereof, shall be *prima facie* evidence of such enrolment without any further proof.

Certificate of Commanding Officer to be evidence of enrolment.

XXIV. The Governor General in Council may disband any Corps enrolled under the provisions of this Act, or remove from the Corps any member thereof, whenever he shall think it necessary or proper so to do.

Power of Governor General to disband Corps or remove members.

XXV. This Act shall not extend to any Volunteers listed or mustered and in pay.

Act not to extend to Volunteers listed or mustered and in pay.



ACT No. XXIV OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 31st July 1857.)



AN ACT to authorize the levy of Port-dues and Fees at the present rates for a further period of six months.

Preamble,
WHEREAS the period during which the dues and fees now usually collected at the several Ports within the territories in the possession and under the Government of the East India Company may be collected at such Ports respectively, as fixed by Act XVI of 1856, will expire on the 13th of August 1857; and it is expedient to extend that period :

Continuance of existing Port-dues and fees for six months.
It is hereby enacted that the dues and fees now usually collected at the several Ports within the said territories, may be collected at such Ports during the period of six months from the 13th of August 1857.



ACT No. XXV OF 1857.

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PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 8th August 1857.)

AN ACT to render Officers and Soldiers in the Native Army liable to forfeiture of property for Mutiny, and to provide for the adjudication and recovery of forfeitures of property in certain cases.

WHEREAS it is expedient to render Officers and Soldiers in the Native Army, who shall be convicted of Mutiny, subject to the forfeiture of all their property, and to provide for the adjudication and recovery of forfeitures in certain cases; It is enacted as follows :—

I. Every Officer and Soldier or other person subject to the Articles of War for the Native Army, who shall be convicted of Mutiny, shall forfeit all his property of every description.

Forfeiture of property on conviction of Mutiny:

II. If any person who shall have committed treason or any offence for which, by this Act, or Act XI of 1857, or Act XIV of 1857, or Act XVI of 1857, his property is declared to be forfeited, shall have been killed, or shall have died, or shall have escaped out of the territories of the East India Company, before he shall have been convicted of the offence, or cannot after diligent search be found; any Court or other authority which might have tried such offender, if he could have been brought to trial, shall, upon the application of the Magistrate or other Officer authorized by Government to make such application, hold an enquiry, and on proof that the person charged with having committed the offence was guilty thereof, and that he is dead, or has escaped out of the territories of the East India Company, or cannot after diligent search be found, shall adjudge that all the property of such offender shall be forfeited to Government.

Adjudication of forfeiture in case of death or escape of offender before conviction of an offence for which property is liable to be forfeited.

III. The

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III. The forfeiture, whether upon conviction of such an offence as aforesaid or upon an adjudication of forfeiture under this Act, shall extend to all property and effects of or to which the offender shall have been possessed or entitled, either at the time of committing the offence, or at the time of the conviction or of the adjudication of forfeiture, or at any intermediate time; and no sale, alienation, or other disposition of such property, made subsequently to the commission of the offence or made at any time with the fraudulent intention of preventing a forfeiture, shall have any effect against the right of Government to the forfeiture.

Forfeiture to extend to all property possessed by the offender at the time of the commission of the offence.

Provided that nothing in this Section contained shall affect any transferee of any negotiable security, who shall prove that he acquired the same in good faith and with due caution for valuable consideration.

Proviso.

IV. All immoveable property of the offender, which shall be alienated after the passing of this Act and before the commission of any offence specified in Section II, shall be forfeited in the same manner as if no such alienation had been made, unless the alienation be made in good faith and for valuable consideration, or unless the same shall have been made and registered more than three months before the commission of the offence.

Forfeiture of land alienated without valuable consideration before the commission of the offence.

Unless alienation made and registered three months before.

V. The Court, or other authority by which the offender shall be convicted or the forfeiture shall be adjudged, may specify in the conviction or adjudication the day on which the offence was committed, if it can be ascertained.

Court may specify in the conviction the day on which the offence was committed.

VI. In any proceeding concerning property alleged to have been forfeited, the conviction shall be conclusive evidence that the offence was committed, and (if the day be specified in such conviction) that the offence was committed on that day; if the day be not specified, the conviction shall be *prima facie* evidence that the offence was committed on the day mentioned in the charge. In any such proceeding, an adjudication of forfeiture under this Act shall be *prima facie* evidence of the commission of the offence, and (if the day

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be specified in the adjudication) that the offence was committed on that day ; if the day be not specified, the adjudication shall be *prima facie* evidence that the offence was committed on the day mentioned in the charge. Any adjudication under this Act shall be filed with and may be proved in the same manner as the records of the Principal Court of Criminal jurisdiction of the District.

VII. After the conviction or adjudication, the Collector or other Chief Officer appointed by Government for the collection of Revenue, or any other Officer whom the Government may specially appoint, may seize and take possession of the forfeited property : if he require the assistance of a Court to enable him to obtain possession of any such property by reason of any dispute respecting the title to the same or for any other cause, the Principal Civil Court of original jurisdiction of the District in which the property is situate may, upon the production of a certified copy of the conviction or adjudication, hear and determine in a summary manner upon petition any matter in dispute relating to such property. Any order which may be passed by the Court shall not be subject to appeal ; but the party against whom the same may be given, by any Court other than one of Her Majesty's Supreme Courts of Judicature, shall be at liberty to bring a suit to establish his right at any time within one year from the date of the order.

VIII. In case any person whose property shall have been so adjudged to be forfeited shall within one year after the seizure of any part of his property as a forfeiture surrender himself, and shall upon trial before a competent Court be acquitted of the offence, his property or the proceeds thereof shall be restored upon proof, to the satisfaction of the Court, that he did not escape or keep out of the way for the purpose of evading justice.

IX. No suit or other proceeding shall be had or taken on account of the seizure of any property seized in pursuance of this Act, or for the restoration or recovery of such property or of the proceeds thereof, unless the same be instituted within one year from the time of the seizure.

X. In

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X. In case it shall appear to a Magistrate that there is reasonable ground to suppose that any person is guilty of any offence specified in Section II of this Act, and that any property liable to forfeiture for the offence is likely to be made away with, it shall be lawful for the Magistrate to attach such property and secure the same until the trial of the offender or until an enquiry for the purpose of adjudication under this Act shall be had.

Power to secure property before forfeiture in certain cases.

XI. The word "Magistrate" in this Act shall include any Officer competent to commit for trial for any offence specified in Section II of this Act.

Interpretation.



ACT No. XXVI OF 1857;



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th September 1857.)

AN ACT for regulating *Ferries in the Settlement of Prince of Wales' Island, Singapore, and Malacca.*

WHEREAS it is expedient to regulate the Public Ferries within the Settlement of Prince of Wales' Island, Singapore, and Malacca;
Preamble. It is enacted as follows:—

I. The Governor of the said Settlement may declare what Ferries within any part of the Settlement shall be deemed Public Ferries; and at any time hereafter may establish new Ferries where they are needed; and may from time to time change the course of any Public Ferry, or discontinue any Public Ferry that is deemed unnecessary.
Governor may establish Ferries.

II. Tolls, according to such rates as shall from time to time be fixed by the Governor, shall be levied upon all passengers, carts, carriages, cattle, and other animals, and on all goods and merchandise carried over any Public Ferry.
Tolls to be fixed by Governor.

III. At every Public Ferry a Toll-keeper shall be appointed, whose duty it shall be to take the lawful tolls.
Toll-keeper.

IV. A Table of tolls, written or printed in the English and Native languages, shall be hung up in some conspicuous place near every Ferry, so as to be easily read by all persons crossing at the Ferry.
Table of tolls.

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V. Every

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V. Every Toll-keeper who shall neglect to hang up and keep in good order and repair such Table of tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding ten Rupees.

Penalty for neglecting to put up a Table of tolls.

VI. Every Toll-keeper who shall ask or take any toll, other than the lawful toll, or who shall without due cause delay any passenger, cart, carriage, animal, or goods, shall be liable to a penalty not exceeding fifty Rupees.

Extortion or misconduct by Toll-keeper.

VII. Every person crossing at any such Public Ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any toll-station without paying the toll, or who shall obstruct any Toll-keeper or any of his assistants in any way in the execution of their duty under this Act; and every person who shall maliciously damage any toll-bar, boat, or any other thing employed in or about any Public Ferry, or who shall maliciously remove, alter, destroy, or damage any Table of tolls hung up as hereinbefore directed—shall be liable to a penalty not exceeding fifty Rupees over and above the value of the damage, if any, which he has done.

Refusal to pay toll, &c.

VIII. All public Ferry-boats shall be numbered and registered as the Governor of the Straits' Settlement shall direct; and the names of all Tindals, or persons placed in charge thereof, and of all Toll-keepers, shall likewise be so registered.

Registry of Ferry-boats.

IX. The Chief Civil Authority of each Station in which there shall be a Public Ferry, shall make rules, subject to confirmation by the Governor of the Straits' Settlement, fixing the number of passengers, carts, carriages, and animals, and the quantity of goods that may be carried in any Public Ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the Ferry-boats in good order, and otherwise for the due discharge of their duty by all Tindals, Toll-keepers, and other persons employed at any Public Ferry: and any Tindal, Toll-keeper, or other person infringing or disobeying any such rule, shall be liable to a penalty not exceeding twenty Rupees,

Bye-laws for regulating Ferry-boats, &c., to be made by Chief Civil Authority.

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Rupees, and also to make good any loss or damage caused thereby, the amount of which shall be summarily ascertained by the Magistrate within whose jurisdiction the offence was committed; and such amount may be recovered as any penalty under this Act may be recovered.

X. Every person who shall convey for hire any passenger, animal, cart, carriage, or goods across any arm of the sea, creek, or river within the said Settlement, to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any Public Ferry, without the special license of the Chief Civil Authority of the Station in which the Ferry is situated, shall be liable to a penalty not exceeding fifty Rupees. Provided that nothing in this Section shall subject to such penalty any person who shall specially let for hire his boat for the conveyance of any other person or his family or goods across any creek or arm of the sea within the said Settlement.

Carrying for hire within three miles of a Ferry without license of Chief Civil Authority, prohibited.

Proviso.

XI. All offences against this Act shall be summarily heard and determined by a Police Magistrate of the Station within the limits of which the same shall have been committed, and all penalties shall be recovered in the manner directed for the levy of fines and penalties by Act XIII of 1856.

Adjudication of penalties.

XII. Every Public Ferry shall be under the control and management of the Municipal Commissioners of the Station in which the same is situate. The said Commissioners shall appoint the Toll-keeper and such other establishment as they may deem sufficient for the purposes of this Act.

Control and management of Ferries.

XIII. All tolls payable at any Public Ferry shall be collected by the Municipal Commissioners of the Station in which the same is situate, and shall form part of the Municipal Fund of that Station. The said Commissioners, with the sanction of the Governor, may grant a lease of any such Ferry for any period not exceeding seven years.

Collection and farming of tolls.



ACT No. XXVII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th September 1857.)

AN ACT to establish and incorporate an University at Madras.

WHEREAS, for the better encouragement of Her Majesty's subjects of all
Preamble. classes and denominations within the Presidency of Fort
St. George and other parts of India in the pursuit of a
regular and liberal course of education, it has been determined to establish an
University at Madras for the purpose of ascertaining, by means of examina-
tion, the persons who have acquired proficiency in different branches of Litera-
ture, Science, and Art, and of rewarding them by Academical Degrees as
evidence of their respective attainments, and marks of honor proportioned
thereunto; and whereas, for effectuating the purposes aforesaid, it is expedient
that such University should be incorporated: It is enacted as follows: (that
is to say)—

Incorporation.

I. The following persons, namely,

The Right Honorable GEORGE FRANCIS ROBERT, LORD HARRIS,
Governor of Fort St. George.

The Honorable SIR CHRISTOPHER RAWLINSON, Knight,
Chief Justice of the Supreme Court of Judicature at Madras.

The Right Reverend THOMAS DEALTRY,
Doctor of Divinity, Bishop of Madras, *Ex-officio*.

The Honorable SIR PATRICK GRANT, Lieutenant-General, Knight Commander
of the Most Honorable Order of the Bath,
Commander-in-Chief of the Forces in Madras, *Ex-officio*.

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The Honorable WALTER ELLIOT,
Member of the Council of Madras, *Ex-officio*.

The Honorable SIR HENRY CONYNGHAM MONTGOMERY, Baronet,
Member of the Council of Madras, *Ex-officio*.

ALEXANDER JOHN ARBUTHNOT, Esquire,
Director of Public Instruction, *Ex-officio*.

EYRE BURTON POWELL, Esquire,
Principal of the Presidency College, *Ex-officio*.

HENRY FORTEY, Esquire,
Acting Principal of the Presidency College, *Ex-officio*.

JAMES KELLIE, Esquire,
President of the Medical College Council, *Ex-officio*.

The Honorable SIR HENRY DAVISON, Knight,
Puisne Judge of the Supreme Court of Judicature at Madras.

THOMAS PYCROFT, Esquire,
Chief Secretary to Government.

EDWARD MALTBY, Esquire,
Acting Chief Secretary to Government.

JAMES DEWAR BOURDILLON, Esquire,
Secretary to Government.

HENRY FORBES, Esquire,
Acting Secretary to Government.

Colonel CHARLES ALFRED BROWNE,
Secretary to Government.

JAMES BLAIR PRELSTON, Esquire,
Physican General.

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The Reverend ROBERT HALLEY, Master of Arts,
Principal of the Doveton College.

J. TOWNSHEND FOWLER, Esquire,
Principal of the Government Normal School.

P. SOOBROYOOLOO NAIDOO,
President of Patcheapah's Institution.

WILLIAM AMBROSE MOREHEAD, Esquire,
Provisional Member of the Council of Madras.

GUY LUSHINGTON PRENDERGAST, Esquire,
Accountant General.

Colonel ARTHUR THOMAS COTTON,
Commandant of Engineers.

Colonel CHARLES EDWARD FABER,
Chief Engineer in the Department of Public Works.

Lieutenant-Colonel THOMAS TOWNSEND PEARS, Companion of the Most
Honorable Order of the Bath,
Consulting Engineer for Railways.

Lieutenant-Colonel GEORGE BALFOUR, Companion of the Most Honorable
Order of the Bath.

The Reverend JOHN RICHARDS, Master of Arts.

Lieutenant-Colonel FREDERICK CONYERS COTTON,
Acting Mint Master.

CHITTUR RUNGANADUM SASTRY,
Head Interpreter in the Supreme Court of Judicature.

JOHN EMELIUS MAYER, Esquire,
Professor of Chemistry and Pharmacy in the Madras Medical College.

The

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The Reverend ROBERT KERR HAMILTON, Master of Arts.

The Reverend GEORGE HALL, Master of Arts.

The Reverend PETER SORENSON ROYSTON, Bachelor of Arts.

JAMES SANDERSON, Esquire,
Surgeon in the Madras Army.

The Reverend JOHN BRAIDWOOD, Master of Arts.

JOHN DAWSON MAYNE, Bachelor of Arts,
Professor of Law, Moral and Mental Philosophy, and Logic, in the Presidency College.

RICHARD BURGASS, Esquire, Master of Arts,
First Judge of the Court of Small Causes.

Lieutenant-Colonel JOHN JOSEPH LOSH, Military Auditor General.

WILLIAM JUDSON VANSOMEREN, Esquire, Doctor in Medicine,
Professor of Anatomy and Physiology in the Madras Medical College.

SAMUEL JESUDASEN, Native Surgeon.

Major JOHN MAITLAND, Superintendent Gun-carriage Manufactory.

The Reverend A. BURGESS,

The Reverend W. GRANT,

being the first Chancellor, Vice-Chancellor, and Fellows of the said University, and all the persons who may hereafter become or be appointed to be Chancellor, Vice-Chancellor, or Fellows as hereinafter mentioned, so long as they shall continue to be such Chancellor, Vice-Chancellor, or Fellows, are hereby constituted and declared to be one Body Politic and Corporate by the name of the University of Madras; and such Body Politic shall by such name have perpetual succession, and shall have a common seal, and by such name shall sue and be sued, implead and be impleaded, and answer and be answered unto, in every Court of Justice within the territories in the possession and under the Government of the East India Company.

II. The

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II. The said Body Corporate shall be able and capable in law to take, ^{Power to hold and dispose of property.} purchase, and hold any property, moveable or immoveable, which may become vested in it for the purposes of the said University by virtue of any purchase, grant, testamentary disposition, or otherwise; and shall be able and capable in law to grant, demise, alien, or otherwise dispose of, all or any of the property, moveable or immoveable, belonging to the said University; and also to do all other matters incidental or appertaining to a Body Corporate.

III. The said Body Corporate shall consist of one Chancellor, one Vice-Chancellor, and such number of ex-officio and other Fellows as the Governor of Fort St. George in Council hath already appointed, or shall from time to time, by any order published in the *Fort St. George Gazette*, hereafter appoint; and the Chancellor, Vice-Chancellor, and Fellows for the time being shall constitute the Senate of the said University. Provided that, if any person being Chancellor, Vice-Chancellor, or Fellow of the said University, shall leave India without the intention of returning thereto, his Office shall thereupon become vacant. ^{Constitution of Body Corporate.} ^{Office vacated by leaving India.}

IV. The Governor of Fort St. George for the time being shall be the Chancellor of the said University, and the first Chancellor shall be the Right Honorable George Francis Robert, Lord Harris. ^{Chancellor.}

V. The first Vice-Chancellor of the said University shall be Sir Christopher Rawlinson, Knight. The Office of Vice-Chancellor shall be held for two years only; and the Vice-Chancellor herein-before nominated shall go out of Office on the first day of January 1859. Whenever a vacancy shall occur in the Office of Vice-Chancellor of the said University by death, resignation, departure from India, effluxion of time, or otherwise, the Governor of Fort St. George in Council shall, by notification in the *Fort St. George Gazette*, nominate a fit and proper person, being one of the Fellows of the said University, to be Vice-Chancellor in the room of the person occasioning such vacancy. Provided that, on any vacancy in the said Office which shall occur by effluxion of time, the Governor of Fort St. George in Council shall have power to re-appoint the Vice-Chancellor herein-before nominated or any future Vice-Chancellor to such Office. ^{Vice-Chancellor.}

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VI. The Chief Justice of Her Majesty's Supreme Court of Judicature, the Bishop of Madras, the Members of the Council of Madras, the Director of Public Instruction, the Principal and Acting Principal of the Presidency College, the President of the Medical College Council, all for the time being, shall, while filling such Offices, be ex-officio Fellows of the said University. The whole number of the Fellows of the said University, exclusive of the Chancellor and Vice-Chancellor for the time being, shall never be less than thirty; and whenever the number of the said Fellows, exclusive as aforesaid, shall, by death, resignation, departure from India, or otherwise, be reduced below thirty, the Governor of Fort St. George in Council shall forthwith, by notification in the *Fort St. George Gazette*, nominate so many fit and proper persons to be Fellows of the said University, as, with the then Fellows of the said University, shall make the number of such Fellows, exclusive as aforesaid, thirty. But nothing herein contained shall prevent the Governor of Fort St. George in Council from nominating more than thirty persons to be Fellows of the said University if he shall see fit.

VII. The Governor of Fort St. George in Council may cancel the appointment of any person already appointed or hereafter to be appointed a Fellow of the University, and as soon as such order is notified in the *Gazette*, the person so appointed shall cease to be a Fellow.

VIII. The Chancellor, Vice-Chancellor, and Fellows for the time being, shall have the entire management of and superintendence over the affairs, concerns, and property of the said University; and in all cases unprovided for by this Act, it shall be lawful for the Chancellor, Vice-Chancellor, and Fellows to act in such manner as shall appear to them best calculated to promote the purposes intended by the said University. The said Chancellor, Vice-Chancellor, and Fellows shall have full power from time to time to make and alter any bye-laws and regulations (so as the same be not repugnant to law or to the general objects and provisions of this Act) touching the examination for degrees and the granting of the same, and touching the examination for honors and the granting of marks of honor for a higher proficiency in the different branches of Literature, Science, and Art, and

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and touching the qualifications of the candidates for degrees and the previous course of instruction to be followed by them, and the preliminary examinations to be submitted to by them ; and touching the mode and time of convening the meetings of the Chancellor, Vice-Chancellor, and Fellows ; and, in general, touching all other matters whatever regarding the said University. And all such bye-laws and regulations, when reduced into writing, and after the common seal of the said University shall have been affixed thereto, shall be binding upon all persons, members of the said University, and all candidates for degrees to be conferred by the same, provided such bye-laws and regulations shall have been first submitted to, and shall have received the approval of, the Governor of Fort St. George in Council.

IX. All questions which shall come before the Chancellor, Vice-Chancellor, and Fellows, shall be decided at a meeting of the Senate Meetings of the Senate. by the majority of the members present ; and the Chairman at any such meeting shall have a vote, and, in case of an equality of votes, a second or casting vote. No question shall be decided at any meeting, unless the Chancellor, or Vice-Chancellor, and five Fellows, or, in the absence of the Chancellor and Vice-Chancellor, unless six Fellows at the least shall be present at the time of the decision. At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as Chairman ; and in the absence of both, a Chairman shall be chosen by the Fellows present, or the major part of them.

X. The said Chancellor, Vice-Chancellor, and Fellows for the time being shall have full power from time to time to appoint Appointment and removal of Examiners and Officers. and, as they shall see occasion, to remove all Examiners, Officers, and servants of the said University.

XI. The said Chancellor, Vice-Chancellor, and Fellows shall have power, Power to confer degrees. after examination, to confer the several degrees of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, and Master of Civil Engineering ; they shall also have power, after examination, to confer upon the candidates for the said several degrees, marks of honor for a high degree of proficiency in the different branches of Literature, Science, and Art, according to rules to be determined by the bye-laws

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bye-laws to be from time to time made by them under the power in that behalf given to them by this Act.

XII. Except by special order of the Senate, no person shall be admitted as a candidate for the degree of Bachelor of Arts, Master of Arts, Bachelor of Laws, Licentiate of Medicine, Doctor of Medicine, or Master of Civil Engineering, unless he shall present to the said Chancellor, Vice-Chancellor, and Fellows, a certificate from one of the Institutions authorized in that behalf by the Governor of Fort St. George in Council, to the effect that he has completed the course of instruction prescribed by the Chancellor, Vice-Chancellor, and Fellows of the said University, in the bye-laws to be made by them under the power in that behalf given by this Act.

XIII. The said Chancellor, Vice-Chancellor, and Fellows shall cause an examination for degrees to be held at least once in every year; on every such examination, the candidates shall be examined either by Examiners appointed for the purpose from among the Fellows by the said Chancellor, Vice-Chancellor, and Fellows, or by other Examiners so to be appointed; and on every such examination the candidates, whether candidates for an ordinary degree, or for a degree with honors, shall be examined on as many subjects and in such manner as the said Chancellor, Vice-Chancellor, and Fellows shall appoint.

XIV. At the conclusion of any examination of the candidates, the Examiners shall declare the name of every candidate whom they shall have deemed entitled to any of the said degrees, and his proficiency in relation to other candidates; and also the honors which he may have gained in respect of his proficiency in that department of knowledge in which he is about to graduate; and he shall receive from the said Chancellor a certificate, under the seal of the said University of Madras, and signed by the said Chancellor or Vice-Chancellor, in which the particulars so stated shall be declared.

XV. The said Chancellor, Vice-Chancellor, and Fellows shall have power to charge such reasonable fees for the degrees to be conferred by them, and upon admission into the said University,

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University, and for continuance therein, as they, with the approbation of the Governor of Fort St. George in Council, shall from time to time see fit to impose. Such fees shall be carried to one General Fee Fund for the payment of expenses of the said University under the directions and regulations of the Governor of Fort St. George in Council, to whom the accounts of income and expenditure of the said University shall once in every year be submitted for such examination and audit as the said Governor of Fort St. George in Council may direct.



ACT No. XXVIII OF 1857.

—oo—

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th September 1857.)

AN ACT relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same.

Preamble. WHEREAS it is expedient to regulate the importation, manufacture, and sale of Arms and Ammunition, and the right to keep or use the same ; It is enacted as follows :—

I. In any District or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place, every person shall, within such time as shall be mentioned in the order, or, if no time be mentioned therein, within one week from the publication of the order in the District or place, give notice in writing to the Magistrate or other Officer specified by the Executive Government, of any fire-arms, bayonet, sword, spear, spear-head, or other deadly weapon to be specified in such order, which shall be in his possession or shall be on his premises in the possession of any of his retainers or servants ; and shall also give immediate notice in writing of all other Arms of the like description which shall at any subsequent time come into his possession or into the possession of any of his retainers or servants as aforesaid. The notice shall specify the number and description of the Arms so possessed, and also, in the case of Arms so possessed by retainers or servants, the names of such retainers or servants and in what capacities they are respectively employed.

In places to which this Section is extended, written notice of the possession of Arms shall be given to the Magistrate.

What to be specified in the notice.

II. Whoever

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II. Whoever wilfully neglects to give such notice as aforesaid shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and all Arms in the possession of such person may be seized and shall be confiscated if the convicting Magistrate shall so adjudge: and in case the Arms of which L. shall so neglect to give notice shall exceed what may be considered reasonable for the private use of such person, he shall be liable to imprisonment with or without hard labor for a term not exceeding two years, and shall also be liable to a fine not exceeding five thousand Rupees; and all the Arms and any Ammunition or Military Stores in the possession of such person or on his premises shall be confiscated.

III. The Magistrate shall cause to be prepared from such notices a register of the names of persons having Arms in their possession, and the number and description of such Arms; and shall also, at the request of any person giving such notice as aforesaid, deliver to him a certificate specifying the date of the notice and the number and description of Arms specified therein.

IV. If, in the judgment of the Government or of the Magistrate, any such Arms as aforesaid or any Ammunition in the possession of any person cannot be left in such possession without danger to the public peace, it shall be lawful for the Magistrate to cause such Arms or Ammunition to be seized and detained in safe custody for such time as may be deemed necessary.

V. In any District or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place, if any person goes armed with any such Arms as aforesaid and shall not produce a certificate, from a Magistrate or other Officer authorized by Government to grant licenses to go armed, that he has obtained such a license or that he is exempted by Government from the foregoing provisions, or give reasonable proof of his being otherwise exempted from the said provisions, he shall be

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be liable to be disarmed by any Magistrate, Deputy Magistrate, or Assistant to
What Officers &c. a Magistrate, or by any European Commissioned Officer in
authorized to disarm. the service of Her Majesty or of the East India Com-
pany, or by any member of a Volunteer Corps enrolled by authority of
Government whilst on duty, or by any Police Officer, if, in the judgment
of such Magistrate or other person as aforesaid, it is dangerous to the
public peace to allow such person to go armed. Provided always that
License to travellers if any person shall have a license, from the Magistrate of
to carry Arms. the District or place at which he resides or may be, to
carry on a journey such Arms as the Magistrate may consider reasonable
for his private use, and shall obtain from such Magistrate a certificate
stating the name and address of the licensee, the route by which he intends
to proceed, the time which such journey is expected to occupy, and the Arms
which he is permitted to carry, such certificate shall have the same force and
effect according to its tenor in every District or place specified therein
as if leave to go armed had been granted by the Magistrate of such
District or place.

Exemptions.

VI. The foregoing provisions shall not apply to—

1. Officers, Soldiers, and Sailors in the Military or Naval Service of
Officers, Soldiers, and Sailors. Her Majesty or of the East India Company in respect
of Arms and Ammunition kept by them for use in the
public service.

2. Members of Volunteer Corps in respect of such Arms and Am-
Volunteers. munition.

3. Police and Revenue Officers and other persons in respect of Arms
Police and Revenue Officers. and Ammunition furnished by Government for use in
the public service or provided by themselves with the
sanction of Government for such use.

4. Such other persons as the Government may think fit to exempt from
Other persons. such provisions.

Arms and Ammunition belonging to any ship or vessel, not exceeding the
Armanent of ships exempt. reasonable armament thereof, shall also be exempt from
such provisions.

VII. If

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VII. If any person shall manufacture, repair, sell, or keep or expose for sale any Arms of the description hereinbefore mentioned, or shall manufacture, or sell, or keep or expose for sale percussion-caps, gunpowder, or other Ammunition, without a license to manufacture or deal in Arms or Ammunition, as the case may be, or contrary to any of the conditions contained in any such license, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees, in addition to double the value of any Arms or Ammunition sold; and all Arms and Ammunition belonging to the offender shall be forfeited if the convicting Magistrate shall so adjudge.

Penalty for manufacturing or dealing in Arms or Ammunition without license, or contrary to the conditions therein contained.

VIII. Licenses to manufacture or deal in percussion-caps shall be granted by the Governor General in Council, or by the Executive Government, or by an Officer specially authorized by the Governor General in Council or by the Executive Government to grant such licenses. Licenses to manufacture or deal in Arms and Ammunition other than percussions-caps may be granted by a Magistrate or by an Officer authorized by the Governor General in Council or by the Executive Government to grant such licenses.

Licenses by whom to be granted.

IX. Every person licensed to manufacture or deal in Arms, percussion-caps, or other Ammunition, shall enter, in a book to be kept by him for that purpose, an account of all the stock-in-trade which he may from time to time have in his possession or under his control, and also the name and address of every purchaser of Arms or Ammunition sold by him, together with the nature, description, and quantity of such Arms or Ammunition. Such book shall be open at all times to inspection by the Magistrate or other duly authorized Officer, by whom copies may be taken of all entries therein contained. If any such person shall omit or fail duly to keep such a book or to make therein all such entries as are hereby required, or if any person shall prevent or obstruct the inspection of such book or shall make a false entry therein, he shall be liable for every such offence, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees, in addition to double the value of any Arms or Ammunition sold of which he shall fail to make such entry or respecting which he shall make

Licensed manufacturers or dealers to enter in a book an account of stock-in-trade, names of purchasers, &c.

Inspection of book.

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make a false entry; and if the offender be licensed to manufacture or deal in Arms or Ammunition, he shall also forfeit his license if the convicting Magistrate shall so adjudge.

X. The Magistrate or other Officer authorized by Government may at any time enter the premises in which Arms or Ammunition shall be manufactured or kept by any licensed manufacturer of or dealer in Arms or Ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer; and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and all the stock-in-trade belonging to such person may be seized and shall be confiscated if the convicting Magistrate shall so adjudge.

XI. Any license granted under the provisions of Section VIII may be granted subject to such conditions as shall be thought necessary, and may be revoked or suspended by the person or persons authorized to grant such licenses.

XII. No Arms or Ammunition, and no Sulphur or Saltpetre, shall be imported either by sea or by land into any part of the territories in the possession and under the Government of the East India Company without the license of the Governor General in Council or of the Executive Government.

XIII. If any person shall import or attempt to import without such license, either by sea or by land into any part of the said territories, any Arms or Ammunition, or any Sulphur or Saltpetre; or shall aid or assist in such importation or in such attempt to import; or shall knowingly conceal or assist in concealing any Arms or Ammunition, or any Sulphur or Saltpetre, imported without such license—he shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for any term not exceeding two years, and also to a penalty not exceeding one thousand Rupees; and the articles so imported shall be confiscated if the convicting Magistrate shall so adjudge.

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XIV. The provisions of the two last preceding Sections shall not extend to Arms and Ammunition imported in reasonable quantities for private use; but the Collector of Customs may at any time detain any such articles, if he shall think it necessary, until he shall receive the orders of Government. Nothing in this Section shall exempt any person from the obligation of giving any notice required by this Act.

Importation of Arms and Ammunition for private use.

XV. The Governor General in Council may by order prohibit the transport of Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, or any particular description of Arms, Ammunition, or Military Stores, from one part of India to another, or the transport thereof in any particular direction to be specified in the order, or prohibit the transport thereof except according to such rules and conditions as may be specified in the order; and the Executive Government of any Presidency or place shall have the like power within the territories under their Government.

Government may prohibit transport of Arms, Ammunition, Military Stores, &c.

XVI. If any person shall transport or cause to be transported, or shall attempt to transport or cause to be transported, or shall aid in transporting, any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre contrary to such order or to the rules and conditions specified therein, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and the articles transported or attempted to be transported shall be confiscated. If any person shall by concealment or other device transport or cause to be transported, or attempt to transport or cause to be transported, such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, he shall, in addition to the penalty hereby provided, be liable upon such conviction to imprisonment with or without hard labor for a term not exceeding two years.

Penalty for prohibited transport.

XVII. If any person shall be found carrying or conveying Arms, Ammunition, Military Stores, Sulphur, or Saltpetre in such a manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by such person with intent to use the same or that the same may be used for any unlawful purpose dangerous to the public peace,

Persons conveying Arms, Ammunition, &c. under suspicious circumstances may be apprehended without warrant.

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peace, it shall be lawful for any of the public Officers mentioned in Section V of this Act, or for any other person, to apprehend without warrant the person so carrying or conveying such Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, and to detain such person in custody in

Procedure if apprehended by other than Magistrates, &c.

order that he may be dealt with according to law. If any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, he shall be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Act shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

XVIII. Whenever the Governor General in Council or the Executive Government shall consider it necessary so to do, they may by order prohibit the sale of Sulphur; and any person selling Sulphur contrary to such order shall be liable, on conviction before a Magistrate, to a penalty not exceeding five hundred Rupees; and all Sulphur belonging to such person shall be confiscated if the convicting Magistrate shall so adjudge.

XIX. The Governor General in Council or the Executive Government may also at any time seize all Sulphur in the possession of any person and detain the same for such time as they may deem necessary for the public safety.

XX. Nothing in the two preceding Sections shall apply to Sulphur kept or sold in reasonable quantities for medicinal purposes.

XXI. The Government may exempt any person from the provisions of Sections XVIII and XIX upon such conditions, if any, as such Government may consider necessary.

XXII. The Government may require all persons having in their possession Ammunition or other Military Stores or Sulphur, in any greater quantities than are considered reasonable for private use, to give notice thereof to the Magistrate

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Magistrate or other Officer specified by Government; and any person who wilfully neglects to give such notice shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for a term not exceeding two years, and shall also be liable to a fine not exceeding five thousand Rupees; and all Ammunition, Military Stores, or Sulphur in the possession of such person or upon his premises shall be confiscated.

XXIII. If any Magistrate have reasonable cause for suspecting that Arms, Ammunition, or Sulphur liable to confiscation are in any house, building, or other place, or that any Arms, Ammunition, or Sulphur are in any house, building, or other place in the possession of any person in whose possession they cannot be left with safety to the public peace, he may, with such assistance as he shall think necessary, by night or by day and by force if necessary, enter and search any such house or place, or cause the same to be entered and searched. It shall be competent to a Magistrate to delegate to any of his European Assistants the powers conferred on him by this Section.

XXIV. The Governor General of India in Council, or the Executive Government of any Presidency or place, or the Chief Commissioners of the Punjab and Oude respectively, or the Commissioners of Nagpore and Scinde respectively, or any other persons authorized by Government, may order a general search for Arms, Ammunition, or Sulphur to be made, by any Officers or persons named in such order, in any District or place specified therein. The persons authorized by such order, and all persons acting under their authority, shall have the like powers of entry, search, and seizure as are conferred by the last preceding Section.

XXV. If, on any search being made, any person shall refuse to produce or point out to the persons making the search, or shall conceal or attempt to conceal, any Arms, Ammunition, or Sulphur, such person may be apprehended without warrant, and shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labor for a term not exceeding two years in addition to any other penalty to which he may be subject under this Act.

XXVI. After

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XXVI. After such time as shall be mentioned in the order of Government extending the provisions of this Section to any District or place, or, if no time be mentioned, after one week from the publication of the order in the District or place, no person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without a license from the Governor General of India in Council or from the Executive Government of any Presidency or place. If any person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without such license, he shall be liable, on conviction before a Magistrate, to a fine not exceeding two thousand Rupees, and to imprisonment for a term not exceeding two years; and such cannon, howitzer, or mortar may be seized and shall be forfeited to Government. Any person who has in his possession any cannon, howitzer, or mortar at the time when this Section takes effect in any District or place, and who shall be unwilling to apply for a license to retain possession thereof, may surrender the same to the Magistrate within such period as aforesaid. The provisions of this Section shall not extend to any cannon, howitzer, or mortar forming part of the ordinary armament of any ship or vessel.

Penalty for making, using, or keeping cannon, &c., without license, in any District to which this Section is extended.

Surrender of cannon, &c., by persons not willing to take out license for retaining possession thereof.

Exception.

XXVII. Whoever assaults or resists, or aids or assists any person in assaulting or resisting, any person in the execution of any power vested in him by this Act, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labor for any term not exceeding six calendar months.

Penalty for assaulting or resisting any person in the execution of any power vested in him by this Act.

XXVIII. No suit, action, or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

Notice and limitation of suits.

XXIX. If any fine or penalty imposed by a Magistrate under the authority of this Act be not immediately paid, the Magistrate may commit the offender to jail, there to be imprisoned

Imprisonment if fine not paid.

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imprisoned according to the discretion of the Magistrate for any term not exceeding six months where the amount of the fine or penalty shall not exceed five hundred Rupees, and for any term not exceeding twelve months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXX. Any fine or penalty levied from any person convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction shall take place.

Rewards to inform-
ers.

XXXI. The word "Magistrate" shall include any person exercising the full powers of a Magistrate; and within the Presidency Towns and in the Straits' Settlement, all powers of conviction and confiscation upon conviction given by this Act to a Magistrate, shall be exercised by the Police Magistrates; and all other powers given by this Act to a Magistrate may be exercised by the Commissioner of Police, and all notices hereby required to be given to a Magistrate shall in any such Presidency Town or in the Straits' Settlement be given to the Commissioner of Police.

Interpretation of the
word "Magistrate."

Commissioners of Po-
lice in Presidency
Towns may exercise the
powers hereby given to
a Magistrate, other than
powers of conviction and
confiscation.

XXXII. Whenever in any Presidency or place the immediate control and superintendence of the Police is vested in any person other than the Magistrate or such Commissioner of Police as aforesaid, the Executive Government may order that all or any of the powers given by this Act to a Magistrate, other than powers of conviction and confiscation upon conviction, shall be exercised by such person, and that all notices hereby required to be given to a Magistrate shall be given to such person.

Persons having the
immediate superintend-
ence of the Police
may be vested with the
powers hereby given to
a Magistrate, other
than powers of convic-
tion and confiscation.

XXXIII. This Act, or any part or parts thereof, shall take effect in any District or place to which the same shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place.

Act or any part of it
to take effect in any
District to which it is
extended by Govern-
ment.

XXXIV. It

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XXXIV. It shall be lawful for the Governor General in Council or the Executive Government of any Presidency or place from time to time to withdraw from the operation of all or any of the provisions of this Act any part or parts of any District or place which they may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act.

Parts of District may be withdrawn from the operation of the Act and again made subject to it.

Duration of Act.

XXXV. The Act shall continue in force for two years.

XXXVI. Any Officer of Government, who, prior to the passing of this Act, may have seized or detained, or prevented the importation of any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, in pursuance of an order of Government, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of such seizure or detention.

Indemnity to Government Officers for seizure or detention of Arms, Ammunition, &c., before passing of this Act.



ACT No. XXIX OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 11th September 1857.)

AN ACT to make better provision for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay.

WHEREAS it is expedient to make better provision for the collection
Preamble. and management of Land Customs on certain Foreign
Frontiers of the Presidency of Bombay ; It is enacted as follows :—

Act repealed.

I. Act II of 1852 is hereby repealed.

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

III. The Governor of the Presidency of Bombay in Council may
Land Customs Duties on goods passing into or out of territories of Native Chiefs. declare, by notice to be published in the *Official Gazette* of that Presidency, that the territory of any Native Chief not subject to the jurisdiction of the Courts and Civil authorities of that Presidency, shall be deemed to be Foreign Territory ; and may declare goods passing into or out of such territory liable either to the Duty fixed by the Schedules of Act I of 1852 for goods imported or exported at the Ports of that Presidency, or to double the said Duties, as the Governor in Council may think fit.

IV. For the levy of Duties of Customs as above provided on goods
Customs Stations. exported by land to, or imported by land from, such Foreign Territories, Customs Stations may be established at such places as may be determined by the Governor in Council.

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V. The Governor in Council may appoint such persons as he may deem fit for the control and supervision of the collection and management of the Customs payable under this Act as Commissioners and Deputy Commissioners of Customs, or under such other designation as the said Governor in Council shall determine; and may appoint all other proper persons to execute the duties of the several subordinate offices necessary to the due management and collection of the said Customs; and the provisions of Sections IV, V, and VI. of the said Act I of 1852 shall be applicable to the persons so appointed. Provided that no new office shall be created without the previous consent of the Governor General of India in Council.

Appointment of Officers.
Proviso.

VI. The Governor in Council may prescribe, by public notice in the *Official Gazette*, by what roads and passes goods shall be allowed to pass into or out of any such Foreign Territory as is described in Sections II and III of this Act; and after such notice, goods which may be brought to any Station established on other roads or passes than those so prescribed, shall be detained, and shall be liable to confiscation unless the person in charge thereof shall be able to satisfy the adjudicating Officer that his carrying them by that road or pass was from ignorance or accident.

Government to prescribe by what roads goods may pass.

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

Goods unlawfully passed across the Frontier after sunset.

VIII. When goods are brought to be passed at any Station established for the levy of Duties and passing of goods, a written application, according to a form to be prescribed by the Commissioner of Customs, shall be made by the owner or person in charge, for permission to pass such goods; and such application shall contain a true description of the goods, with the marks, numbers, and description of the packages containing the same, and a declaration of their value. If any goods shall be passed or attempted to be passed without such an application in writing as is above described, they shall be liable to be seized and confiscated.

Written application for permission to pass goods.

IX. Goods

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IX. Goods brought to be passed at any such Station shall be liable to confiscation if the packages in which the same may be contained shall on examination be found not to correspond with the description of them given in the application, or if the contents thereof be found not to have been correctly described in regard to sort, quality, or quantity, or if, in or among the packages, any goods not stated in the application be found concealed or mixed up with the specified goods.

X. The Governor in Council from time to time, by notice in the *Official Gazette*, may fix a value for any article or number of articles liable to Duty under this Act upon their value; and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying Duty on the same under this Act.

XI. When goods liable to Duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed Duty has not been declared by the said Schedules, are brought to any such Station as aforesaid, the Duty leviable on such goods shall be levied according to the market-value of such goods.

XII. If the value of any goods, upon which Duty is leviable according to the market-value thereof, shall appear to be understated in the declaration of value prescribed in Section VIII, the Officer authorized to receive Duties of Customs at the Station, where such goods are brought to be passed shall have power to take the goods, or any part thereof, as purchased for the Government at the price so declared; and whenever he shall so take goods for the Government, payment thereof shall be made for the same within one month from the date of the declaration, and the Officer shall sell the goods so taken on account of Government; and, if they shall realize on sale a sum exceeding all charges incurred on them by Government, a proportion not more than one-half of the excess shall, at the discretion of the Commissioner, be payable to the Officer who reported the under-valuation of the goods, who shall in like manner be liable to pay one-half of the net loss that may accrue on the sale of the said goods.

XIII. No

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XIII. No goods entered in either of the said Schedules 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; provided always that any Officer authorized to receive Duties of Customs under this Act may, at his discretion, pass free of Duty any passenger's personal baggage in actual use; and if any person shall apply to have goods passed as such baggage, such Officer, acting under the orders of Government, shall determine whether they be passenger's personal baggage in actual use, or goods subject to Duty under the provisions of this Act.

XIV. When goods are passed at any such Station as aforesaid, the Officer authorized to receive Duties of Customs at such Station shall grant a certificate of the payment of such Duty, or (if the case so require) of the goods having been passed free of Duty. Any Officer of Customs employed at a Station established under this Act may require any person in charge of dutiable goods which have been passed across the Frontier to produce the certificate granted for such goods; and any goods which are unaccompanied by a certificate, or which on examination do not correspond with the specification contained in the certificate produced, shall be detained and shall be liable to confiscation.

XV. If a certificate be lost by any person to whom it may have been issued by the Officer authorized to issue the same, the Commissioner of Customs, or other Officer duly authorized in that behalf, on being satisfied that no fraud has been committed or was intended, may grant a duplicate of such lost document upon payment of a fee of not less than one Rupee nor exceeding ten Rupees. The Commissioner or other Officer as aforesaid may also authorize any amendment to be made in any application made under this Act, but, if such amendment be required after such application is entered and recorded in the Custom-house books, then upon payment of a like fee for any amendment in a document so entered.

XVI. Any Station Officer who shall permit goods liable to Duty to pass across the Frontier without payment of Duty, or who shall release any goods not covered by a sufficient certificate,

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certificate, or who shall permit such goods to pass by any road or pass other than the prescribed roads or passes, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months, or to a fine not exceeding five hundred Rupees, or both.

XVII. Any Station Officer who shall needlessly and vexatiously injure goods under the pretence of examination or in the course of his examination, or who shall wrongfully detain goods for which there is produced a sufficient certificate, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months, or to a fine not exceeding five hundred Rupees, or both.

XVIII. Whoever intentionally obstructs any Officer in the exercise of any powers given by this Act to such Officer, shall be liable, on conviction before a Magistrate, to imprisonment for any term not exceeding six months, or to a fine not exceeding one thousand Rupees, or both.

XIX. Whoever offers a bribe to any Officer appointed under this Act, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable for every such offence, on conviction before a Magistrate, to a fine not exceeding one thousand Rupees, or to imprisonment for any term not exceeding six months, or both.

XX. In all cases in which, under this Act, goods are liable to confiscation, a Commissioner or Deputy Commissioner of Customs appointed under this Act may adjudicate such confiscation, or the same may be adjudged by an Assistant Commissioner of Customs appointed under this Act being a Justice of the Peace: Provided that the power to adjudicate confiscation shall not extend as regards an Assistant Commissioner to goods beyond the value of one hundred Rupees; and all cases adjudicated by an Assistant Commissioner shall be liable to revision by a Commissioner or Deputy Commissioner of Customs on appeal.

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XXI. In case any goods shall be seized as liable to confiscation, or detained as under-valued, under this Act, the adjudicating Officer may order the same to be restored in such manner and on such terms and conditions as he thinks fit to direct; and if the owner of the same accept such terms and conditions, he shall not have or maintain any action for recompense or damage on account of such seizure or detention, and the adjudicating Officer shall not proceed to condemnation.

XXII. Any Officer authorized to adjudicate Customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, may adjudge damages to be paid to the owner by the Officer who made such seizure, beside ordering the immediate release of the goods; and if the owner accepts such damages, no action shall thereafter lie against such Officer in any Court of Justice on account of such seizure; and if such adjudicating Officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, he may mitigate the same by levying on the goods so seized as aforesaid any portion of the market-value of such goods not less than one-tenth of such value; and if the said Officer adjudges confiscation, or any penalty in mitigation of confiscation, he may order that, from the sale of the goods, or from the proceeds of any penalty inflicted in mitigation of confiscation, a proportion not exceeding, in all cases of seizure except seizures of Salt or Tobacco, one-half of the sum remaining after payment of all Government demands, shall be distributed in rewards amongst such Officers as he deems entitled thereto and in such proportion as he directs to each respectively. In awarding rewards for the seizure of confiscated Salt or Tobacco, the said Officer may award one-half of the proceeds of sale, without making any deduction on account of Government demands.



ACT No. XXX OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd October 1857.)

AN ACT for the levy of Port-dues and Fees in the Port of Calcutta.

WHEREAS it is necessary to fix the amount of the Port-dues and fees
to be hereafter levied and taken in the Port of Calcutta
in accordance with the provisions of Act XXII of 1855 ;
It is enacted as follows :—

I. A Port-due, at a rate not exceeding the rate of four annas for every
ton of burden, shall be chargeable in respect of every
sea-going vessel of the burden of twenty tons and up-
wards which shall enter the said Port.

Port-due chargeable
on sea-going vessels of
twenty tons and upwards
entering the Port.

II. Provided that no such due shall be chargeable in respect of
any vessel which, having left the Port, is compelled to
re-enter it by stress of weather, or in consequence of
having sustained any damage.

No Port-due on ves-
sels compelled by stress
of weather to re-enter
the Port.

III. Provided also that the Port-due chargeable in respect of Dhonies
and country vessels employed in the coasting trade, shall
be at a rate equal to one-half the rate chargeable in
respect of other vessels ; and such due shall not be chargeable oftener than
once in sixty days in respect of the same vessel.

Port-due on Dhonies
and country vessels.

IV. Vessels entering the Port in ballast shall be charged with
three-fourths of the Port-due which would otherwise be
chargeable.

Vessels entering the
Port in ballast.

V. Tug Steamers and River Steamers belonging to the said Port shall
be liable to the Port-due specified in Section I of this
Act ; and the said due shall be chargeable in respect of
every

Tug Steamers and
River Steamers.

ACT No. XXX of 1857.

every such Steamer once between the 1st day of January and the 30th day of June, and once between the 1st day of July and the 31st day of December in each year. The provisions of Section XLVI Act XXII of 1855 shall not be applicable to such Steamers.

VI. Within the said Port, fees may be charged for the following services at rates not exceeding those hereinafter specified, namely,

Fees for certain services.

Hauling to or from chain moorings, each operation	... ..	Rs. 16
Hauling to or from swinging moorings, each operation	. . . . .	„ 10
Re-mooring	... ..	„ 16
Hauling in or out of dock, each operation	... ..	„ 30
Removing from one part of the Port to another	.. ...	„ 25
Removing from one mooring to another at the request of the agent or master	.. .. .	„ 50
Hooking	.. .. .	„ 16
Measuring	.. .. .	„ 30

VII. This Act shall commence and have effect from and after the first day of January 1858; and the local Government shall on or before that date, pursuant to Section XLII Act XXII of 1855, declare, by notification to be published in the *Calcutta Gazette*, the rates at which Port-dues and fees shall be levied in the said Port, subject to the provisions of and within the limits prescribed by this Act; and from and after the said date, no Port-due or fee shall be levied at the said Port, except under the authority of Act XXII of 1855 and of this Act.

Commencement of Act.

Rates of Port-dues and fees to be published.

No other Port-dues or fees to be levied.

Act to be read as part of Act XXII of 1855.

VIII. This Act shall be read with and taken as a part of Act XXII of 1855.



ACT No. XXXI OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd October 1857.)

AN ACT for the levy of Port-dues and Fees in the Port of Bombay.

WHEREAS it is necessary to fix the amount of the Port-dues and fees to be hereafter levied and taken in the Port of Bombay in accordance with the provisions of Act XXII of 1855 ;

Preamble.

It is enacted as follows :—

I. A Port-due, at a rate not exceeding the rate of two annas for every ton of burthen, shall be chargeable in respect of every sea-going vessel of the burthen of ten tons and upwards (except fishing boats) which shall enter the said Port.

Port-due chargeable on sea-going vessels of ten tons and upwards entering the Port.

II. Provided that no such due shall be chargeable in respect of any vessel which, having left the Port, is compelled to re-enter it by stress of weather, or in consequence of having sustained any damage.

No Port-due on vessels compelled by stress of weather to re-enter the Port.

III. The Port-due chargeable under this Act shall not be chargeable oftener than once in the same calendar month in respect of the same vessel.

No vessels to pay Port-due oftener than once a month.

IV. Vessels entering the Port in ballast shall be charged with three-fourths of the Port-due which would otherwise be chargeable.

Vessels entering the Port in ballast.

V. Within

ACT No. XXXI of 1857.

V. Within the said Port, fees may be charged for the following services at rates not exceeding those hereinafter specified, namely,

<i>Transporting.</i>	<i>Fair Season.</i>	<i>Monsoon.</i>
Vessels not exceeding 300 tons ...	Rs. 40	Rs. 65

and 10 Rupees additional for every additional 100 tons.

Transporting to the Middle Ground.

Vessels not exceeding 500 tons ...	Rs. 60
Between 500 and 1,000 tons ...	„ 80
„ 1,000 and 1,500 tons ...	„ 100
„ 1,500 and 2,000 tons ...	„ 120

Vessels proceeding to sea and anchoring by desire at the Middle Ground for less than twenty-four hours, half the above rate.

Hooking ...	Rs. 16
Measuring ...	„ 30

VI. This Act shall commence and have effect from and after the first day of January 1858; and the local Government shall on or before that date, pursuant to Section XLII Act XXII of 1855, declare, by notification to be published in the *Bombay Gazette*, the rates at which Port-dues and fees shall be levied in the said Port, subject to the provisions of and within the limits prescribed by this Act; and from and after the said date, no Port-due or fee shall be levied at the said Port, except under the authority of Act XXII of 1855 and of this Act.

VII. This Act shall be read with and taken as a part of Act XXII of 1855.



ACT No. XXXII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 28th November 1857.)

AN ACT to amend the Articles of War for the Native Army.

WHEREAS it is expedient that, on every conviction of Mutiny or
Desertion, the Government or the Court, or other lawful
authority by which the offender shall be convicted, should
have power to order the offender to be marked : It is enacted as follows :—

Preamble.

I. It shall be lawful for the Government, by any general or special
order, to direct that all or any persons or person subject
to the Articles of War for the Native Army, who have
been or shall be convicted of Mutiny or Desertion, shall
be marked on the left side two inches below the armpit with the letter M in
the case of a conviction of Mutiny, and with the letter D in the case of a
conviction of Desertion ; either alone or together with such other mark as
the Government may consider necessary for the purpose of identifying the
offender at any future time, or of denoting the punishment to which he has
been sentenced. The letter shall not be less than an inch long ; and such
letter and other mark shall be made upon the skin with some ink, gunpow-
der, or other preparation, so as to be visible and conspicuous and not liable to
be obliterated.

Government empow-
ered to order Mutineers
and Deserters to be
marked.

II. It shall also be lawful for the Court, or other lawful authority
by which any person subject to the Articles of War for the
Native Army may be convicted of Mutiny or Desertion,
to order, as part of the sentence on such person, that
he be marked with the letter M or D as the case may be, which letter
shall be made in the manner hereinbefore directed.

Court may, as part of
the sentence, order Mu-
tineers and Deserters to
be marked.

III. The word "Government," as used in this Act, shall mean the
Governor General of India in Council, or the Executive
Government of the Presidency within which the offender
shall have been tried.

Interpretation.

IV. Any sentence or order, by which any person subject to the Articles
of War for the Native Army may upon conviction of
Mutiny or Desertion have been ordered to be marked,
shall be deemed valid.

Past sentences and
orders to be deemed
valid.



ACT No. XXXIII OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th December 1857.)

AN ACT to make further provision relating to Foreigners.

Preamble. WHEREAS it is expedient to make further provision to enable the several Governments of the British Territories in India to prevent the subjects of Foreign States from residing or sojourning therein or from passing through or travelling in the same without the consent of the said Governments: It is enacted as follows:—

I. Every Foreigner shall, on his arrival in any part of the Territories in the possession and under the government of the East India Company from any Port or place not within the said Territories, or from any Port or place not subject to the provisions of this Act, forthwith report himself to the Commissioner of Police, if he shall arrive at any of the Presidency Towns; or, if he shall arrive at any other place, to the Magistrate or to such other Officer as shall be appointed to receive such reports by the Governor General in Council, or (in places within their respective jurisdictions) by the Executive Government of any Presidency or place, or by the Chief Commissioner of the Punjab, the Chief Commissioner of Oude, or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively. Provided that nothing contained in this Section shall extend to any Foreigner being the Master or Commander of a ship or vessel, or employed therein.

Every Foreigner to report his arrival in India

Except a Foreigner being the master of a vessel or employed therein.

II. The report shall be in writing; and shall be signed by the person reporting himself; and shall specify his name or names, the nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival in the said Territories: and the report shall be recorded by the Officer to whom it is made.

What to be stated in the report.

III. If

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III. If any person included in the proviso to Section I shall remain in any part of the said Territories after he shall have ceased to be employed in a ship or vessel, he shall forthwith report himself in manner aforesaid.

Foreigners being masters of vessels or employed therein, to report themselves when they cease to be so employed.

IV. If any Foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of Foreigners travelling without a license.

Foreigners neglecting to report themselves to be dealt with in like manner as Foreigners travelling without a license.

V. No Foreigner shall travel in or pass through any part of the Territories in the possession and under the government of the East India Company without a license.

No Foreigner to travel in India without a license.

VI. Licenses under this Act may be granted by the Secretary to the Government of India in the Foreign Department; or by the Chief Secretary to the Governments of Fort St. George and Bombay respectively; or by the Chief Commissioner of the Punjab, the Chief Commissioner of Oude, or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively; or by such other Officers as shall be specially authorized so to do by the Governor General of India in Council, or by the Executive Government of any Presidency or place, or by any of the Chief Commissioners or Commissioners aforesaid.

License by whom to be granted:

VII. Every such license shall state the name or names of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorized to pass, or the limits within which he is authorized to travel, and the period (if any) during which the license is intended to have effect.

What to be stated in license.

VIII. The license may be granted subject to such conditions (if any) as the Governor General in Council, or the Executive Government of any Presidency or place, or (as regards their several jurisdictions) any of the said Chief Commissioners or Commissioners, may by any general order direct; or as the

License may be granted subject to conditions and may be revoked.

Officer

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Officer granting the license may deem necessary : and the license may be revoked at any time by the Governor General in Council, or by the Executive Government of any Presidency or place, or by the Officer granting the same.

IX. If any Foreigner travelling without or contrary to the conditions of license may be apprehended. Foreigner travel in or attempt to pass through any part of the said Territories without such license as aforesaid, or beyond the districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the Service of Her Majesty or of the East India Company, or by a Member of a Volunteer Corps enrolled by authority of Government whilst on duty, or by any Police Officer.

X. If any person be apprehended by a person not being a Magistrate Procedure upon apprehension. or a Police Officer, he shall be delivered over as soon as possible to a Police Officer, and carried before a Magistrate ; and whenever any person shall be apprehended by or taken before a Magistrate to report to Government. Magistrate, such Magistrate shall forthwith report the case to the Government to which he is subject, and shall cause the person brought before him to be discharged, or to be conveyed to one of the Presidency Towns, or to be detained pending the orders of such Government.

XI. All persons apprehended or detained under the above-mentioned Persons apprehended may be admitted to bail. provisions of this Act, may be admitted to bail by a Magistrate or by any of the Officers authorized to grant licenses, and shall be put to as little inconvenience as possible during their detention in custody.

XII. The Governor General in Council, or the Executive Government Removal of persons apprehended. of any Presidency or place, may order any such person to remove himself from the said Territories by sea or by such other route as the Government may direct ; or the Government may cause him to be removed from the said Territories by such route and in such manner as to the Government shall seem fit.

XIII. The

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XIII. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI of this Act, may by writing order any Foreigner within his jurisdiction to remove himself from the Territories in the possession and under the government of the East India Company, or to remove himself therefrom by a particular route to be specified in the order.

XIV. If any Foreigner ordered to remove himself from the said Territories, or ordered to remove himself therefrom by any particular route, shall neglect or refuse so to do; or if any Foreigner, having removed himself from the said Territories in consequence of an order issued under any of the provisions of this Act, or having been removed from the said Territories under any of the said provisions, shall wilfully return to the said Territories without a license in writing granted by the Governor General of India in Council or by the Government or Officer under whose order he shall have removed himself or been removed—such Foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Governor General in Council, or of the Executive Government, or of one of the said Chief Commissioners or Commissioners mentioned in Section VI of this Act, within whose jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor General in Council, Executive Government, Chief Commissioner, or Commissioner shall deem sufficient for the peace and security of the British Territories, and of the allies of Her Majesty and of the East India Company, and of the neighbouring Princes and States.

XV. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI of this Act, may by order prohibit any person or persons, or any class or classes of persons, not being a natural-born subject or subjects of Her Majesty within the meaning of Section LXXXI, 3 and 4 William IV, c. 85, from travelling in or passing through any part of the said Territories, or from passing from any part of India to another, without a license to be granted

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granted by such Officer or Officers as shall be specified in the order ; and if such person shall wilfully disobey such order, he may be apprehended without warrant by any of the Officers specified in Section IX of this Act, and carried before a Magistrate and dealt with under the provisions of Section X, in the same manner as if he were a Foreigner ; and the Government may order such person to be detained in safe custody, or under the surveillance of the Police, so long as it may be deemed necessary for the peace and security of the British Territories.

XVI. It shall be lawful for the Commissioner of Police, or for a Magistrate, or his Assistant, or for any Officer appointed to receive reports as mentioned in the first Section of this Act, or for any Police Officer under the authority of such Commissioner or Magistrate, to enter any ship or vessel in any Port or place within the Territories in the possession and under the control of the East India Company, in order to ascertain whether any Foreigner bound to report his arrival under Section I of this Act, is on board of such ship or vessel ; and it shall be lawful for such Commissioner of Police, or other Officer as aforesaid, to adopt such means as may be reasonably necessary for that purpose ; and the Master or Commander of such ship or vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police, or other Officer as aforesaid, deliver to him a list, in writing, of the passengers on board, specifying the Ports or places at which they embarked, and the Ports or places of their disembarkation or intended disembarkation, and answer, to the best of his knowledge, all such questions touching the passengers on board the said ship or vessel, or touching those who may have disembarked in any part of India, as shall be put to him by the Commissioner of Police, or other Officer as aforesaid. . If any Foreigner on board such ship or vessel in any part of India shall refuse to give an account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the Officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a Foreigner travelling in India without a license.

Police Officer may board vessel to ascertain whether Foreigners are on board.

Master of vessel to furnish list of passengers, and to give information respecting them

Foreigner refusing to give account of himself not to be allowed to disembark.

XVII. Whoever intentionally obstructs any Officer in the exercise of any of the powers vested in him by this Act, shall, upon conviction before a Magistrate, be liable to a fine not exceeding

Obstructing Officers.

ACT No. XXXIII OF 1857.

exceeding one thousand Rupees, or to imprisonment for any term not exceeding six months, or to both.

XVIII. If the Master or Commander of any ship or vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before a Magistrate, be liable to a fine not exceeding two thousand Rupees.

Neglect by master of vessel to comply with requisitions of Act.

XIX. Whoever shall wilfully give a false answer to any question which by this Act he is bound to answer, or shall make any false report, shall, upon conviction before a Magistrate, be liable to imprisonment for a period not exceeding two years, and shall be liable to a fine not exceeding one thousand Rupees.

Penalty for false answer or report.

XX. The word "Foreigner" in this Act shall be deemed to mean a person not being either a natural-born subject of Her Majesty within the meaning of Section LXXXI, 3 and 4 William IV, c. 85, or a native of a place in the possession and under the Government of the East India Company. The word "Magistrate" shall include every person exercising the full powers of a Magistrate, and a Justice of the Peace.

Interpretation of "Foreigner."

"Magistrate."

XXI. If a question shall arise whether any person alleged to be a Foreigner and to be subject to the provisions of this Act is a Foreigner or not, or is or is not subject to the provisions of this Act, the onus of proving that such person is not a Foreigner or is not subject to the provisions of this Act, shall lie upon such person.

Proof of being a Foreigner.

XXII. This Act shall continue in force for two years ; and it shall not extend to the Settlement of Prince of Wales' Island, Singapore, and Malacca, or to the Territory of Aden, unless the same shall be specially declared applicable to such Settlement or Territory by the Governor General of India in Council.

Duration of Act. Act not to extend to Aden or the Straits' Settlement unless so declared.

XXIII. The foregoing provisions of this Act shall not extend to any Foreign Minister duly accredited by his Government, nor to any Consul or Vice-Consul, nor to any person under the age of fourteen years, nor to any person in the service of the British Government

Exceptions and exemptions.

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Government. The Governor General in Council, or (as regards their respective jurisdictions) the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI of this Act, may exempt any person, or any class of persons, either wholly or partially, or temporarily or otherwise, from all or any of the provisions of this Act ; and may at any time revoke any exemption.

XXIV. Any Officer of Government or other person who, prior to the passing of this Act, may have done any thing which would have been justified by this Act if it had been in force at the time, is hereby indemnified for so doing ; and no action or other proceeding shall be commenced or prosecuted in respect of any thing so done.

Indemnity.



ACT No. XXXIV OF 1857.

—oo—

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 5th December 1857.)

AN ACT relating to the Sale of Ganja in the Presidency of Bombay.

WHEREAS it is expedient to regulate the sale of Ganja in the Town of
Bombay, and to amend the law relating to the sale of
that article within the Territories subordinate to the
Presidency of Bombay : It is enacted as follows :—

Act repealed.

I. Act II of 1841 is hereby repealed.

II. The provisions of Act III of 1852, relating to the sale by license
of intoxicating drugs or materials within the Territories
subordinate to the Presidency of Bombay, are extended
to the sale of Ganja within the local limits of the juris-
diction of Her Majesty's Supreme Court of Judicature
at Bombay, anything in the said Act to the contrary notwithstanding ;
provided always that the duties, powers, and authorities
vested by the said Act in the Collectors of Zillahs shall,
within the aforesaid limits, be possessed and exercised by the Commissioner of
Customs, Salt, and Opium : and the said Commissioner
shall, except as herein otherwise expressly provided, have
the same powers with respect to the granting, refusing, or
recalling licenses for the sale of Ganja, and with respect to the seizure and
destruction or sale of unlicensed Ganja within the said limits, as are by
the said Act vested in the Zillah Collectors of Land Revenue ; and all the
provisions of the said Act shall be applicable to licenses granted under
this Act.

Provisions of Act III
of 1852 extended to the
sale of Ganja in the
Town of Bombay.

PROVISO.

Commissioner of Cus-
toms, Salt, and Opium
empowered to grant
licenses

III. All penalties shall within the said limits be adjudicated and
levied by any Magistrate of Police for the Town
of Bombay.

Adjudication of pe-
nalties.



ACT No. XXXV OF 1857.

—oo—

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 14th December 1857.)

—————

AN ACT for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyook Phyoo, Akyab, and Chittagong.

WHEREAS it is necessary to fix the amount of the Port-dues to be hereafter levied and taken in the Ports of Moulmein, Rangoon, Kyook Phyoo, Akyab, and Chittagong in accordance with the provisions of Act XXII of 1855 ; It is enacted as follows :—

Preamble.

I. Port-dues, at rates not exceeding the rates contained in the Schedule to this Act, shall be chargeable in respect of every sea-going vessel of the burden of ten tons and upwards which shall enter any of the said Ports.

Port-dues on sea-going vessels of ten tons and upwards entering Port.

II. When any vessel enters any of the said Ports, being driven in by stress of weather, or in consequence of having sustained any damage, or for any other reason, but does not discharge or take in any cargo or passenger therein (with the exception of such un-shipment and re-shipment as may be necessary for the purpose of repair)—the Port-due chargeable in respect of such vessel shall be at a rate equal to one-half the rate chargeable in respect of other vessels.

Rate of Port-due on vessels compelled by stress of weather to enter Port.

III. Provided that, when any vessel having left any of the said Ports is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, no Port-due shall be chargeable in respect of such vessel.

No Port-due on vessels compelled by stress of weather to re-enter Port.

IV. No vessel shall be required to pay at the same Port any Port-due chargeable under this Act oftener than once in sixty days.

No vessel to pay Port-due at same Port oftener than once in sixty days.

V. This

ACT No. XXXV of 1857.

V. This Act shall commence and have effect from and after the first day of January 1858; and the local Government shall on or before that date, pursuant to Section XLII Act XXII of 1855, declare, by notification to be published in the *Calcutta Gazette*, the rates at which Port-dues shall be levied in any of the said Ports subject to the provisions of and within the limits prescribed by this Act; and from and after the said date no Port-due shall be levied at any of the said Ports except under the authority of Act XXII of 1855 and of this Act.

Commencement of Act.
Rates of Port-dues to be published.
No Port-dues to be levied except under Act.

Act to be read as part of Act XXII of 1855.

VI. This Act shall be read with and taken as a part of Act XXII of 1855.

SCHEDULE.

<i>Port.</i>	<i>Maximum Rate.</i>		
Moulmèin	4	annas for every ton of burden.	
Rangoon	6	annas	ditto ditto.
Kyouk Phyoo	4	annas	ditto ditto.
Akyab	4	annas	ditto ditto.
Chittagong	4½	annas	ditto ditto.

