

Indian Statutes.

1833 to 1851.

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ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

C. A. P. LXXXV.

An Act for effecting an Arrangement with the *East India Company*, and for the better Government of His Majesty's *Indian Territories*, till the Thirtieth Day of *April* One thousand eight hundred and fifty-four. [28th August 1833.]

WHEREAS by an Act passed in the Fifty-third Year of the Reign of His Majesty King *George the Third*, intituled *An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company's Charter*, the Possession and Government of the *British Territories in India* were continued in the *United Company of Merchants of England trading to the East Indies* for a Term therein mentioned: And whereas the said Company are entitled to or claim the Lordships and Islands of *St. Helena* and *Bombay* under Grants from the Crown, and other Property to a large Amount in Value, and also certain Rights and Privileges not affected by the Determination of the Term granted by the said recited Act: And whereas the said Company have consented that all their Rights and Interests in or in the said Territories, and all their Territorial and Commercial, Real and Personal Assets and Property whatsoever,

53 G. 3. c. 155.

whatsoever, shall, subject to the Debts and Liabilities now affecting the same, be placed at the Disposal of Parliament in consideration of certain Provisions herein-after mentioned, and have also consented that their Right to trade for their own Profit in common with other His Majesty's Subjects be suspended during such Time as the Government of the said Territories shall be confided to them: And whereas it is expedient that the said Territories now under the Government of the said Company be continued under such Government, but in Trust for the Crown of the United Kingdom of *Great Britain* and *Ireland*, and discharged of all Claims of the said Company to any Profit therefrom to their own Use, except the Dividend herein-after secured to them, and that the Property of the said Company be continued in their Possession and at their Disposal, in Trust for the Crown, for the Service of the said Government, and other Purposes in this Act mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four the Territorial Acquisitions and Revenues mentioned or referred to in the said Act of the Fifty-third Year of His late Majesty King *George* the Third, together with the Port and Island of *Bombay*, and all other Territories now in the Possession and under the Government of the said Company, except the Island of *St. Helena*, shall remain and continue under such Government until the Thirtieth Day of *April* One thousand eight hundred and fifty-four; and that all the Lands and Hereditaments, Revenues, Rents, and Profits of the said Company, and all the Stores, Merchandize, Chattels, Monies, Debts, and Real and Personal Estate whatsoever, except the said Island of *St. Helena*, and the Stores and Property thereon herein-after mentioned, subject to the Debts and Liabilities now affecting the same respectively, and the Benefit of all Contracts, Covenants, and Engagements, and all Rights to Fines, Penalties, and Forfeitures, and other Emoluments whatsoever, which the said Company shall be seised or possessed of or entitled unto on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four, shall remain and be vested in, and be held, received, and exercised respectively, according to the Nature and Quality, Estate and Interest of and in the same respectively, by the said Company, in Trust for His Majesty, His Heirs and Successors, for the Service of the Government of *India*, discharged of all Claims of the said Company to any Profit or Advantage therefrom to their own Use, except the Dividend on their Capital Stock, secured to them as herein-after is mentioned, subject to such Powers and Authorities for the Superintendance, Direction, and Control over the Acts, Operations, and Concerns of the said Company as have been already made or provided by any Act or Acts of Parliament in that Behalf, or are made or provided by this Act.

The British Territories in India to remain under the Government of the Company till 30th April 1854.

Real and Personal Property of the Company to be held in Trust for the Crown, for the Service of India.

All Privileges, Powers, &c. granted by 58 G. 3. c. 155. for

II. And be it enacted, That all and singular the Privileges, Franchises, Abilities, Capacities, Powers, Authorities, whether Military or Civil, Rights, Remedies, Methods of Suit, Penalties, Forfeitures, Disabilities,

Disabilities, Provisions, Matters, and Things whatsoever granted to or continued in the said United Company by the said Act of the Fifty-third Year of King *George* the Third, for and during the Term limited by the said Act, and all other the Enactments, Provisions, Matters, and Things contained in the said Act, or in any other Act or Acts whatsoever, which are limited or may be construed to be limited to continue for and during the Term granted to the said Company by the said Act of the Fifty-third Year of King *George* the Third, so far as the same or any of them are in force, and not repealed by or repugnant to the Enactments herein-after contained, and all Powers of Alienation and Disposition, Rights, Franchises, and Immunities, which the said United Company now have, shall continue and be in force, and may be exercised and enjoyed, as against all Persons whomsoever, subject to the Superintendence, Direction, and Control herein-before mentioned, until the Thirtieth Day of *April* One thousand eight hundred and fifty-four.

the Term thereby limited; and all Enactments not repugnant to this Act;

as also all Rights and Immunities of the Company, to be in force until April 1854, subject to Control.

III. Provided always, and be it enacted, That from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four the exclusive Right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, continued to the said Company by the said Act of the Fifty-third Year of King *George* the Third, shall cease.

From 22d April 1834, China and Tea Trade of Company to cease.

IV. And be it enacted, That the said Company shall, with all convenient Speed after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four, close their Commercial Business, and make sale of all their Merchandize, Stores, and Effects at Home and Abroad, distinguished in their Account Books as Commercial Assets, and all their Warehouses, Lands, Tenements, Hereditaments, and Property whatsoever which may not be retained for the Purposes of the Government of the said Territories, and get in all Debts due to them on account of the Commercial Branch of their Affairs, and reduce their Commercial Establishments as the same shall become unnecessary, and discontinue and abstain from all Commercial Business which shall not be incident to the closing of their actual Concerns, and to the Conversion into Money of the Property herein-before directed to be sold, or which shall not be carried on for the Purposes of the said Government.

Company to close their Commercial Business, and to sell their Property not retained for Government.

V. Provided always, and be it enacted, That nothing herein contained shall prevent the said Company from selling, at the Sales of their own Goods and Merchandize by this Act directed or authorized to be made, such Goods and Merchandize the Property of other Persons as they may now lawfully sell at their public Sales.

Company not prevented selling Goods the Property of other Persons.

VI. And be it enacted, That the Board of Commissioners for the Affairs of *India* shall have full Power to superintend, direct, and control the Sale of the said Merchandize, Stores, and Effects, and other Property herein-before directed to be sold, and to determine from Time to Time, until the said Property shall be converted into Money, what Parts of the said Commercial Establishments shall be continued and reduced respectively, and to control the Allowance and

Board of Control to superintend the Sale of the Property, the Reduction of the Commercial Establish-

ments, Pay-
ment of
Commercial
Claims, &c.

Board to
appoint
Officers to
attend them
during the
winding-up
of the Com-
mercial
Business.

and Payment of all Claims upon the said Company connected with the Commercial Branch of their Affairs, and generally to superintend and control all Acts and Operations whatsoever of the said Company whereby the Value of the Property of the said Company may be affected; and the said Board shall and may appoint such Officers as shall be necessary to attend upon the said Board during the winding-up of the Commercial Business of the said Company; and that the Charge of such Salaries or Allowances as His Majesty shall, by any Warrant or Warrants under His Sign Manual, countersigned by the Chancellor of the Exchequer for the Time being, direct to be paid to such Officers, shall be defrayed by the said Company, as herein-after mentioned, in addition to the ordinary Charges of the said Board.

The Company
may consider
Claims of
Commercial
Officers re-
duced, and,
under the
Control of
the Board,
grant Com-
pensations.

VII. And be it enacted, That it shall be lawful for the said Company to take into consideration the Claims of any Persons now or heretofore employed by or under the said Company, or the Widows and Children of any such Persons, whose Interests may be affected by the Discontinuance of the said Company's Trade, or who may from Time to Time be reduced, and, under the Control of the said Board, to grant such Compensations, Superannuations, or Allowances (the Charge thereof to be defrayed by the said Company as herein-after mentioned) as shall appear reasonable: Provided always, that no such Compensations, Superannuations, or Allowances shall be granted until the Expiration of Two Calendar Months after Particulars of the Compensation, Superannuation, or Allowance proposed to be so granted shall have been laid before both Houses of Parliament.

The Parti-
culars there-
of to be laid
before Parlia-
ment every
Year.

VIII. Provided always, and be it enacted, That within the first Fourteen sitting Days after the first meeting of Parliament in every Year there be laid before both Houses of Parliament the Particulars of all Compensations, Superannuations, and Allowances so granted, and of the Salaries and Allowances directed to be paid to such Officers as may be appointed by the said Board as aforesaid during the preceding Year.

Company's
Debts and
Liabilities
charged on
India.

IX. And be it enacted, That from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four all the Bond Debt of the said Company in *Great Britain*, and all the Territorial Debt of the said Company in *India*, and all other Debts which shall on that Day be owing by the said Company, and all Sums of Money, Costs, Charges, and Expences which after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four may become payable by the said Company in respect or by reason of any Covenants, Contracts, or Liabilities then existing, and all Debts, Expences, and Liabilities whatever which after the same Day shall be lawfully contracted and incurred on account of the Government of the said Territories, and all Payments by this Act directed to be made, shall be charged and chargeable upon the Revenues of the said Territories; and that neither any Stock or Effects which the said Company may hereafter have to their own Use, nor the Dividend by this Act secured to them, nor the Directors or Proprietors of the said

said Company, shall be liable to or chargeable with any of the said Debts, Payments, or Liabilities.

X. Provided always, and be it enacted, That so long as the Possession and Government of the said Territories shall be continued to the said Company all Persons and Bodies Politic shall and may have and take the same Suits, Remedies, and Proceedings, legal and equitable, against the said Company, in respect of such Debts and Liabilities as aforesaid, and the Property vested in the said Company in Trust as aforesaid shall be subject and liable to the same Judgments and Executions, in the same Manner and Form respectively as if the said Property were hereby continued to the said Company to their own Use.

While India is under Government of the Company, their Property to continue subject to Execution.

XI. And be it enacted, That out of the Revenues of the said Territories there shall be paid to or retained by the said Company, to their own Use, a yearly Dividend after the Rate of Ten Pounds Ten Shillings *per Centum per Annum* on the present Amount of their Capital Stock; the said Dividend to be payable in *Great Britain*, by equal half-yearly Payments, on the Sixth Day of *January* and the Sixth Day of *July* in every Year; the first half-yearly Payment to be made on the Sixth Day of *July* One thousand eight hundred and thirty-four.

A Dividend of 10*l.* 10*s.* per Cent. per An. to be paid on Company's Stock by half-yearly Payments in Great Britain.

XII. Provided always, and be it enacted, That the said Dividend shall be subject to Redemption by Parliament upon and at any Time after the Thirtieth Day of *April* One thousand eight hundred and seventy-four, on Payment to the Company of Two hundred Pounds Sterling for every One hundred Pounds of the said Capital Stock, together with a proportionate Part of the same Dividend, if the Redemption shall take place on any other Day than one of the said half-yearly Days of Payment: Provided also, that Twelve Months Notice in Writing, signified by the Speaker of the House of Commons by the Order of the House, shall be given to the said Company of the Intention of Parliament to redeem the said Dividend.

Dividend to be subject to Redemption by Parliament after April 1874, on Payment of 200*l.* for 100*l.* Stock. Notice of Redemption.

XIII. Provided always, and be it enacted, That if on or at any Time after the said Thirtieth Day of *April* One thousand eight hundred and fifty-four the said Company shall, by the Expiration of the Term hereby granted, cease to retain, or shall by the Authority of Parliament be deprived of the Possession and Government of the said Territories, it shall be lawful for the said Company within One Year thereafter to demand the Redemption of the said Dividend, and Provision shall be made for redeeming the said Dividend, after the Rate aforesaid, within Three Years after such Demand.

If Company deprived of the Government of India, they may demand Redemption of the Dividend.

XIV. And be it enacted, That there shall be paid by the said Company into the Bank of *England*, to the Account of the Commissioners for the Reduction of the National Debt, such Sums of Money as shall in the whole amount to the Sum of Two Millions Sterling, with Compound Interest after the Rate of Three Pounds Ten Shillings

Company to pay to Commissioners for Reduction of National Debt 2,000,000*l.* :

to be placed
to Account of
Security
Fund of the
Company.
Monies and
Dividends to
be laid out
in Securities,
and Divi-
dends placed
to same Ac-
count, until
the whole
amounts to
12 Millions.

per Centum per Annum, computed half-yearly from the said Twenty-second Day of *April* One thousand eight hundred and thirty-four, on so much of the said Sums as shall from Time to Time remain unpaid; and the Cashiers of the said Bank shall receive all such Sums of Money, and place the same to a separate Account with the said Commissioners, to be intituled "The Account of the Security Fund of the *India* Company;" and that as well the Monies so paid into the said Bank as the Dividends or Interest which shall arise therefrom shall from Time to Time be laid out, under the Direction of the said Commissioners, in the Purchase of Capital Stock in any of the redeemable Public Annuities transferrable at the Bank of *England*; which Capital Stock so purchased shall be invested in the Names of the said Commissioners on account the said Security Fund, and the Dividends payable thereon shall be received by the said Cashiers and placed to the said Account, until the whole of the Sums so received on such Account shall have amounted to the Sum of Twelve Millions Sterling; and the said Monies, Stock, and Dividends, or Interest, shall be a Security Fund for better securing to the said Company the Redemption of their said Dividend after the Rate herein-before appointed for such Redemption.

Commis-
sioners for
Reduction of
National
Debt, upon
Requisition
of Court, may
raise Money
for paying the
Dividend
in case of
Failure or
Delay of Re-
mittance of
proper Funds.

XV. Provided always, and be it enacted, That it shall be lawful for the said Commissioners for the Reduction of the National Debt from Time to Time, and they are hereby required, upon Requisition made for that Purpose by the Court of Directors of the said Company, to raise and pay to the said Company such Sums of Money as may be necessary for the Payment of the said Company's Dividend by reason of any Failure or Delay of the Remittances of the proper Funds for such Payment; such Sums of Money to be raised by Sale or Transfer or Deposit by way of Mortgage of a competent Part of the said Security Fund, according as the said Directors, with the Approbation of the said Board, shall direct; to be repaid into the Bank of *England* to the Account of the Security Fund, with Interest after such Rate as the Court of Directors, with the Approbation of the said Court, shall fix, out of the Remittances which shall be made for answering such Dividend, as and when such Remittances shall be received in *England*.

Application
of Dividends
of Security
Fund and the
Fund itself
in aid of
Revenues.

XVI. Provided always, and be it enacted, That all Dividends on the Capital Stock forming the said Security Fund accruing after the Monies received by the said Bank to the Account of such Fund shall have amounted to the Sum of Twelve Millions Sterling, until the said Fund shall be applied to the Redemption of the said Company's Dividend, and also all the said Security Fund, or so much thereof as shall remain after the said Dividend shall be wholly redeemed after the Rate aforesaid, shall be applied in aid of the Revenues of the said Territories.

Company's
Dividends to
be paid out
of Revenues
in preference
to other
Charges, and

XVII. And be it enacted, That the said Dividend on the Company's Capital Stock shall be paid or retained as aforesaid out of such Part of the Revenues of the said Territories as shall be remitted to *Great Britain*, in preference to all other Charges payable thereout in *Great Britain*; and that the said Sum of Two Millions Sterling shall

be paid in manner aforesaid out of any Sums which shall on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four be due to the said Company from the Public as and when the same shall be received, and out of any Monies which shall arise from the Sale of any Government Stock on that Day belonging to the said Company, in preference to all other Payments thereof; and that, subject to such Provisions for Priority of Charge, the Revenues of the said Territories, and all Monies which shall belong to the said Company on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four, and all Monies which shall be thereafter received by the said Company from and in respect of the Property and Rights vested in them in Trust as aforesaid, shall be applied to the Service of the Government of the said Territories, and in defraying all Charges and Payments by this Act created, or confirmed and directed to be made respectively, in such Order as the said Court of Directors, under the Control of the said Board, shall from Time to Time direct; any thing in any other Act or Acts contained to the contrary notwithstanding.

2,000,000*l.*
to be paid
out of Debt
due from the
Public and
by Sale of
Stock.

Subject to
such Priori-
ties, Reve-
nues and
Monies to be
applied to
Service of
India and
Purposes of
this Act, un-
der Control.

XVIII. Provided also, and be it enacted, That nothing herein contained shall be construed or operate to the Prejudice of any Persons claiming or to claim under a Deed of Covenants dated the Tenth Day of *July* One thousand eight hundred and five, and made between the said Company of the one Part, and the several Persons whose Hands should be thereto set and affixed, and who respectively were or claimed to be Creditors of His Highness the Nabob *Wallah Jah*, formerly Nabob of *Arcot* and of the *Carnatic* in the *East Indies*, and now deceased, and of His Highness the Nabob *Omduh ul Omrah*, late Nabob of *Arcot* and of the *Carnatic*, and now also deceased, and of His Highness the *Ameer ul Omrah*, of the other Part.

Not to preju-
dice Persons
claiming
under a
Covenant be-
tween the
Company
and the Cre-
ditors of the
Nabobs of
Arcot, &c.

XIX. And be it enacted, That it shall and may be lawful for His Majesty by any Letters Patent, or by any Commission or Commissions to be issued under the Great Seal of *Great Britain* from Time to Time to nominate, constitute, and appoint, during Pleasure, such Persons as His Majesty shall think fit to be, and who shall accordingly be and be styled, Commissioners for the Affairs of *India*; and every Enactment, Provision, Matter, and Thing relating to the Commissioners for the Affairs of *India* in any other Act or Acts contained, so far as the same are in force and not repealed by or repugnant to this Act, shall be deemed and taken to be applicable to the Commissioners to be nominated as aforesaid.

His Majesty
may appoint
Commission-
ers for the
Affairs of
India.

XX. And be it enacted, That the Lord President of the Council, the Lord Privy Seal, the First Lord of the Treasury, the Principal Secretaries of State, and the Chancellor of the Exchequer for the Time being shall, by virtue of their respective Offices, be and they are hereby declared to be Commissioners for the Affairs of *India*, in conjunction with the Persons to be nominated in any such Commission as aforesaid, and they shall have the same Powers respectively as if they had been expressly nominated in such Commission, in the Order in which they are herein mentioned, next after the Commissioner first named therein.

Ex officio
Commission-
ers.

XXI. And

Two Commissioners may form a Board ;

first-named to be President; in his Absence the next in order.

President and occasional President to have the casting Vote.

The Board to appoint Two Secretaries and other Officers.

President, Secretaries, and Officers to be paid such Salaries as the Crown shall direct.

Secretaries and Officers to take Oaths if required by the Board.

The Board of Commissioners to control all Acts concerning India, and the Sale of Property.

Commissioners, Secretaries, and Officers, on 22d April 1834, to continue until

XXI. And be it enacted, That any Two or more of the said Commissioners shall and may form a Board for executing the several Powers which by this Act, or by any other Act or Acts, are or shall be given to or vested in the Commissioners for the Affairs of *India*; and that the Commissioner first named in any such Letters Patent or Commission, for the Time being, shall be the President of the said Board; and that when any Board shall be formed in the Absence of the President, the Commissioner next in order of Nomination in this Act or in the said Commission, of those who shall be present, shall for that Turn preside at the said Board.

XXII. And be it enacted, That if the Commissioners present at any Board shall be equally divided in Opinion with respect to any Matter by them discussed, then and on every such Occasion the President, or in his Absence the Commissioner acting as such, shall have Two Voices or the casting Vote.

XXIII. And be it enacted, That the said Board shall and may nominate and appoint Two Secretaries, and such other Officers as shall be necessary, to attend upon the said Board, who shall be subject to Dismission at the Pleasure of the said Board; and each of the said Secretaries shall have the same Powers, Rights, and Privileges as by any Act or Acts now in force are vested in the Chief Secretary of the Commissioners for the Affairs of *India*; and that the President of the said Board, but no other Commissioner as such, and the said Secretaries and other Officers, shall be paid by the said Company such fixed Salaries as His Majesty shall, by any Warrant or Warrants under his Sign Manual, countersigned by the Chancellor of the Exchequer for the Time being, direct.

XXIV. And be it enacted, That if at any Time the said Board shall deem it expedient to require their Secretaries and other Officers of the said Board, or any of them, to take an Oath of Secrecy, and for the Execution of the Duties of their respective Stations, it shall be lawful for the said Board to administer such Oath as they shall frame for the Purpose.

XXV. And be it enacted, That the said Board shall have and be invested with full Power and Authority to superintend, direct, and control all Acts, Operations, and Concerns of the said Company which in anywise relate to or concern the Government or Revenues of the said Territories, or the Property hereby vested in the said Company in Trust as aforesaid, and all Grants of Salaries, Gratuities, and Allowances, and all other Payments and Charges whatever, out of or upon the said Revenues and Property respectively, except as herein-after is mentioned.

XXVI. And be it enacted, That the several Persons who on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four shall be Commissioners for the Affairs of *India*, and Secretaries and Officers of such Board of Commissioners, shall continue and be Commissioners for the Affairs of *India*, and Secretaries and Officers of the said Board respectively, with the same Powers and

and subject to the same Restrictions as to Salaries as if they had been appointed by virtue of this Act, until by the issuing of new Patents, Commissions, or otherwise, their Appointments shall be respectively revoked. their Appointments are revoked.

XXVII. And be it enacted, That if, upon the Occasion of taking any Ballot on the Election of a Director or Directors of the said Company, any Proprietor, who shall be resident within the United Kingdom, shall, by reason of Absence, Illness, or otherwise, be desirous of voting by Letter of Attorney, he shall be at liberty so to do, provided that such Letter of Attorney shall in every Case express the Name or Names of the Candidate or Candidates for whom such Proprietor shall be so desirous of voting, and shall be executed within Ten Days next before such Election; and the Attorney constituted for such Purpose shall in every Case deliver the Vote he is so directed to give openly to the Person or Persons who shall be authorized by the said Company to receive the same; and every such Vote shall be accompanied by an Affidavit or Affirmation to be made before a Justice of the Peace by the Proprietor directing the same so to be given, to the same or the like Effect as the Oath or Affirmation now taken by Proprietors voting upon Ballots at General Courts of the said Company, and in which such Proprietor shall also state the Day of the Execution of such Letter of Attorney; and any Person making a false Oath or Affirmation before a Justice of Peace for the Purpose aforesaid shall be held to have thereby committed wilful Perjury; and if any Person do unlawfully or corruptly procure or suborn any other Person to take the said Oath or Affirmation before a Justice of the Peace as aforesaid, whereby he or she shall commit such wilful Perjury, and shall thereof be convicted, he, she, or they, for every such Offence, shall incur such Pains and Penalties as are provided by Law against Subornation of Perjury. Proprietors may vote by Attorney in Election of Directors.

XXVIII. And be it enacted, That so much of the Act of the Thirteenth Year of the Reign of King George the Third, intituled *An Act for establishing certain Regulations for the better Management of the Affairs of the East India Company as well in India as in Europe*, as enacts that no Person employed in any Civil or Military Station in the *East Indies*, or claiming or exercising any Power, Authority, or Jurisdiction therein, shall be capable of being appointed or chosen into the Office of Director until such Person shall have returned to and been resident in *England* for the Space of Two Years, shall be and is hereby repealed: Provided, that if the said Court of Directors, with the Consent of the said Board, shall declare such Person to be an Accountant with the said Company, and that his Accounts are unsettled, or that a Charge against such Person is under the Consideration of the said Court, such Person shall not be capable of being chosen into the Office of Director for the Term of Two Years after his Return to *England*, unless such Accounts shall be settled, or such Charge be decided on, before the Expiration of the said Term. Repeal of Restriction in 13 G. 3. c. 63. with respect to any Person employed in the East Indies being chosen Director. If such Person has unsettled Accounts, he shall be ineligible for Two Years, unless they are sooner settled.

Court to deliver to Board Copies of Minutes, &c. of Courts of Proprietors and Directors, and of all material Letters and Dispatches.

XXIX. And be it further enacted, That the said Court of Directors shall from Time to Time deliver to the said Board Copies of all Minutes, Orders, Resolutions, and Proceedings of all Courts of Proprietors, General or Special, and of all Courts of Directors, within Eight Days after the holding of such Courts respectively, and also Copies of all Letters, Advices, and Dispatches whatever which shall at any Time or Times be received by the said Court of Directors or any Committee of Directors, and which shall be material to be communicated to the said Board, or which the said Board shall from Time to Time require.

No Official Communications to be sent by the Court until approved by the Board;

XXX. And be it enacted, That no Orders, Instructions, Dispatches, Official Letters, or Communications whatever, relating to the said Territories or the Government thereof, or to the Property or Rights vested in the said Company in Trust as aforesaid, or to any public Matters whatever, shall be at any Time sent or given by the said Court of Directors, or any Committee of the said Directors, until the same shall have been submitted for the Consideration of and approved by the said Board; and for that Purpose that Copies of all such Orders, Instructions, Dispatches, Official Letters, or Communications which the said Court of Directors, or any Committee of the said Directors, shall propose to be sent or given, shall be by them previously laid before the said Board, and that within the Space of Two Months after the Receipt of such proposed Orders, Instructions, Dispatches, Official Letters, or Communications, the said Board shall either return the same to the said Court of Directors or Committee of Directors, with their Approbation thereof, signified under the Hand of One of the Secretaries of the said Board, by the Order of the said Board; or if the said Board shall disapprove, alter, or vary in Substance any of such proposed Orders, Instructions, Dispatches, Official Letters, or Communications, in every such Case the said Board shall give to the said Directors, in Writing, under the Hand of One of the Secretaries of the said Board, by Order of the said Board, their Reason in respect thereof, together with their Directions to the said Directors in relation thereto; and the said Directors shall and they are hereby required forthwith to send the said Orders, Instructions, Dispatches, Official Letters, or Communications, in the Form approved by the said Board, to their proper Destinations: Provided always, that it shall be lawful for the said Board, by Minutes from Time to Time to be made for that Purpose and entered on the Records of the said Board, and to be communicated to the said Court, to allow such Classes of Orders, Instructions, Dispatches, Official Letters, or Communications as shall in such Minutes be described to be sent or given by the said Court without having been previously laid before the said Board.

except such Classes of Communications as the Board may allow.

If the Court omit to frame Official Communications for Consideration of the Board, they may prepare them.

XXXI. And be it enacted, That whenever the said Court of Directors shall omit to prepare and submit for the Consideration of the said Board any Orders, Instructions, Dispatches, Official Letters, or Communications, beyond the Space of Fourteen Days after Requisition made to them by Order of the said Board, it shall and may be lawful to and for the said Board to prepare and send to the

said Directors any Orders, Instructions, Dispatches, Official Letters, or Communications, together with their Directions relating thereto; and the said Directors shall and they are hereby required forthwith to transmit the same to their proper Destinations.

Court to send them.

XXXII. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to restrict or prohibit the said Directors from expressing, within Fourteen Days, by Representation in Writing to the said Board, such Remarks, Observations, or Explanations as they shall think fit touching or concerning any Directions which they shall receive from the said Board; and that the said Board shall and they are hereby required to take every such Representation, and the several Matters therein contained or alleged, into their Consideration, and to give such further Directions thereupon as they shall think fit and expedient; which shall be final and conclusive upon the said Directors.

Representations may be made by Court as to Official Communications; and Board to consider such Representations, and give final Orders.

XXXIII. And be it enacted, That if it shall appear to the said Court of Directors that any Orders, Instructions, Dispatches, Official Letters or Communications, except such as shall pass through the Secret Committee, upon which Directions may be so given by the said Board as aforesaid, are contrary to Law, it shall be in the Power of the said Board and the said Court of Directors to send a special Case, to be agreed upon by and between them, and to be signed by the President of the said Board and the Chairman of the said Company, to Three or more of the Judges of His Majesty's Court of King's Bench, for the Opinion of the said Judges; and the said Judges are hereby required to certify their Opinion upon any Case so submitted to them, and to send a Certificate thereof to the said President and Chairman; which Opinion shall be final and conclusive.

If Court think the Orders of Board contrary to Law, the Court of King's Bench may certify their Opinion on any Case which may be agreed upon; such Opinion to be conclusive.

XXXIV. Provided always, and be it enacted and declared, That the said Board shall not have the Power of appointing any of the Servants of the said Company, or of directing or interfering with the Officers and Servants of the said Company employed in the Home Establishment, nor shall it be necessary for the said Court of Directors to submit for the Consideration of the said Board their Communications with the Officers or Servants employed in their said Home Establishment, or with the legal Advisers of the said Company.

Board not empowered to appoint Officers of the Company, or to interfere with Home Officers.

XXXV. And be it enacted, That the said Court of Directors shall from Time to Time appoint a Secret Committee, to consist of any Number not exceeding Three of the said Directors, for the particular Purposes in this Act specified; which said Directors so appointed shall, before they or any of them shall act in the Execution of the Powers and Trusts hereby reposed in them, take an Oath of the Tenor following; (that is to say,)

Directors to appoint a Secret Committee, who shall take the following Oath.

' I (A. B.) do swear, That I will, according to the best of my Skill and Judgment, faithfully execute the several Trusts and Powers reposed in me as a Member of the Secret Committee appointed by the Court of Directors of the *India* Company; I will not dis-

close

‘ close or make known any of the secret Orders, Instructions, Dispatches, Official Letters or Communications which shall be sent or given to me by the Commissioners for the Affairs of *India*, save only to the other Members of the said Secret Committee, or to the Person or Persons who shall be duly nominated and employed in transcribing or preparing the same respectively, unless I shall be authorized by the said Commissioners to disclose and make known the same. So help me GOD.’

Which said Oath shall and may be administered by the several and respective Members of the said Secret Committee to each other; and, being so by them taken and subscribed, shall be recorded by the Secretary or Deputy Secretary of the said Court of Directors for the Time being amongst the Acts of the said Court.

If the Board are of opinion that any Matters wherein Indian or other States are concerned require Secrecy, the Board may send Official Communications through Secret Committee.

XXXVI. Provided also, and be it enacted, That if the said Board shall be of opinion that the Subject Matter of any of their Deliberations concerning the levying War or making Peace, or treating or negotiating with any of the Native Princes or States in *India*, or with any other Princes or States, or touching the Policy to be observed with respect to such Princes or States, intended to be communicated in Orders, Dispatches, Official Letters or Communications, to any of the Governments or Presidencies in *India*, or to any Officers or Servants of the said Company, shall be of a Nature to require Secrecy, it shall and may be lawful for the said Board to send their Orders, Dispatches, Official Letters or Communications, to the Secret Committee of the said Court of Directors to be appointed as is by this Act directed, who shall thereupon, without disclosing the same, transmit the same according to the Tenor thereof, or pursuant to the Directions of the said Board, to the respective Governments and Presidencies, Officers and Servants; and that the said Governments and Presidencies, Officers and Servants, shall be bound to pay a faithful Obedience thereto, in like Manner as if such Orders, Dispatches, Official Letters or Communications had been sent to them by the said Court of Directors.

The Court to submit to the Board an Estimate of Salaries of Directors and other Expences of the India House, which shall be subject to Reduction.

The Sum allowed to be applicable to such Purposes, at Discretion of the Court of Directors.

XXXVII. And be it enacted, That the said Court of Directors shall, before the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and afterwards from Time to Time so often as Reductions of the Establishment of the said Court or other Circumstances may require, frame and submit to the said Board an Estimate of the gross Sum which will be annually required for the Salaries of the Chairman, Deputy Chairman, and Members of the said Court, and the Officers and Secretaries thereof, and all other proper Expences fixed and contingent thereof, and of General Courts of Proprietors; and such Estimate shall be subject to Reduction by the said Board, so that the Reasons for such Reduction be given to the said Court of Directors; and any Sum not exceeding the Sum mentioned in such Estimate, or (if the same shall be reduced) in such reduced Estimate, shall be annually applicable, at the Discretion of the Court of Directors, to the Payment of the said Salaries and Expences; and it shall not be lawful for the said Board to interfere with or control the particular Application thereof, or to direct what particular

particular Salaries or Expences shall from Time to Time be increased or reduced: Provided always, that such and the same Accounts shall be kept and rendered of the Sums to be applied in defraying the Salaries and Expences aforesaid as of the other Branches of the Expenditure of the said Company.

Accounts of Application to be rendered.

XXXVIII. And be it enacted, That the Territories now subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into Two distinct Presidencies, one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William* in *Bengal*, and the other of such Presidencies to be styled the Presidency of *Agra*; and that it shall be lawful for the said Court of Directors, under the Control by this Act provided, and they are hereby required, to declare and appoint what Part or Parts of any of the Territories under the Government of the said Company shall from Time to Time be subject to the Government of each of the several Presidencies now subsisting or to be established as aforesaid, and from Time to Time, as Occasion may require, to revoke and alter, in the whole or in part, such Appointment, and such new Distribution of the same as shall be deemed expedient.

Presidency of Fort William in Bengal to be divided into Two Presidencies. The Court to declare the Limits from Time to Time of the several Presidencies.

XXXIX. And be it enacted, That the Superintendence, Direction, and Control of the whole Civil and Military Government of all the said Territories and Revenues in *India* shall be and is hereby vested in a Governor General and Counsellors, to be styled "The Governor General of *India* in Council."

Government of India.

XL. And be it enacted, That there shall be Four Ordinary Members of the said Council, Three of whom shall from Time to Time be appointed by the said Court of Directors from amongst such Persons as shall be or shall have been Servants of the said Company; and each of the said Three Ordinary Members of Council shall at the Time of his Appointment have been in the Service of the said Company for at least Ten Years; and if he shall be in the Military Service of the said Company, he shall not during his Continuance in Office as a Member of Council hold any Military Command, or be employed in actual Military Duties; and that the Fourth Ordinary Member of Council shall from Time to Time be appointed from amongst Persons who shall not be Servants of the said Company by the said Court of Directors, subject to the Approbation of His Majesty, to be signified in Writing by His Royal Sign Manual, countersigned by the President of the said Board; provided that such last-mentioned Member of Council shall not be entitled to sit or vote in the said Council except at Meetings thereof for making Laws and Regulations; and it shall be lawful for the said Court of Directors to appoint the Commander-in-Chief of the Company's Forces in *India*, and if there shall be no such Commander-in-Chief, or the Offices of such Commander-in-Chief and of Governor General of *India* shall be vested in the same Person, then the Commander-in-Chief of the Forces on the *Bengal* Establishment, to be an Extraordinary Member

There shall be Four Ordinary Councilors, Three of whom shall be Servants of the Company.

No Military Officer to hold any Command whilst a Member.

The Fourth Member not to be appointed from the Company's Servants.

Member of the said Council, and such Extraordinary Member of Council shall have Rank and Precedence at the Council Board next after the Governor General.

Governor General and the Members of Council on 22d April 1834 to be so under this Act.

XLII. And be it enacted, That the Person who shall be Governor General of the Presidency of *Fort William* in *Bengal* on the Twenty-second Day of *April* One thousand eight hundred and thirty-four shall be the First Governor General of *India* under this Act, and such Persons as shall be Members of Council of the same Presidency on that Day shall be respectively Members of the Council constituted by this Act.

Filling up Vacancies in these Offices.

XLII. And be it enacted, That all Vacancies happening in the Office of Governor General of *India* shall from Time to Time be filled up by the said Court of Directors, subject to the Approbation of His Majesty, to be signified in Writing by His Royal Sign Manual, countersigned by the President of the said Board.

The Governor General in Council empowered to legislate for India, except as to Matters herein mentioned.

XLIII. And be it enacted, That the said Governor General in Council shall have Power to make Laws and Regulations for repealing, amending, or altering any Laws or Regulations whatever now in force or hereafter to be in force in the said Territories or any Part thereof, and to make Laws and Regulations for all Persons, whether *British* or Native, Foreigners or others, and for all Courts of Justice, whether established by His Majesty's Charters or otherwise, and the Jurisdictions thereof, and for all Places and Things whatsoever within and throughout the whole and every Part of the said Territories, and for all Servants of the said Company within the Dominions of Princes and States in alliance with the said Company; save and except that the said Governor General in Council shall not have the Power of making any Laws or Regulations which shall in any way repeal, vary, suspend, or affect any of the Provisions of this Act, or any of the Provisions of the Acts for punishing Mutiny and Desertion of Officers and Soldiers, whether in the Service of His Majesty or the said Company, or any Provisions of any Act hereafter to be passed in anywise affecting the said Company or the said Territories or the Inhabitants thereof, or any Laws or Regulations which shall in any way affect any Prerogative of the Crown, or the Authority of Parliament, or the Constitution or Rights of the said Company, or any Part of the unwritten Laws or Constitution of the United Kingdom of *Great Britain* and *Ireland* whereon may depend in any Degree the Allegiance of any Person to the Crown of the United Kingdom, or the Sovereignty or Dominion of the said Crown over any Part of the said Territories.

If the Court of Directors disallow the Laws, Governor in Council to repeal them.

XLIV. Provided always, and be it enacted, That in case the said Court of Directors, under such Control as by this Act is provided, shall signify to the said Governor General in Council their Disallowance of any Laws or Regulations by the said Governor General in Council made, then and in every such Case, upon Receipt by the said Governor General in Council of Notice of such Disallowance,

the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed.

XLV. Provided also, and be it enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same Force and Effect within and throughout the said Territories as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories, in the same Manner as any Public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

All such Laws and Regulations to be of the same Force as any Act of Parliament.

Registration unnecessary.

XLVI. Provided also, and be it enacted, That it shall not be lawful for the said Governor General in Council, without the previous Sanction of the said Court of Directors, to make any Law or Regulation whereby Power shall be given to any Courts of Justice, other than the Courts of Justice established by His Majesty's Charters, to sentence to the Punishment of Death any of His Majesty's natural-born Subjects born in *Europe*, or the Children of such Subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

Restricting the Power of punishing with Death European Subjects, &c.

XLVII. And be it enacted, That the said Court of Directors shall forthwith submit, for the Approbation of the said Board, such Rules as they shall deem expedient for the Procedure of the Governor General in Council in the Discharge and Exercise of all Powers, Functions, and Duties imposed on or vested in him by virtue of this Act, or to be imposed or vested in him by any other Act or Acts; which Rules shall prescribe the Modes of Promulgation of any Laws or Regulations to be made by the said Governor General in Council, and of the Authentication of all Acts and Proceedings whatsoever of the said Governor General in Council; and such Rules, when approved by the said Board of Commissioners, shall be of the same Force as if they had been inserted in this Act: Provided always, that such Rules shall be laid before both Houses of Parliament in the Session next after the Approval thereof.

The Court to submit to the Board Rules for the Procedure of the Governor General in Council.

Rules to be laid before Parliament.

XLVIII. Provided always, and be it enacted, That all Laws and Regulations shall be made at some Meeting of the Council at which the said Governor General and at least Three of the Ordinary Members of Council shall be assembled, and that all other Functions of the said Governor General in Council may be exercised by the said Governor General and One or more Ordinary Member or Members of Council, and that in every Case of Difference of Opinion at Meetings of the said Council where there shall be an Equality of Voices the said Governor General shall have Two Votes or the casting Vote.

Quorum of Governor General and Members in Council.

XLIX. Provided always, and be it enacted, That when and so often as any Measure shall be proposed before the said Governor General in Council whereby the Safety, Tranquillity or Interests of the *British Possessions*

Manner of Proceeding when any Measure is

proposed
whereby the
Safety or
Peace of
India may be
essentially
affected.

Possessions in *India*, or any Part thereof, are or may be, in the Judgment of the said Governor General, essentially affected, and the said Governor General shall be of opinion either that the Measure so proposed ought to be adopted or carried into execution, or that the same ought to be suspended or wholly rejected, and the Majority in Council then present shall differ in and dissent from such Opinion, the said Governor General and Members of Council are hereby directed forthwith mutually to exchange with and communicate to each other in Writing under their respective Hands, to be recorded at large on their Secret Consultations, the Grounds and Reasons of their respective Opinions; and if after considering the same the said Governor General and the Majority in Council shall still differ in Opinion, it shall be lawful for the said Governor General, of his own Authority and on his own Responsibility, to suspend or reject the Measure so proposed in part or in whole, or to adopt and carry the Measure so proposed into execution, as the said Governor General shall think fit and expedient.

Council to
assemble at
any Place in
India.

L. And be it enacted, That the said Council shall from Time to Time assemble at such Place or Places as shall be appointed by the said Governor General in Council within the said Territories, and that as often as the said Council shall assemble within any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the Governor of such Presidency shall act as an Extraordinary Member of Council.

Nothing in
this Act to
affect the
Right of
Parliament
to legislate
for *India*.
Express
Reservation.

LL. Provided always, and be it enacted, That nothing herein contained shall extend to affect in any way the Right of Parliament to make Laws for the said Territories and for all the Inhabitants thereof; and it is expressly declared that a full, complete, and constantly existing Right and Power is intended to be reserved to Parliament to control, supersede, or prevent all Proceedings and Acts whatsoever of the said Governor General in Council, and to repeal and alter at any Time any Law or Regulation whatsoever made by the said Governor General in Council, and in all respects to legislate for the said Territories and all the Inhabitants thereof in as full and ample a Manner as if this Act had not been passed; and the better to enable Parliament to exercise at all Times such Right and Power, all Laws and Regulations made by the said Governor General in Council shall be transmitted to *England*, and laid before both Houses of Parliament, in the same Manner as is now by Law provided concerning the Rules and Regulations made by the several Governments in *India*.

Laws and
Regulations
to be laid
before Par-
liament.

All Enact-
ments re-
lating to
Supreme
Government
shall apply
to Governor
General of
India in
Council
and alone.

LII. And be it enacted, That all Enactments, Provisions, Matters, and Things relating to the Governor General of *Fort William* in *Bengal* in Council, and the Governor General of *Fort William* in *Bengal* alone, respectively, in any other Act or Acts contained, so far as the same are now in force, and not repealed by or repugnant to the Provisions of this Act, shall continue and be in force and be applicable to the Governor General of *India* in Council, and to the Governor General of *India* alone, respectively.

LIII. And

LIII. And whereas it is expedient that, subject to such special Arrangements as local Circumstances may require, a general System of Judicial Establishments and Police, to which all Persons whatsoever, as well *Europeans* as Natives, may be subject, should be established in the said Territories at an early Period; and that such Laws as may be applicable in common to all Classes of the Inhabitants of the said Territories, due Regard being had to the Rights, Feelings, and peculiar Usages of the People, should be enacted, and that all Laws and Customs having the Force of Law within the same Territories should be ascertained and consolidated, and as Occasion may require amended; be it therefore enacted, That the said Governor General of *India* in Council shall, as soon as conveniently may be after the passing of this Act, issue a Commission, and from Time to Time Commissions, to such Persons as the said Court of Directors, with the Approbation of the said Board of Commissioners, shall recommend for that Purpose, and to such other Persons, if necessary, as the said Governor General in Council shall think fit, all such Persons, not exceeding in the whole at any one Time Five in Number, and to be styled "The *Indian* Law Commissioners," with all such Powers as shall be necessary for the Purposes hereinafter mentioned; and the said Commissioners shall fully inquire into the Jurisdiction, Powers, and Rules of the existing Courts of Justice and Police Establishments in the said Territories, and all existing Forms of Judicial Procedure, and into the Nature and Operation of all Laws, whether Civil or Criminal, written or customary, prevailing and in force in any Part of the said Territories, and whereto any Inhabitants of the said Territories, whether *Europeans* or others, are now subject; and the said Commissioners shall from Time to Time make Reports, in which they shall fully set forth the Result of their said Inquiries, and shall from Time to Time suggest such Alterations as may in their Opinion be beneficially made in the said Courts of Justice and Police Establishments, Forms of Judicial Procedure and Laws, due Regard being had to the Distinction of Castes, Difference of Religion, and the Manners and Opinions prevailing among different Races and in different Parts of the said Territories.

A Law Commission to be appointed, to inquire into the Jurisdiction, &c. of existing Courts of Justice and Police Establishments, and the Operation of the Laws.

Commissioners from Time to Time to report the Result of their Inquiries.

LIV. And be it enacted, That the said Commissioners shall follow such Instructions with regard to the Researches and Inquiries to be made and the Places to be visited by them, and all their Transactions with reference to the Objects of their Commission, as they shall from Time to Time receive from the said Governor General of *India* in Council; and they are hereby required to make to the said Governor General in Council such special Reports upon any Matters as by such Instructions may from Time to Time be required; and the said Governor General in Council shall take into consideration the Reports from Time to Time to be made by the said *Indian* Law Commissioners, and shall transmit the same, together with the Opinions or Resolutions of the said Governor General in Council thereon, to the said Court of Directors; and which said Reports, together with the said Opinions or Resolutions, shall be laid before both Houses of Parliament in the same Manner as is now by Law provided concerning

Commissioners to follow Instructions of Governor General in Council, and to make special Reports when required. Governor General in Council to consider Reports, and transmit them with Opinions thereupon.

cerning the Rules and Regulations made by the several Governments in *India*.

Salaries to be granted to Law Commissioners.

LV. And be it enacted, That it shall and may be lawful for the Governor General of *India* in Council to grant Salaries to the said *Indian* Law Commissioners and their necessary Officers and Attendants, and to defray such other Expences as may be incident to the said Commission, and that the Salaries of the said Commissioners shall be according to the highest Scale of Remuneration given to any of the Officers or Servants of the *India* Company below the Rank of Members of Council.

The Executive Government of the Presidencies to be administered by a Governor and Three Councillors.

LVI. And be it enacted, That the Executive Government of each of the several Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* shall be administered by a Governor and Three Councillors, to be styled "The Governor in Council of the said Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra*, respectively;" and the said Governor and Councillors respectively of each such Presidency shall have the same Rights and Voices in their Assemblies, and shall observe the same Order and Course in their Proceedings, as the Governors in Council of the Presidencies of *Fort Saint George* and *Bombay* now have and observe, and that the Governor General of *India* for the Time being shall be Governor of the Presidency of *Fort William* in *Bengal*.

Directors empowered to revoke the Appointment of Councils, or to reduce the Number of Councillors.

LVII. Provided always, and be it enacted, That it shall and may be lawful for the said Court of Directors, under such Control as is by this Act provided, to revoke and suspend, so often and for such Periods as the said Court shall in that Behalf direct, the Appointment of Councils in all or any of the said Presidencies, or to reduce the Number of Councillors in all or any of the said Councils, and during such Time as a Council shall not be appointed in any such Presidency the Executive Government thereof shall be administered by a Governor alone.

Governors of *Fort St. George* and *Bombay*.

Governor of *Agra*, and Vacancies in Presidencies to be filled up by Court.

LVIII. And be it enacted, That the several Persons who on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four shall be Governors of the respective Presidencies of *Fort Saint George* and *Bombay*, shall be the first Governors of the said Presidencies respectively under this Act; and that the Office of Governor of the said Presidency of *Agra*, and all Vacancies happening in the Offices of the Governors of the said Presidencies respectively, shall be filled up by the said Court of Directors, subject to the Approbation of His Majesty, to be signified under His Royal Sign Manual, countersigned by the said President of the said Board of Commissioners.

The Governors of the Presidencies to have the Powers and Immunities

LIX. And be it enacted, That in the Presidencies in which the Appointment of a Council shall be suspended under the Provision herein-before contained, and during such Time as Councils shall not be appointed therein respectively, the Governors appointed under this Act, and in the Presidencies in which Councils shall from Time

Time to Time be appointed the said Governors in their respective Councils, shall have all the Rights, Powers, Duties, Functions, and Immunities whatsoever, not in anywise repugnant to this Act, which the Governors of *Fort Saint George* and *Bombay* in their respective Councils now have within their respective Presidencies; and that the Governors and Members of Council of Presidencies appointed by or under this Act shall severally have all the Rights, Powers, and Immunities respectively, not in anywise repugnant to this Act, which the Governors and Members of Council of the Presidencies of *Fort Saint George* and *Bombay* respectively now have in their respective Presidencies; provided that no Governor or Governor in Council shall have the Power of making or suspending any Regulations or Laws in any Case whatever, unless in Cases of urgent Necessity (the Burthen of the Proof whereof shall be on such Governor or Governor in Council), and then only until the Decision of the Governor General of *India* in Council shall be signified thereon; and provided also, that no Governor or Governor in Council shall have the Power of creating any new Office, or granting any Salary, Gratuity, or Allowance, without the previous Sanction of the Governor General of *India* in Council.

of the present
Governors of
Madras and
Bombay,
but not to
make Laws
or grant
Money.

LX. Provided always, and be it enacted, That when and so often as the said Court of Directors shall neglect for the Space of Two Calendar Months, to be computed from the Day whereon the Notification of the Vacancy of any Office or Employment in *India* in the Appointment of the said Court shall have been received by the said Court, to supply such Vacancy, then and in every such Case it shall be lawful for His Majesty to appoint, by Writing under His Sign Manual, such Person as His Majesty shall think proper to supply such Vacancy; and that every Person so appointed shall have the same Powers, Privileges, and Authorities as if he or they had been appointed by the said Court, and shall not be subject to Removal or Dismissal without the Approbation and Consent of His Majesty.

If Court of
Directors
neglect for
Two Months
to supply
Vacancy in
any Office,
the King to
appoint.

LXI. And be it enacted, That it shall be lawful for the said Court of Directors to appoint any Person or Persons provisionally to succeed to any of the Offices aforesaid, for supplying any Vacancy or Vacancies therein, when the same shall happen by the Death or Resignation of the Person or Persons holding the same Office or Offices respectively, or on his or their Departure from *India* with Intent to return to *Europe*, or on any Event or Contingency expressed in any such provisional Appointment or Appointments to the same respectively, and such Appointments again to revoke: Provided that every provisional Appointment to the several Offices of Governor General of *India*, Governor of a Presidency, and the Member of Council of *India*, by this Act directed to be appointed from amongst Persons who shall not be Servants of the said Company, shall be subject to the Approbation of His Majesty, to be signified as aforesaid, but that no Person so appointed to succeed provisionally to any of the said Offices shall be entitled to any Authority, Salary, or Emolument appertaining thereto until he shall be in the actual Possession of such Office.

Power for
the Court to
make pro-
visional Ap-
pointments
to any Offices.

Provisional
Appoint-
ments of cer-
tain Officers
to be ap-
proved by
His Majesty.

LXII. And

In case of Vacancy in the Office of Governor General, and no Successor upon the Spot, the Ordinary Member of Council next in Rank to act as Governor General.

LXII. And be it enacted, That if any Vacancy shall happen in the Office of Governor General of *India* when no provisional or other Successor shall be upon the Spot to supply such Vacancy, then and in every such Case the Ordinary Member of Council next in Rank to the said Governor General shall hold and execute the said Office of Governor General of *India* and Governor of the Presidency of *Fort William* in *Bengal* until a Successor shall arrive, or until some other Person on the Spot shall be duly appointed thereto; and that every such Acting Governor General shall, during the Time of his continuing to act as such, have and exercise all the Rights and Powers of Governor General of *India*, and shall be entitled to receive the Emoluments and Advantages appertaining to the Office by him supplied, such Acting Governor General foregoing his Salary and Allowance of a Member of Council for the same Period.

In case of a Vacancy in the Office of Governor of any of the subordinate Presidencies, and no provisional or other Successor on the Spot.

LXIII. And be it enacted, That if any Vacancy shall happen in the Office of Governor of *Fort Saint George*, *Bombay*, or *Agra* when no provisional or other Successor shall be upon the Spot to supply such Vacancy, then and in every such Case, if there shall be a Council in the Presidency in which such Vacancy shall happen, the Member of such Council, who shall be next in Rank to the Governor, other than the Commander in Chief or Officer commanding the Forces of such Presidency, and if there shall be no Council, then the Secretary of Government of the said Presidency who shall be senior in the said Office of Secretary, shall hold and execute the said Office of Governor until a Successor shall arrive, or until some other Person on the Spot shall be duly appointed thereto; and that every such Acting Governor shall, during the Time of his continuing to act as such, receive and be entitled to the Emoluments and Advantages appertaining to the Office by him supplied, such Acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the Time of his being called to supply such Office.

In case of a Vacancy in the Office of a Member of Council when no provisional or other Successor on the Spot.

LXIV. And be it enacted, That if any Vacancy shall happen in the Office of an Ordinary Member of Council of *India* when no Person provisionally or otherwise appointed to succeed thereto shall be then present on the Spot, then and on every such Occasion such Vacancy shall be supplied by the Appointment of the Governor General in Council; and if any Vacancy shall happen in the Office of a Member of Council of any Presidency when no Person provisionally or otherwise appointed to succeed thereto shall be then present on the Spot, then and on every such Occasion such Vacancy shall be supplied by the Appointment of the Governor in Council of the Presidency in which such Vacancy shall happen; and until a Successor shall arrive the Person so nominated shall execute the Office by him supplied, and shall have all the Powers thereof, and shall have and be entitled to the Salary and other Emoluments and Advantages appertaining to the said Office during his Continuance therein, every such temporary Member of Council foregoing all Salaries and Allowances by him held and enjoyed at the Time of his being appointed to such Office: Provided always, that no Person shall be appointed a temporary Member of Council who might not have been appointed by the said Court of Directors to fill the Vacancy supplied by such temporary Appointment.

LXV. And

LXV. And be it further enacted, That the said Governor General in Council shall have and be invested by virtue of this Act with full Power and Authority to superintend and control the Governors and Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra*, in all Points relating to the Civil or Military Administration of the said Presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such Orders and Instructions of the said Governor General in Council in all Cases whatsoever.

The Governor General in Council to have the Control over the Presidencies.

LXVI. And be it enacted, That it shall and may be lawful for the Governors or Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively, to propose to the said Governor General in Council Drafts or Projects of any Laws or Regulations which the said Governors or Governors in Council respectively may think expedient, together with their Reasons for proposing the same; and the said Governor General in Council is hereby required to take the same and such Reasons into consideration, and to communicate the Resolutions of the said Governor General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Drafts of Laws proposed by Governors to be taken into consideration by Governor General in Council.

LXVII. And be it enacted, That when the said Governor General shall visit any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the Powers of the Governors of those Presidencies respectively shall not by reason of such Visit be suspended.

Powers of Governors of Presidencies not to be suspended.

LXVIII. And be it enacted, That the said Governors and Governors in Council of the said Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively shall and they are hereby respectively required regularly to transmit to the said Governor General in Council true and exact Copies of all such Orders and Acts of their respective Governments, and also Advice and Intelligence of all Transactions and Matters which shall have come to their Knowledge, and which they shall deem material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from Time to Time require.

Communications to be transmitted by Governors to Governor General in Council.

LXIX. And be it enacted, That it shall be lawful for the said Governor General in Council, as often as the Exigencies of the Public Service may appear to him to require, to appoint such one of the Ordinary Members of the said Council of *India* as he may think fit to be Deputy Governor of the said Presidency of *Fort William* in *Bengal*, and such Deputy Governor shall be invested with all the Powers and perform all the Duties of the said Governor of the Presidency of *Fort William* in *Bengal*, but shall receive no additional Salary by reason of such Appointment.

The Governor General in Council may appoint a Deputy Governor of Bengal as Exigencies may require.

LXX. And be it enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any Part of *India* unaccompanied by any Member or Members of the Council of *India*, it shall be

Provision in case the Governor General in Council shall declare it

In case of Vacancy in the Office of Governor General, and no Successor upon the Spot, the Ordinary Member of Council next in Rank to act as Governor General.

LXII. And be it enacted, That if any Vacancy shall happen in the Office of Governor General of *India* when no provisional or other Successor shall be upon the Spot to supply such Vacancy, then and in every such Case the Ordinary Member of Council next in Rank to the said Governor General shall hold and execute the said Office of Governor General of *India* and Governor of the Presidency of *Fort William in Bengal* until a Successor shall arrive, or until some other Person on the Spot shall be duly appointed thereto; and that every such Acting Governor General shall, during the Time of his continuing to act as such, have and exercise all the Rights and Powers of Governor General of *India*, and shall be entitled to receive the Emoluments and Advantages appertaining to the Office by him supplied, such Acting Governor General foregoing his Salary and Allowance of a Member of Council for the same Period.

In case of a Vacancy in the Office of Governor of any of the subordinate Presidencies, and no provisional or other Successor on the Spot.

LXIII. And be it enacted, That if any Vacancy shall happen in the Office of Governor of *Fort Saint George, Bombay, or Agra* when no provisional or other Successor shall be upon the Spot to supply such Vacancy, then and in every such Case, if there shall be a Council in the Presidency in which such Vacancy shall happen, the Member of such Council, who shall be next in Rank to the Governor, other than the Commander in Chief or Officer commanding the Forces of such Presidency, and if there shall be no Council, then the Secretary of Government of the said Presidency who shall be senior in the said Office of Secretary, shall hold and execute the said Office of Governor until a Successor shall arrive, or until some other Person on the Spot shall be duly appointed thereto; and that every such Acting Governor shall, during the Time of his continuing to act as such, receive and be entitled to the Emoluments and Advantages appertaining to the Office by him supplied, such Acting Governor foregoing all Salaries and Allowances by him held and enjoyed at the Time of his being called to supply such Office.

In case of a Vacancy in the Office of a Member of Council when no provisional or other Successor on the Spot.

LXIV. And be it enacted, That if any Vacancy shall happen in the Office of an Ordinary Member of Council of *India* when no Person provisionally or otherwise appointed to succeed thereto shall be then present on the Spot, then and on every such Occasion such Vacancy shall be supplied by the Appointment of the Governor General in Council; and if any Vacancy shall happen in the Office of a Member of Council of any Presidency when no Person provisionally or otherwise appointed to succeed thereto shall be then present on the Spot, then and on every such Occasion such Vacancy shall be supplied by the Appointment of the Governor in Council of the Presidency in which such Vacancy shall happen; and until a Successor shall arrive the Person so nominated shall execute the Office by him supplied, and shall have all the Powers thereof, and shall have and be entitled to the Salary and other Emoluments and Advantages appertaining to the said Office during his Continuance therein, every such temporary Member of Council foregoing all Salaries and Allowances by him held and enjoyed at the Time of his being appointed to such Office: Provided⁴ always, that no Person shall be appointed a temporary Member of Council who might not have been appointed by the said Court of Directors to fill the Vacancy supplied by such temporary Appointment.

LXV, And

LXV. And be it further enacted, That the said Governor General in Council shall have and be invested by virtue of this Act with full Power and Authority to superintend and control the Governors and Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra*, in all Points relating to the Civil or Military Administration of the said Presidencies respectively, and the said Governors and Governors in Council shall be bound to obey such Orders and Instructions of the said Governor General in Council in all Cases whatsoever.

The Governor General in Council to have the Control over the Presidencies.

LXVI. And be it enacted, That it shall and may be lawful for the Governors or Governors in Council of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively, to propose to the said Governor General in Council Drafts or Projects of any Laws or Regulations which the said Governors or Governors in Council respectively may think expedient, together with their Reasons for proposing the same; and the said Governor General in Council is hereby required to take the same and such Reasons into consideration, and to communicate the Resolutions of the said Governor General in Council thereon to the Governor or Governor in Council by whom the same shall have been proposed.

Drafts of Laws proposed by Governors to be taken into consideration by Governor General in Council.

LXVII. And be it enacted, That when the said Governor General shall visit any of the Presidencies of *Fort Saint George*, *Bombay*, or *Agra*, the Powers of the Governors of those Presidencies respectively shall not by reason of such Visit be suspended.

Powers of Governors of Presidencies not to be suspended.

LXVIII. And be it enacted, That the said Governors and Governors in Council of the said Presidencies of *Fort William* in *Bengal*, *Fort Saint George*, *Bombay*, and *Agra* respectively shall and they are hereby respectively required regularly to transmit to the said Governor General in Council true and exact Copies of all such Orders and Acts of their respective Governments, and also Advice and Intelligence of all Transactions and Matters which shall have come to their Knowledge, and which they shall deem material to be communicated to the said Governor General in Council as aforesaid, or as the said Governor General in Council shall from Time to Time require.

Communications to be transmitted by Governors to Governor General in Council.

LXIX. And be it enacted, That it shall be lawful for the said Governor General in Council, as often as the Exigencies of the Public Service may appear to him to require, to appoint such one of the Ordinary Members of the said Council of *India* as he may think fit to be Deputy Governor of the said Presidency of *Fort William* in *Bengal*, and such Deputy Governor shall be invested with all the Powers and perform all the Duties of the said Governor of the Presidency of *Fort William* in *Bengal*, but shall receive no additional Salary by reason of such Appointment.

The Governor General in Council may appoint a Deputy Governor of Bengal as Exigencies may require.

LXX. And be it enacted, That whenever the said Governor General in Council shall declare that it is expedient that the said Governor General should visit any Part of *India* unaccompanied by any Member or Members of the Council of *India*, it shall be

Provision in case the Governor General in Council shall declare it

expedient for the Governor General to visit any Part of India without his Council.

lawful for the said Governor General in Council, previously to the Departure of the said Governor General, to nominate some Member of the Council of *India* to be President of the said Council, in whom, during the Absence of the said Governor General from the said Presidency of *Fort William* in *Bengal*, the Powers of the said Governor General in Assemblies of the said Council shall be reposed; and it shall be lawful in every such Case for the said Governor General in Council, by a Law or Regulation for that Purpose to be made, to authorize the Governor General alone to exercise all or any of the Powers which might be exercised by the said Governor General in Council, except the Power of making Laws or Regulations: Provided always, that during the Absence of the Governor General no Law or Regulation shall be made by the said President and Council without the Assent in Writing of the said Governor General.

The new Presidency of *Agra* not to affect the Succession to Commands and Offices in *Bengal* and *Agra*.

LXXI. And be it enacted, That there shall not, by reason of the Division of the Territories now subject to the Government of the Presidency of *Fort William* in *Bengal* into Two Presidencies as aforesaid, be any Separation between the Establishments and Forces thereof respectively, or any Alteration in the Course and Order of Promotion and Succession of the Company's Servants in the same Two Presidencies respectively, but that all the Servants, Civil and Military, of the *Bengal* Establishments and Forces, shall and may succeed and be appointed to all Commands and Offices within either of the said Presidencies respectively as if this Act had not been passed.

Presidency of *Fort William* to be entire for the Purposes of the Mutiny Act.

LXXII. And be it enacted, That for the Purposes of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and to authorize Soldiers and Sailors in the East Indies to send and receive Letters at a reduced Rate of Postage*, and of any Articles of War made or to be made under the same, the Presidency of *Fort William* in *Bengal* shall be taken and deemed to comprise under and within it all the Territories which by or in virtue of this Act shall be divided between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively, and shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William* in *Bengal* in the said Act mentioned.

Articles of War to be made by Governor General in Council.

LXXIII. And be it enacted, That it shall be lawful for the said Governor General in Council from Time to Time to make Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the Company, and for the Administration of Justice by Courts-martial to be holden on such Officers and Soldiers, and such Articles of War from Time to Time to repeal or vary and amend; and such Articles of War shall be made and taken notice of in the same Manner as all other the Laws and Regulations to be made by the said Governor General in Council under this Act, and shall prevail and be in force, and shall be of exclusive Authority over all the Native Officers and Soldiers in the said Military Service, to

whatever Presidency such Officers and Soldiers may belong, or wheresoever they may be serving: Provided nevertheless, that until such Articles of War shall be made by the said Governor General in Council any Articles of War for or relating to the Government of the Company's Native Forces, which at the Time of this Act coming into operation shall be in force and use in any Part or Parts of the said Territories, shall remain in force.

LXXIV. And be it enacted, That it shall be lawful for His Majesty, by any Writing under His Sign Manual, countersigned by the President of the said Board of Commissioners, to remove or dismiss any Person holding any Office, Employment, or Commission, Civil or Military, under the said Company in *India*, and to vacate any Appointment or Commission of any Person to any such Office or Employment; provided that a Copy of every such Writing, attested by the said President, shall within Eight Days after the same shall be signed by His Majesty be transmitted or delivered to the Chairman or Deputy Chairman of the said Company.

His Majesty may remove any Officer of the Company in India.

LXXV. Provided always, and be it enacted, That nothing in this Act contained shall take away the Power of the said Court of Directors to remove or dismiss any of the Officers or Servants of the said Company, but that the said Court shall and may at all Times have full Liberty to remove or dismiss any of such Officers or Servants at their Will and Pleasure; provided that any Servant of the said Company appointed by His Majesty through the Default of Appointment by the said Court of Directors shall not be dismissed or removed without His Majesty's Approbation, as herein-before is mentioned.

The Power of the Directors to remove their Servants preserved.

LXXVI. And be it enacted, That there shall be paid to the several Officers herein-after named the several Salaries set against the Names of such Officers, subject to such Reduction of the said several Salaries respectively as the said Court of Directors, with the Sanction of the said Board, may at any Time think fit; (that is to say,)

Salaries of Governor General, &c. fixed; to be in lieu of all Fees, &c.

To the Governor General of *India*, Two hundred and forty thousand Sicca Rupees:

To each Ordinary Member of the Council of *India*, Ninety-six thousand Sicca Rupees:

To each Governor of the Presidencies of *Fort Saint George*, *Bombay*, and *Agra*, One hundred and twenty thousand Sicca Rupees:

To each Member of any Council to be appointed in any Presidency, Sixty thousand Sicca Rupees:

And the Salaries of the said Officers respectively shall commence from their respectively taking upon them the Execution of their respective Offices, and the said Salaries shall be the whole Profit or Advantage which the said Officers shall enjoy during their Continuance in such Offices respectively; and it shall be and it is hereby declared to be a Misdemeanor for any such Officer to accept for his own Use, in the Discharge of his Office, any Present, Gift,

Acceptance of Gratuities a Misdemeanor.

Donation,

Passage
Money fixed.

Donation, Gratuity, or Reward, pecuniary or otherwise whatsoever, or to trade or traffic for his own Benefit or for the Benefit of any other Person or Persons whatsoever; and the said Court of Directors are hereby required to pay to all and singular the Officers and Persons herein-after named who shall be resident in the United Kingdom at the Time of their respective Appointments, for the Purpose of defraying the Expences of their Equipment and Voyage, such Sums of Money as are set against the Names of such Officers and Persons respectively; (that is to say,)

To the Governor General, Five thousand Pounds :

To each Member of the Council of *India*, One thousand two hundred Pounds :

To each Governor of the Presidencies of *Fort Saint George*, *Bombay*, and *Agra*, Two thousand five hundred Pounds :

Provided also, that any Governor General, Governor, or Member of Council appointed by or by virtue of this Act, who shall at the Time of passing this Act hold the Office of Governor General, Governor, or Member of Council respectively, shall receive the same Salary and Allowances that he would have received if this Act had not been passed.

Governor
General and
Governors
to forego
Pensions and
other Salaries
from the
Crown or
Company
while they
hold Office.

LXXVII. Provided always, and be it enacted, That if any Governor General, Governor, or Ordinary Member of the Council of *India*, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown or any Public Office or the said Company, or any Annuity payable out of the Civil or Military Fund of the said Company, the Salary of his Office of Governor General of *India*, Governor or Member of Council, shall be reduced by the Amount of the Pension, Salary, Annuity, or Profits of Office so respectively held or enjoyed by him.

Directors to
make Regu-
lations for
the Distri-
bution of
Patronage
in *India*.

LXXVIII. And be it enacted, That the said Court of Directors, with the Approbation of the said Board of Commissioners, shall and may from Time to Time make Regulations for the Division and Distribution of the Patronage and Power of Nomination of and to the Offices, Commands, and Employments in the said Territories, and in all or any of the Presidencies thereof, among the said Governor General in Council, Governor General, Governors in Council, Governors, Commander in Chief, and other Commanding Officers respectively appointed or to be appointed under this Act.

Departure of
Governor
General, &c.
for *Europe*,
to be a Re-
s'gnation.

Resignation
in *India* to
be by Deed.

LXXIX. And be it enacted, That the Return to *Europe* or the Departure from *India* with Intent to return to *Europe* of any Governor General of *India*, Governor, Member of Council, or Commander in Chief, shall be deemed in Law a Resignation and Avoidance of his Office or Employment, and that no Act or Declaration of any Governor General, or Governor, or Member of Council, other than as aforesaid, excepting a Declaration in Writing under Hand and Seal, delivered to the Secretary for the Public Department of the Presidency wherein he shall be, in order to its being recorded, shall be

be deemed or held as a Resignation or Surrender of his said Office; and that the Salary and other Allowances of any such Governor General or other Officer respectively shall cease from the Day of such his Departure, Resignation, or Surrender; and that if any such Governor General or Member of Council of *India* shall leave the said Territories, or if any Governor or other Officer whatever in the Service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual Service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his Absence to any Agent or other Person for his Use; and in the event of his not returning, or of his coming to *Europe*, his Salary and Allowances shall be deemed to have ceased on the Day of his leaving the said Territories, or the Presidency to which he may have belonged; provided that it shall be lawful for the said Company to make such Payment as is now by Law permitted to be made to the Representatives of their Officers or Servants who, having left their Stations intending to return thereto, shall die during their Absence.

Salary to
cease on
Departure or
Resignation.

As to Representatives of Officers dying during Absence.

LXXX. And be it enacted, That every wilful disobeying, and every wilful omitting, forbearing, or neglecting to execute the Orders or Instructions of the said Court of Directors by any Governor General of *India*, Governor, Member of Council, or Commander in Chief, or by any other of the Officers or Servants of the said Company, unless in Cases of Necessity (the Burthen of the Proof of which Necessity shall be on the Person so disobeying or omitting, forbearing or neglecting, to execute such Orders or Instructions as aforesaid); and every wilful Breach of the Trust and Duty of any Office or Employment by any such Governor General, Governor, Member of Council, or Commander in Chief, or any of the Officers or Servants of the said Company, shall be deemed and taken to be a Misdemeanor at Law, and shall or may be proceeded against and punished as such by virtue of this Act.

Disobedience of Orders and Breach of Trust by Officers or Servants of the Company in India, Misdemeanors.

LXXXI. And be it enacted, That it shall be lawful for any natural-born Subjects of His Majesty to proceed by Sea to any Port or Place having a Custom-house Establishment within the said Territories, and to reside thereat, or to proceed to and reside in or pass through any Part of such of the said Territories as were under the Government of the said Company on the First Day of *January* One thousand eight hundred, and in any Part of the Countries ceded by the Nabob of the *Carnatic*, of the Province of *Cuttack*, and of the Settlements of *Singapore* and *Malacca*, without any Licence whatever; provided that all Subjects of His Majesty not Natives of the said Territories shall, on their Arrival in any Part of the said Territories from any Port or Place not within the said Territories, make known in Writing their Names, Places of Destination, and Objects of Pursuit in *India*, to the Chief Officer of the Customs or other Officer authorized for that Purpose at such Port or Place as aforesaid.

Authority for His Majesty's Subjects to reside in certain Parts of India without Licence.

LXXXII. Provided always, and be it enacted, That it shall not be lawful for any Subject of His Majesty, except the Servants of the said Company and others now lawfully authorized to reside in the said Territories,

Subjects of His Majesty not to reside in certain Territories,

Parts of
India without
Licence.

Territories, to enter the same by Land, or to proceed to or reside in any Place or Places in such Parts of the said Territories as are not herein-before in that Behalf mentioned, without Licence from the said Board of Commissioners, or the said Court of Directors, or the said Governor General in Council, or a Governor or Governor in Council of any of the said Presidencies for that Purpose first obtained : Provided always, that no Licence given to any natural-born Subject of His Majesty to reside in Parts of the Territories not open to all such Subjects shall be determined or revoked unless in accordance with the Terms of some express Clause of Revocation or Determination in such Licence contained.

The Governor
General in
Council, with
previous
Consent of
Directors,
may declare
other Places
open.

LXXXIII. Provided always, and be it enacted, That it shall be lawful for the said Governor General in Council, with the previous Consent and Approbation of the said Court of Directors for that Purpose obtained, to declare any Place or Places whatever within the said Territories open to all His Majesty's natural-born Subjects, and it shall be thenceforth lawful for any of His Majesty's natural-born Subjects to proceed to, or reside in, or pass through any Place or Places declared open without any Licence whatever.

Laws against
illicit Resi-
dence to be
made.

LXXXIV. And be it enacted, That the said Governor General in Council shall and he is hereby required, as soon as conveniently may be, to make Laws or Regulations providing for the Prevention or Punishment of the illicit Entrance into or Residence in the said Territories of Persons not authorized to enter or reside therein.

Laws and
Regulations
to be made
for Protec-
tion of
Natives.

LXXXV. And whereas the Removal of Restrictions on the Inter-course of *Europeans* with the said Territories will render it necessary to provide against any Mischiefs or Dangers that may arise therefrom, be it therefore enacted, That the said Governor General in Council shall and he is hereby required, by Laws or Regulations, to provide with all convenient Speed for the Protection of the Natives of the said Territories from Insult and Outrage in their Persons, Religions, or Opinions.

Lands
within the
Indian
Territories
may be pur-
chased.

LXXXVI. And be it enacted, That it shall be lawful for any natural-born Subject of His Majesty authorized to reside in the said Territories to acquire and hold Lands, or any Right, Interest, or Profit in or out of Lands, for any Term of Years, in such Part or Parts of the said Territories as he shall be so authorized to reside in : Provided always, that nothing herein contained shall be taken to prevent the said Governor General in Council from enabling, by any Laws or Regulations, or otherwise, any Subjects of His Majesty to acquire or hold any Lands, or Rights, Interests, or Profits in or out of Lands, in any Part of the said Territories, and for any Estates or Terms whatever.

No Dis-
abilities in
respect of
Religion,
Colour, or
Place of Birth.

LXXXVII. And be it enacted, That no Native of the said Territories, nor any natural-born Subject of His Majesty resident therein, shall, by reason only of his Religion, Place of Birth, Descent, Colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company.

LXXXVIII. And

LXXXVIII. And be it further enacted, That the said Governor General in Council shall and he is hereby required forthwith to take into consideration the Means of mitigating the State of Slavery, and of ameliorating the Condition of Slaves, and of extinguishing Slavery throughout the said Territories so soon as such Extinction shall be practicable and safe, and from Time to Time to prepare and transmit to the said Court of Directors Drafts of Laws or Regulations for the Purposes aforesaid, and that in preparing such Drafts due Regard shall be had to the Laws of Marriage and the Rights and Authorities of Fathers and Heads of Families, and that such Drafts shall forthwith after Receipt thereof be taken into consideration by the said Court of Directors, who shall, with all convenient Speed, communicate to the said Governor General in Council their Instructions on the Drafts of the said Laws and Regulations, but no such Laws and Regulations shall be promulgated or put in force without the previous Consent of the said Court; and the said Court shall, within Fourteen Days after the first meeting of Parliament in every Year, lay before both Houses of Parliament a Report of the Drafts of such Rules and Regulations as shall have been received by them, and of their Resolutions or Proceedings thereon.

Slavery to be mitigated, and abolished as soon as practicable.

LXXXIX. And whereas the present Diocese of the Bishoprick of *Calcutta* is of too great an Extent for the Incumbent thereof to perform efficiently all the Duties of the Office without endangering his Health and Life, and it is therefore expedient to diminish the Labours of the Bishop of the said Diocese, and for that Purpose to make Provision for assigning new Limits to the Diocese of the said Bishop, and for founding and constituting Two separate and distinct Bishopricks, but nevertheless the Bishops thereof to be subordinate and subject to the Bishop of *Calcutta* for the Time being, and his Successors, as their Metropolitan; be it therefore enacted, That in case it shall please His Majesty to erect, found, and constitute Two Bishopricks, one to be styled the Bishoprick of *Madras* and the other the Bishoprick of *Bombay*, and from Time to Time to nominate and appoint Bishops to such Bishopricks under the Style and Title of Bishops of *Madras* and *Bombay* respectively, there shall be paid from and out of the Revenues of the said Territories to such Bishops respectively the Sum of Twenty-four thousand Sicca Rupees by the Year.

Respecting the inconvenient Extent of the Diocese of *Calcutta*.

If the King erects Bishopricks of *Madras* and *Bombay*, certain Salaries to be paid to the Bishops.

CX. And be it enacted, That the said Salaries shall commence from the Time at which such Persons as shall be appointed to the said Office of Bishop shall take upon them the Execution of their respective Offices; and that such Salaries shall be in lieu of all Fees of Office, Perquisites, Emoluments, or Advantages whatsoever; and that no Fees of Office, Perquisites, Emoluments, or Advantages whatsoever shall be accepted, received, or taken by such Bishop or either of them, in any Manner or on any Account or Pretence whatsoever, other than the Salaries aforesaid; and that such Bishops respectively shall be entitled to such Salaries so long as they shall respectively exercise the Functions of their several Offices in the *British* Territories aforesaid.

Such Salaries to commence from Time of taking Office, and to be in lieu of all Fees, &c.

XCI. And

Passage
Money for
each such
Bishop.

XCII. And be it enacted, That the said Court of Directors shall and they are required to pay to the Bishops so from Time to Time to be appointed to the said Bishopricks of *Madras* and *Bombay*, in case they shall be resident in the United Kingdom at the Time of their respective Appointments, the Sum of Five hundred Pounds each, for the Purpose of defraying the Expences of their Equipments and Voyage.

As to Jurisdiction of such Bishops.

XCIII. Provided always, and be it enacted, That such Bishops shall not have or use any Jurisdiction, or exercise any Episcopal Functions whatsoever, either in the said Territories or elsewhere, but only such Jurisdiction and Functions as shall or may from Time to Time be limited to them respectively by His Majesty by His Royal Letters Patent under the Great Seal of the said United Kingdom.

The King empowered by Letters Patent to limit Jurisdiction and Functions.

XCIV. And be it enacted, That it shall and may be lawful for His Majesty from Time to Time, if He shall think fit, by His Royal Letters Patent under the Great Seal of the said United Kingdom, to assign Limits to the Diocese of the Bishoprick of *Calcutta* and to the Dioceses of the said Bishopricks of *Madras* and *Bombay* respectively, and from Time to Time to alter and vary the same Limits respectively, as to His Majesty shall seem fit, and to grant to such Bishops respectively within the Limits of their respective Dioceses the Exercise of Episcopal Functions, and of such Ecclesiastical Jurisdiction as His Majesty shall think necessary for the Superintendence and good Government of the Ministers of the United Church of *England* and *Ireland* therein.

The Bishop of *Calcutta* to be Metropolitan in *India*.

XCV. Provided always, and be it enacted, That the Bishop of *Calcutta* for the Time being shall be deemed and taken to be the Metropolitan Bishop in *India*, and as such shall have, enjoy, and exercise all such Ecclesiastical Jurisdiction and Episcopal Functions, for the Purposes aforesaid, as His Majesty shall by his Royal Letters Patent under the Great Seal of the said United Kingdom think necessary to direct, subject nevertheless to the general Superintendence and Revision of the Archbishop of *Canterbury* for the Time being; and that the Bishops of *Madras* and *Bombay* for the Time being respectively shall be subject to the Bishop of *Calcutta* for the Time being as such Metropolitan, and shall, at the Time of their respective Appointments to such Bishopricks, or at the Time of their respective Consecrations as Bishop, take an Oath of Obedience to the said Bishop of *Calcutta* in such Manner as His Majesty by His said Royal Letters Patent shall be pleased to direct.

Warrants for Bills on Letters Patent appointing Bishops to be countersigned by the President.

XCVI. And be it enacted, That when and as often as it shall please His Majesty to issue any Letters Patent respecting the Bishoprick of *Calcutta*, *Madras*, or *Bombay*, or for the Nomination or Appointment of any Person thereto respectively, the Warrant for the Bill in every such Case shall be countersigned by the President of the Board of Commissioners for the Affairs of *India*, and by no other Person.

XCVI. And be it enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, by Warrant under His Royal Sign Manual, countersigned by the Chancellor of the Exchequer for the Time being, to grant to any such Bishop of *Madras* or *Bombay* respectively who shall have exercised in the *British Territories* aforesaid for Fifteen Years the Office of such Bishop a Pension not exceeding Eight hundred Pounds *per Annum*, to be paid quarterly by the said Company.

The King may grant certain Pensions to Bishops of Madras or Bombay.

XCVII. And be it enacted, That in all Cases when it shall happen the said Person nominated and appointed to be Bishop of either of the said Bishopricks of *Madras* or *Bombay* shall depart this Life within Six Calendar Months next after the Day when he shall have arrived in *India* for the Purpose of taking upon him the Office of such Bishop, there shall be payable out of the Territorial Revenues from which the Salary of such Bishop so dying shall be payable, to the legal personal Representatives of such Bishop, such Sum or Sums of Money as shall, together with the Sum or Sums paid to or drawn by such Bishop in respect of his Salary, make up the full Amount of One Year's Salary; and when and so often as it shall happen that any such Bishop shall depart this Life while in possession of such Office, and after the Expiration of Six Calendar Months from the Time of his Arrival in *India* for the Purpose of taking upon him such Office, then and in every such Case there shall be payable, out of the Territorial Revenues from which the Salary of the said Bishop so dying shall be payable, to his legal personal Representatives, over and above what may have been due to him at the Time of his Death, a Sum equal to the full Amount of the Salary of such Bishop for Six Calendar Months.

Respecting Salary of a Bishop of Madras or Bombay dying within Six Months after Arrival;

or after Six Months holding Office in India.

XCVIII. And be it enacted, That if it shall happen that either of the Bishops of *Madras* or *Bombay* shall be translated to the Bishoprick of *Calcutta*, the Period of Residence of such Person as Bishop of *Madras* or *Bombay* shall be accounted for and taken as a Residence as Bishop of *Calcutta*; and if any Person now an Archdeacon in the said Territories shall be appointed Bishop of *Madras* or *Bombay*, the Period of his Residence in *India* as such Archdeacon shall for all the Purposes of this Act be accounted for and taken as a Residence as such Bishop.

As to Residence of Bishop of Madras or Bombay if translated to Calcutta.

XCIX. Provided also, and be it enacted, That if any Person under the Degree of a Bishop shall be appointed to either of the Bishopricks of *Calcutta*, *Madras*, or *Bombay*, who at the Time of such Appointment shall be resident in *India*, then and in such Case it shall and may be lawful for the Archbishop of *Canterbury*, when and as he shall be required so to do by His Majesty by His Royal Letters Patent under the Great Seal of the said United Kingdom, to issue a Commission under His Hand and Seal, to be directed to the Two remaining Bishops, authorizing and charging them to perform all such requisite Ceremonies for the Consecration of the Person so to be appointed to the Degree and Office of a Bishop.

As to Consecration of any Person under the Degree of a Bishop, if resident in India, appointed to a Bishoprick.

Provision for
Expences of
Visitations.

C. And be it enacted, That the Expences of Visitations to be made from Time to Time by the said Bishops of *Madras* and *Bombay* respectively shall be paid by the said Company out of the Revenues of the said Territories; provided that no greater Sum on account of such Visitations be at any Time issued than shall from Time to Time be defined and settled by the Court of Directors of the said Company, with the Approbation of the Commissioners for the Affairs of *India*.

No Arch-
deacon in
India to have
a Salary
exceeding
3,000 Sicca
Rupees.

CI. And be it enacted, That no Archdeacon hereafter to be appointed for the Archdeaconry of the Presidency of *Fort William* in *Bengal*, or the Archdeaconry of the Presidency of *Fort Saint George*, or the Archdeaconry of the Presidency and Island of *Bombay*, shall receive in respect of his Archdeaconry any Salary exceeding Three thousand Sicca Rupees *per Annum*: Provided always, that the whole Expence incurred in respect of the said Bishops and Archdeacons shall not exceed One hundred and twenty thousand Sicca Rupees *per Annum*.

Two Chap-
lains of the
Church of
Scotland to
be on the
Establish-
ment of each
Presidency.

CII. And be it enacted, That of the Establishment of Chaplains maintained by the said Company at each of the Presidencies of the said Territories Two Chaplains shall always be Ministers of the Church of *Scotland*, and shall have and enjoy from the said Company such Salary as shall from Time to Time be allotted to the Military Chaplains at the several Presidencies: Provided always, that the Ministers of the Church of *Scotland* to be appointed Chaplains at the said Presidencies as aforesaid shall be ordained and inducted by the Presbytery of *Edinburgh* according to the Forms and Solemnities used in the Church of *Scotland*, and shall be subject to the Spiritual and Ecclesiastical Jurisdiction in all Things of the Presbytery of *Edinburgh*, whose Judgments shall be subject to Dissent, Protest, and Appeal to the Provincial Synod of *Lothian* and *Tweeddale*, and to the General Assembly of the Church of *Scotland*: Provided always, that nothing herein contained shall be so construed as to prevent the Governor General in Council from granting from Time to Time, with the Sanction of the Court of Directors and of the Commissioners for the Affairs of *India*, to any Sect, Persuasion, or Community of Christians not being of the United Church of *England* and *Ireland*, or of the Church of *Scotland*, such Sums of Money as may be expedient for the Purpose of Instruction or for the Maintenance of Places of Worship.

The Govern-
or General
in Council
annually to
make a pro-
spective Esti-
mate of the
Number of
Vacancies in
Indian Es-
tablishments.

CIII. And whereas it is expedient to provide for the due Qualification of Persons to be employed in the Civil Service of the said Company in the said Territories, be it therefore enacted, That the said Governor General of *India* in Council shall, as soon as may be after the First Day of *January* in every Year, make and transmit to the said Court of Directors a prospective Estimate of the Number of Persons who, in the Opinion of the said Governor General in Council, will be necessary, in addition to those already in *India* or likely to return from *Europe*, to supply the expected Vacancies in the Civil Establishments of the respective Governments in *India* in such one of the subsequent Years as shall be fixed in the Rules and

Regulations

Regulations herein-after mentioned ; and it shall be lawful for the said Board of Commissioners to reduce such Estimate, so that the Reasons for such Reduction be given to the said Court of Directors ; and in the Month of *June* in every Year, if the said Estimate shall have been then received by the said Board, and if not, then within One Month after such Estimate shall have been received, the said Board of Commissioners shall certify to the said Court of Directors what Number of Persons shall be nominated as Candidates for Admission, and what Number of Students shall be admitted to the College of the said Company at *Haileybury* in the then current Year, but so that at least Four such Candidates, no one of whom shall be under the Age of Seventeen or above the Age of Twenty Years, be nominated, and no more than One Student admitted for every such expected Vacancy in the said Civil Establishments, according to such Estimate or reduced Estimate as aforesaid ; and it shall be lawful for the said Court of Directors to nominate such a Number of Candidates for Admission to the said College as shall be mentioned in the Certificate of the said Board ; and if the said Court of Directors shall not within One Month after the Receipt of such Certificate nominate the whole Number mentioned therein, it shall be lawful for the said Board of Commissioners to nominate so many as shall be necessary to supply the Deficiency.

Board to certify what Number of Persons shall be Candidates for Admission to Haileybury College, and what Number shall be admitted Students.

CIV. And be it enacted, That when and so often as any Vacancy shall happen in the Number of Students in the said College by Death, Expulsion, or Resignation it shall be lawful for the said Board of Commissioners to add in respect of every such Vacancy One to the Number of Students to be admitted and Four to the Number of Candidates for Admission to be nominated by the said Court in the following Year.

Additional Students to be admitted to fill up Vacancies.

CV. And be it enacted, That the said Candidates for Admission to the said College shall be subjected to an Examination in such Branches of Knowledge and by such Examiners as the said Board shall direct, and shall be classed in a List to be prepared by the Examiners, and the Candidates whose Names shall stand highest in such List shall be admitted by the said Court as Students in the said College until the Number to be admitted for that Year, according to the Certificate of the said Board, be supplied.

The Candidates for Admission to be subjected to an Examination and classed.

CVI. And be it further enacted, That it shall be lawful for the said Board of Commissioners and they are hereby required, forthwith after the passing of this Act, to form such Rules, Regulations, and Provisions for the Guidance of the said Governor General in Council in the Formation of the Estimate herein-before mentioned, and for the good Government of the said College, as in their Judgment shall appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College, after they shall have completed their Residence there, and for the Appointment and Remuneration of proper Examiners ; and such Plan, Rules, and Regulations and Provisions respectively shall be submitted to His Majesty in Council for his Revision and

The Board to frame Rules for the Government of the College and the Examination and Qualification of Candidates.

• Approbation ;

Approbation; and when the same shall have been so revised and approved by His Majesty in Council, the same shall not afterwards be altered or repealed, except by the said Board of Commissioners, with the Approbation of His Majesty in Council.

Students to be examined and classed.

The Students to supply the Vacancies in the Service according to Priority on the List, and to choose their Presidencies.

Sanction of Appointment of Professors.

All Powers of Court of Directors to be subject to the Control of the Board except Patronage.

Board of Control prohibited from directing the Grant of Allowances.

The Company to be called the East India Company.

CVII. And be it enacted, That at the Expiration of such Time as shall be fixed by such Rules, Regulations, and Provisions made as aforesaid, so many of the said Students as shall have a Certificate from the said College of good Conduct during the Term of their Residence therein shall be subjected to an Examination in the Studies prosecuted in the said College, and so many of the said Students as shall appear duly qualified shall be classed according to Merit in a List to be prepared by the Examiners, and shall be nominated to supply the Vacancies in the Civil Establishments in *India*, and have Seniority therein according to their Priority in the said List; and if there shall be at the same Time Vacancies in the Establishments of more than One of the said Presidencies, the Students on the said List shall, according to such Priority, have the Right of electing to which of the said Establishments they will be appointed.

CVIII. And be it enacted, That no Appointment of any Professor or Teacher at the said College shall be valid or effectual until the same shall have been approved by the Board of Commissioners.

CIX. And be it enacted, That every Power, Authority, and Function by this or any other Act or Acts given to and vested in the said Court of Directors shall be deemed and taken to be subject to such Control of the said Board of Commissioners as in this Act is mentioned, unless there shall be something in the Enactments conferring such Powers, Authorities, or Functions inconsistent with such Construction, and except as to any Patronage or Right of appointing to Office vested in or reserved to the said Court.

CX. Provided always, and be it enacted, That nothing herein contained shall be construed to enable the said Board of Commissioners to give or cause to be given Directions ordering or authorizing the Payment of any extraordinary Allowance or Gratuity, or the Increase of any established Salary, Allowance, or Emolument, unless in the Cases and subject to the Provisions in and subject to which such Directions may now be given by the said Board, or to increase the Sum now payable by the said Company on account of the said Board, except only by such Salaries or Allowances as shall be payable to the Officers to be appointed as herein-before is mentioned to attend upon the said Board during the winding up of the Commercial Business of the said Company.

CXI. And be it enacted, That whenever in this Act, or in any Act hereafter to be passed, the Term *East India Company* is or shall be used, it shall be held to apply to the United Company of Merchants of *England* trading to the *East Indies*, and that the said United Company of Merchants of *England* trading to the *East Indies* may, in all Suits, Proceedings, and Transactions whatsoever after the passing

passing of this Act, be called by the Name of the *East India* Company.

CXII. And be it enacted, That the Island of *Saint Helena*, and all Forts, Factories, public Edifices, and Hereditaments whatsoever in the said Island, and all Stores and Property thereon fit or used for the Service of the Government thereof, shall be vested in His Majesty, His Heirs and Successors, and the said Island shall be governed by such Orders as His Majesty in Council shall from Time to Time issue in that Behalf.

Saint Helena vested in the Crown.

CXIII. And be it further enacted, That every Supercargo and other Civil Servant of the said Company, now employed by the said Company in the Factory at *Canton* or in the Island of *Saint Helena*, shall be capable of taking and holding any Office in any Presidency or Establishment of the said Territories which he would have been capable of taking and holding if he had been a Civil Servant in such Presidency or on such Establishment during the same Time as he shall have been in the Service of the said Company.

Servants of the Company in *China* and *St. Helena* to be eligible to Offices in any Presidency.

CXIV. And be it enacted, That from and after the passing of this Act all Enactments and Provisions directing the said Company to provide for keeping a Stock of Tea shall be repealed.

Repeal of Enactments for keeping a Stock of Tea.

CXV. And be it enacted, That it shall be lawful for any Court of Justice established by His Majesty's Charters in the said Territories to approve, admit, and enrol Persons as Barristers, Advocates, and Attornies in such Court without any Licence from the said Company, any thing in any such Charter contained to the contrary notwithstanding: Provided always, that the being entitled to practise as an Advocate in the principal Courts of *Scotland* is and shall be deemed and taken to be a Qualification for Admission as an Advocate in any Court in *India* equal to that of having been called to the Bar in *England* or *Ireland*.

King's Courts authorized to admit Advocates and Attornies without the Company's Licence.

CXVI. And be it further enacted, That the Court of Directors of the said Company shall, within the first Fourteen sitting Days next after the First Day of *May* in every Year, lay before both Houses of Parliament an Account, made up according to the latest Advices which shall have been received, of the annual Produce of the Revenues of the said Territories in *India*, distinguishing the same and the respective Heads thereof at each of their several Presidencies or Settlements, and of all their annual Receipts and Disbursements at Home and Abroad, distinguishing the same under the respective Heads thereof, together with the latest Estimate of the same, and also the Amount of their Debts, with the Rates of Interest they respectively carry, and the annual Amount of such Interest, the State of their Effects and Credits at each Presidency or Settlement, and in *England* or elsewhere, according to the latest Advices which shall have been received thereof, and also a List of their several Establishments, and the Salaries and Allowances payable by the said Court of Directors in respect thereof; and the said Court of Directors, under the Direction and Control of the said Board of Commissioners, shall forthwith prepare

Accounts to be annually laid before Parliament.

Forms of the said Accounts and Estimates in such Manner as to exhibit a complete and accurate View of the Financial Affairs of the said Company; and if any new or increased Salaries, Establishments, or Pensions shall have been granted or created within any Year, the Particulars thereof shall be specially stated and explained at the Foot of the Account of the said Year.

Commence-
ment of Act.

CXVII. And be it enacted, That this Act shall commence and take effect from and after the passing thereof, so far as to authorize the Appointment or prospective or provisional Appointment of the Governor General of *India*, Governors, Members of Council, or other Officers, under the Provisions herein contained, and so far as herein-before in that Behalf mentioned, and as to all other Matters and Things, from and after the Twenty-second Day of *April* next.

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ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

C A P. XCIII.

An Act to regulate the Trade to *China* and *India*.

[28th. August 1833.]

WHEREAS the exclusive Right of trading with the Dominions of the Emperor of *China*, and of trading in Tea, now enjoyed by the United Company of Merchants of *England* trading to the *East Indies*, will cease from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four : And whereas it is expedient that the Trade with *China*, and the Trade in Tea, should be open to all His Majesty's Subjects, and that the Restrictions imposed on the Trade of His Majesty's Subjects with Places beyond the *Cape of Good Hope* to the *Streights of Magellan*, for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, should be removed : Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the East India Company, and to make further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament, for the registering of Vessels, so far as it relates to Vessels registered in India*, shall be repealed, except such Parts thereof as relate to *Asiatic* Sailors, *Lascars*, being Natives of the Territories under the Government of the *East India* Company, but so as not to revive any Acts or Parts of Acts by the said Act repealed ; and except also as to such Voyages and Adventures as shall have been actually commenced under the Authority of the said Act ; and except as to any Suits and Proceedings which may have been commenced, and shall be depending on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four ;

Repeal of the Act 4 G. 4. c. 80. except as herein mentioned.

and from and after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four the Enactments herein-after contained shall come into operation.

Repeal of Prohibitions upon the Importation of Tea and Goods from China, imposed by 6 G. 4. c. 107. and 5 G. 4. c. 114.

II. And be it further enacted, That so much of an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the general Regulation of the Customs*, as prohibits the Importation of Tea, unless from the Place of its Growth, and by the *East India* Company, and into the Port of *London*; and also so much of the said Act as prohibits the Importation into the United Kingdom of Goods from *China*, unless by the *East India* Company, and into the Port of *London*; and also so much of the said Act as requires that the Manifests of Ships departing from Places in *China* shall be authenticated by the Chief Supercargo of the *East India* Company; and also that so much of another Act passed in the said Sixth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to regulate the Trade of the British Possessions Abroad*, as prohibits the Importation of Tea into any of the *British Possessions in America*, and into the Island of *Mauritius*, except from the United Kingdom, or from some other *British Possessions in America*, and unless by the *East India* Company or with their Licence, shall be, from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four, repealed; and thenceforth (notwithstanding any Provision, Enactment, Matter, or Thing made for the Purpose of protecting the exclusive Rights of Trade heretofore enjoyed by the said Company, in any Charter of the said Company, in the said Act or any other Act of Parliament contained,) it shall be lawful for any of His Majesty's Subjects to carry on Trade with any Countries beyond the *Cape of Good Hope* to the *Streights of Magellan*.

All British Subjects may carry on Trade beyond the Cape of Good Hope to the Streights of Magellan.

List of Persons on board any Ship arriving in India to be delivered to Officers of Customs.

Penalty for Neglect, 100l.

III. Provided always, and be it enacted, That the Person having the Command of any Ship or Vessel arriving at any Place in the Possession of or under the Government of the said Company shall make out, sign, and deliver to the principal Officer of the Customs, or other Person thereunto lawfully authorized, a true and perfect List, specifying the Names, Capacities, and Description of all Persons who shall have been on board such Ship or Vessel at the Time of its Arrival; and if any Person having the Command of such Ship or Vessel shall not make out, sign, and deliver such List, he shall forfeit One hundred Pounds, one Half Part of which Penalty shall belong to such Person or Persons as shall inform or sue for the same, and the other Half Part to the said Company; and if the said Company shall inform or sue for the same, then the Whole of the said Penalty shall belong to the said Company.

Penalties how recoverable.

IV. And be it enacted, That the Penalty or Forfeiture aforesaid shall be recoverable by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record in the United Kingdom of *Great Britain* and *Ireland*, and in *India* or elsewhere, or in any Courts in *India* to which Jurisdiction may hereafter be given by the Governor General of *India* in Council in that Behalf, to be commenced in the County, Presidency, Colony, or Settlement where the Offender may happen to be; or by Conviction in a summary Way before Two Justices of the Peace in the United Kingdom, or in *India*, of the County or Presidency where such Offender may happen to be; and

and upon such Conviction the Penalty or Forfeiture aforesaid shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender; and for Want of such sufficient Distress every such Offender may be committed to the Common Goal or House of Correction for the Space of Three Calendar Months.

V. And whereas it is expedient for the Objects of Trade and amicable Intercourse with the Dominions of the Emperor of *China* that Provision be made for the Establishment of a *British* Authority in the said Dominions; be it therefore enacted, That it shall and may be lawful for His Majesty, by any Commission or Commissions or Warrant or Warrants under His Royal Sign Manual, to appoint not exceeding Three of His Majesty's Subjects to be Superintendents of the Trade of His Majesty's Subjects to and from the said Dominions, for the Purpose of protecting and promoting such Trade, and by any such Commission or Warrant as aforesaid to settle such Gradation and Subordination among the said Superintendents (One of whom shall be styled the Chief Superintendent), and to appoint such Officers to assist them in the Execution of their Duties, and to grant such Salaries to such Superintendents and Officers, as His Majesty shall from Time to Time deem expedient.

Three Superintendents of the *China* Trade to be appointed.

VI. And be it enacted, That it shall and may be lawful for His Majesty, by any such Order or Orders, Commission or Commissions, as to His Majesty in Council shall appear expedient and salutary, to give to the said Superintendents, or any of them, Powers and Authorities over and in respect of the Trade and Commerce of His Majesty's Subjects within any Part of the said Dominions; and to make and issue Directions and Regulations touching the said Trade and Commerce, and for the Government of His Majesty's Subjects within the said Dominions; and to impose Penalties, Forfeitures, or Imprisonments for the Breach of any such Directions or Regulations, to be enforced in such Manner as in the said Order or Orders shall be specified; and to create a Court of Justice with Criminal and Admiralty Jurisdiction for the Trial of Offences committed by His Majesty's Subjects within the said Dominions, and the Ports and Havens thereof, and on the High Seas within One hundred Miles of the Coast of *China*; and to appoint One of the Superintendents herein-before mentioned to be the Officer to hold such Court, and other Officers for executing the Process thereof; and to grant such Salaries to such Officers as to His Majesty in Council shall appear reasonable.

His Majesty in Council may issue Orders and Commissions to have force in *China*;

and issue Regulations touching the Trade;

and create a Court of Justice for Trial of Offences in that Part.

VII. And be it enacted, That no Superintendent or Commissioner appointed under the Authority of this Act shall accept for or in discharge of his Duties any Gift, Donation, Gratuity, or Reward, other than the Salary which may be granted to him as aforesaid, or be engaged in any Trade or Traffic for his own Benefit, or for the Benefit of any other Person or Persons.

Superintendents, &c. not to accept Gifts, or to trade.

VIII. And be it enacted, That it shall be lawful for His Majesty, by and with the Advice of His Privy Council, by any Order or Orders to be issued from Time to Time, to impose, and to empower such Persons as His Majesty in Council shall think fit to collect and levy from or on account of any Ship or Vessel belonging to any of the Subjects of His Majesty entering any Port or Place where the said Superintendents or any of them shall be stationed, such Duty on

A Tonnage Duty to be imposed, to be appropriated towards defraying the Expence of Establishments in *China*.

Tonnage

Tonnage and Goods as shall from Time to Time be specified in such Order or Orders not exceeding in respect of Tonnage the Sum of Five Shillings for every Ton, and not exceeding in respect of Goods the Sum of Ten Shillings for every One hundred Pounds of the Value of the same, the Fund arising from the Collection of which Duties shall be appropriated, in such Manner as His Majesty in Council shall direct, towards defraying the Expences of the Establishments by this Act authorized within the said Dominions: Provided always, that every Order in Council issued by Authority of this Act shall be published in the *London Gazette*; and that every such Order in Council, and the Amount of Expence incurred, and of Duties raised under this Act, shall be annually laid before both Houses of Parliament.

Limitation of
Actions.

IX. And be it enacted, That if any Suit or Action shall be brought against any Person or Persons for any thing done in pursuance of this Act, then and in every such Case such Action or Suit shall be commenced or prosecuted within Six Months after the Fact committed, and not afterwards, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction, and then within Six Months after the Plaintiff or Plaintiffs and Defendant or Defendants shall have been within the Jurisdiction of any such Court; and the same and every such Action or Suit shall be brought in the County or Place where the Cause of Action shall have arisen, and not elsewhere, except where the Cause of Action shall have arisen in any Place not within the Jurisdiction of any of His Majesty's Courts having Civil Jurisdiction; and the Defendant or Defendants shall be entitled to the like Notice, and shall have the like Privilege of tendering Amends to the Plaintiff or Plaintiffs, or their Agent or Attorney, as is provided in Actions brought against any Justice of the Peace for Acts done in the Execution of his Office by an Act passed in the Twenty-fourth Year of the Reign of King George the Second, intituled *An Act for the rendering Justices of the Peace more safe in the Execution of their Office, and for indemnifying Constables and others acting in obedience to their Warrants*; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give the special Matter in Evidence; and if the Matter or Thing complained of shall appear to have been done under the Authority and in execution of this Act, or if any such Action or Suit shall be brought after the Time limited for bringing the same, or be brought and laid in any other County or Place than the same ought to have been brought or laid in as aforesaid, then the Jury shall find for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue any Action after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer Judgment shall be taken against the Plaintiff or Plaintiffs, the Defendant or Defendants shall and may recover Treble Costs, and have the like Remedy for Recovery thereof as any Defendant or Defendants hath or have in any Cases of Law.

24 G. 2. c. 44.

General
Issue.

If Action
brought after
Time limited,
&c.

Treble Costs.



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

C A P. LXXIX,

An Act to amend the Law relating to Insolvent Debtors in *India*. [14th August 1834.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intitled *An Act to provide for the Relief of Insolvent Debtors in the East Indies until the First Day of March One thousand eight hundred and thirty-three*; and by another Act passed in the Second Year of the Reign of His present Majesty King *William* the Fourth the said Act was continued in force until the First Day of *March* One thousand eight hundred and thirty-six: And whereas, in and by the said Act to provide for the Relief of Insolvent Debtors in the *East Indies*, certain Provisions were enacted as to a Commission of Bankruptcy issuing against any such Insolvent Debtor as therein mentioned, and as to the Proceedings consequent thereon; and amongst other Things it was enacted, that a Certificate obtained under such Commission as therein provided should have the same Force and Effect in all Places situate without the Limits of the *East India* Company's Charter as if the same had been duly signed in the usual Way after such Bankrupt had duly surrendered and passed his last Examination; and it was also by the said Act amongst other Things provided and enacted, that whenever it shall be made to appear to the Satisfaction of any Court for Relief of Insolvent Debtors, upon the Application of any Insolvent, his Assignee or Assignees, or any of his or her Creditors, that the Estate of such Insolvent Debtor which shall have come to the Hands of the Assignee or Assignees

9 G. 4. c. 73.
2 W. 4. c. 43.

7 X

Assignees shall have produced sufficient to pay and discharge Three Fourths of the Amount of the Debts which shall have been established in such Court, or that Creditors to the Amount of more than One Half in Number and Value of the Debts which shall have been so established shall signify their Consent in Writing thereto, it shall be lawful for such Court to inquire into the Conduct of the said Insolvent, and if it shall appear to such Court that the said Insolvent has acted fairly, and honestly towards his or her Creditors, such Court shall be fully authorized and empowered thereupon to order that the said Insolvent shall be for ever discharged from all Liability whatsoever for or in respect of such Debts so established as aforesaid, and such Court shall, in the Order to be drawn up, specify and set forth the Names of such Creditors; and after any such Order shall have been so made no further Proceedings shall be had in the Matter of the Petition before the Court, unless upon Appeal made to the Supreme Court of Judicature of the Presidency where such Court for the Relief of Insolvent Debtors shall be holden as thereby authorized; and it was by the said recited Act also provided, that no such Order as last aforesaid shall prevent any Creditor who shall not have been resident within the Limits of the Charter of the said United Company at any Time between the filing of such Petition and the making of such Order as last mentioned, and who shall not have taken Part in any of the Proceedings under the said Petition, from bringing any Suit or Action in the *East Indies* for the Purpose of obtaining Execution against the Goods, Estate, or Effects of such Insolvent for any unsatisfied Claim of such Creditor, nor from bringing any Suit or Action for such Claim in any Court of the United Kingdom of *Great Britain* and *Ireland*, or elsewhere without the Limits of the said United Company's Charter, against such Insolvent, in the same Manner and with the like Consequences and Effects as if such Order as last mentioned had not been made: And whereas it is expedient to extend and add to the Provisions of the said Acts, so as to give to Insolvent Debtors, being Traders, who shall have acted fairly and honestly towards their Creditors, an additional and more complete Discharge, and also to render more effectual the Means of obtaining such Discharge, and at the same Time to preserve to such Insolvent Debtors such Relief as is already afforded by the said recited Acts: And whereas under the Provisions of the Act passed in the First and Second Years of His present Majesty King *William* the Fourth, intituled *An Act to establish a Court in Bankruptcy*, a Fiat is issued in Bankruptcy in lieu of a Commission of Bankrupt in every Case where the Lord Chancellor, by virtue of any former Act had heretofore Power to issue a Commission of Bankrupt: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person who now is or who shall hereafter become an Insolvent Debtor within the Intent and Meaning of the said Act of the Ninth Year of the Reign of His Majesty King *George* the Fourth, either upon Petition filed, or by Adjudication on an Act of Insolvency as therein provided, and who

1 & 2 W. 4.
c. 56.

Any Insolvent
within the
Meaning
of the Act
of 9 G. 4.
may petition
the Court for
his Discharge
after Three
Months.

at

at the Time of such Petition being filed or Adjudication made as aforesaid shall have been or shall be a Person who, by an Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to amend the Laws relating to Bankrupts*, or by any Act hereafter to be passed, would be deemed a Trader liable to become Bankrupt, shall be at liberty, at any Time not earlier than Three Months from the making of such Assignment as in the said Act, intituled *An Act for the Relief of Insolvent Debtors in the East Indies*, directed, or from any such Adjudication of Insolvency as therein mentioned (as the Case may be), to apply by Petition for his Discharge to any one of the said Courts in the *East Indies* for the Relief of Insolvent Debtors, in the said last-mentioned Act mentioned, as shall have already Jurisdiction over the Matter of his Insolvency; and the Principal Officer of such Court shall cause a Notice of such Petition to be forthwith inserted in the Gazette of the Presidency within which such Court shall be holden; and the Chief Secretary of the Government of such Presidency shall, without Delay, transmit to the Court of Directors of the said United Company, by different Ships, Two at least of every such Gazette which shall contain such Notice as aforesaid, who shall, without Delay, cause such Notice to be inserted in the *London Gazette*; and all Creditors of the said Insolvent, either alone or as a Partner with any other Person or Persons, and either within the Limits of the said Charter of the said United Company, or elsewhere, who shall not, within Fourteen Calendar Months from the filing of such Petition for a Discharge as aforesaid, have given Notice to the said Court of his Dissent from such Insolvent having his Discharge, shall be taken to have assented thereto; and thereupon, and at the Expiration of the said Fourteen Calendar Months from the filing of such Petition for Discharge as aforesaid, if it shall appear to such Court that the said Insolvent has acted fairly and honestly towards his Creditors, and unless Creditors to the Amount of One Sixth in Number and Value of the Debts that shall have been established in such Court shall have given Notice of their Dissent as aforesaid, or unless a Fiat in Bankruptcy (not being a Fiat issued under the Provisions of the said recited Acts "to provide for the Relief of Insolvent Debtors in the *East Indies*,"") shall have been sued out in *England* against such Insolvent within the Time hereinafter provided, such Court shall be authorized and empowered to order the Discharge of the said Insolvent from Liability for Debts, Claims, and Demands of and against such Insolvent; and such Order shall operate (save as herein-after provided) as a Release and Discharge from all Debts, Claims, and Demands for which such Insolvent was liable at the Time of his Petition for Relief being filed, or of any such Act of Insolvency committed as aforesaid (as the Case may be), and whether within the Limits of the Charter of the said United Company, or elsewhere, and whether such Debts, Claims, and Demands shall or shall not have been established in such Court as aforesaid: Provided nevertheless, that such Order shall not operate as a Release or Discharge of any Person who was Partner with such Insolvent, or jointly bound or liable with him.

6 G. 4. c. 16.

9 G. 4. c. 73.

Notice of such Petition to be inserted in the Gazette of the Presidency, and in the London Gazette.

Creditors who shall not dissent within 14 Months to be deemed to assent.

Court may then order Discharge, unless 1-6th dissent, or a Fiat in Bankruptcy issue under the General Bankrupt Acts.

Order of Court to discharge all Debts both in India and elsewhere.

But not to discharge Partners.

If any Fiat of Bankruptcy shall be issued

II. Provided always, and be it further enacted, That in case any Fiat in Bankruptcy shall be issued in *England* against any such Insolvent

under the Acts for Relief of Insolvent Debtors in India, then the Discharge to be confined to India;

Insolvent Trader as aforesaid, under the Provisions of the said Act, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies*, or under the Provisions of any other Act passed or to be hereafter passed respecting Insolvent Debtors in the *East Indies*, then and in such Case such Order for Discharge as aforesaid shall not operate as a Discharge of the Debt, Claim, and Demand of any Creditor who shall not have been resident within the Limits of the Charter of the said United Company at any Time between the filing of such Petition and the making of such Order as last-mentioned, nor shall any such Creditor be debarred from bringing any Suit or Action for such Debt, Claim, or Demand in any Court of the United Kingdom of *Great Britain and Ireland*, or elsewhere without the Limits of the said United Company's Charter, against such Insolvent, in the same Manner and with the like Consequences and Effects as if such Order as last mentioned had not been made.

but on the Order for Discharge being proved to the Commissioner, and on his signing the Bankrupt's Certificate, such Certificate is to be a general Discharge from all Debts.

III. Provided nevertheless, and be it further enacted, That in such last-mentioned Case, upon any Application made to the Commissioner acting in such Fiat as aforesaid, to sign the Certificate of such Insolvent, and after the same shall have been signed by the requisite Number of Creditors under the Provisions of the said Act, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies*, or any other Act passed or hereafter to be passed respecting Insolvent Debtors in the *East Indies*, then if it shall be made to appear to such Commissioner that such Order for a Discharge has been made by the Court in the *East Indies* as aforesaid, and if such Commissioner shall sign such Certificate, he shall also certify in Writing upon such Certificate that such Insolvent has obtained such Order for Discharge in the *East Indies* as aforesaid, and thereupon such Certificate shall have the same Force and Effect, as well within as without the Limits aforesaid, as a Certificate duly obtained under the said Act of the Sixth Year of the Reign of His Majesty King *George the Fourth*, intituled *An Act to amend the Laws relating to Bankrupts*, or in any other Act passed or to be hereafter passed respecting Bankrupts.

6 G. 4. c. 16.

In case there is no Bankruptcy, the Order of Discharge to have effect every where.

IV. And be it enacted, That any such Insolvent Trader who shall not be made a Bankrupt under the Provisions of the said Act for the Relief of Insolvent Debtors in the *East Indies*, or of any other Act passed or hereafter to be passed respecting Insolvent Debtors in the *East Indies*, if he shall, after such Order for his Discharge shall have been made as aforesaid, be arrested, or have any Action brought against him for any Debt, Claim, or Demand for which he was so liable as aforesaid, either within the Limits of the Charter of the said United Company or elsewhere, shall be discharged upon Common Bail, and may plead in general that the Cause of Action accrued before he became insolvent, and may give this Act and the special Matter in Evidence; and such Order as aforesaid, duly sealed with the Seal of the said Court, shall be sufficient Evidence in all Courts and Places whatsoever of all the Proceedings precedent to such Order being made, and of the same being duly obtained; and if any such Insolvent Trader shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been

been obtained before such Order of the Court for his Discharge as aforesaid, it shall be lawful for any Judge of the Court wherein such Judgment has been obtained, on such Insolvent producing such Order as aforesaid, to order any Officer who shall have such Insolvent in Custody by virtue of such Execution to discharge such Insolvent without exacting any Fee, and such Officer shall be hereby indemnified for so doing; and any such Insolvent Trader who shall be a Bankrupt under the Provisions of the said last-mentioned Act, and who shall be arrested within the Limits of the Charter of the said Company, shall be so discharged, and may so plead, and shall have otherwise such Relief, within the said Limits, as herein-before mentioned; and if he shall also obtain such Certificate as herein-before provided, he may be at liberty to avail himself either of such Certificate, or of such Order of Discharge as aforesaid, for the Purposes of his Discharge within the Limits aforesaid.

If there be a Bankruptcy, Discharge to be confined to India.

If Certificate obtained, it may be pleaded in India.

V. And be it further enacted, That in case any Fiat in Bankruptcy (other than a Fiat under the Provisions of the said Act, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies*,) or any other Act relating to the Insolvent Debtors in the *East Indies*,) be issued against any such Insolvent Trader within the Period of Eight Calendar Months from the Time of such Petition for Relief being filed, or of such Adjudication of Insolvency being made, as the Case may be, and such Insolvent Trader shall be duly adjudged a Bankrupt under such Fiat, then and in such Case such Court as aforesaid shall not be authorized and empowered to make any such Order for Discharge as aforesaid.

If a Fiat under the Bankrupt Act within Eight Months after Petition for Discharge, the Court to make no Order.

VI. And be it further enacted, That after the Expiration of such Eight Calendar Months as aforesaid no Fiat shall issue against any such Insolvent, upon any petitioning Creditor's Debt due before the filing of such Petition for Relief, or such Adjudication of Insolvency (as the Case may be); and in case any Fiat shall issue against such Insolvent Trader as aforesaid upon a petitioning Creditor's Debt incurred subsequently to such filing of the Petition for Relief or to such Adjudication of Insolvency as aforesaid, such Fiat shall not in any Manner affect, invalidate, or interfere with the Proceedings under the Insolvency previously existing in the *East Indies*, nor shall the Assignees under such Fiat acquire any Right or Title to take possession of, demand, sue for, or recover any Property or Interest, Real or Personal, wheresoever situated, which belonged to such Insolvent at the Time of such Petition for Relief being filed, or of such Adjudication of Insolvency as aforesaid, but the Assignee or Assignees appointed by such Court for the Relief of Insolvent Debtors shall have the sole and exclusive Right and Title thereto; and all Debts, Claims, and Demands due and payable to such Insolvent at the Time of such Petition for Relief being filed, or of such Adjudication of Insolvency as aforesaid, shall be established under such Insolvency, and shall not be provable under such last-mentioned Fiat.

But no Fiat to issue against a Trader who is already before the Insolvent Court, after the Eight Months from the Petition for Discharge.

VII. And whereas by the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth it is enacted, that all such Insolvent Debtors as therein mentioned shall,

Schedules of Debtors in India to be transmitted within

to Court of Directors in England, and to be open to Inspection of Creditors.

within the Time also therein mentioned; deliver into the Court a Schedule containing a full and true Account of their Debts, Estates, and Effects as therein mentioned, and which Schedule is thereby directed to be forthwith filed in the said Court: And whereas it is expedient that the Creditors of such Insolvent Debtors residing out of the Limits of the said Company's Charter should have the Means of inspecting such Schedule with equal Facility with Creditors of such Insolvent Debtors residing within the Limits of the said Charter; be it therefore further enacted, That the principal Officer of the said respective Courts for the Relief of Insolvent Debtors shall, without Delay, transmit to the Court of Directors of the said Company, by different Ships, Two or more Copies of each such Schedule, and the said Court shall retain the same, and permit any Person or Persons being a Creditor or Creditors of any such Insolvent Debtor to inspect and examine at all reasonable Times such Schedule, and shall, upon the Request and at the reasonable Costs and Charges of any such Creditor or Creditors (such Costs and Charges to be regulated by the said Court), provide for him or them a Copy or Copies of any such Schedule.



ANNO QUINTO

GULIELMI IV. REGIS.

C A P. VI.

An Act to indemnify the Governor General and other Persons in respect of certain Acts done in the Administration of the Government of the *British Territories in the East Indies* subsequent to the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and to make those Acts valid. [13th *April* 1835.]

WHEREAS under and by virtue of an Act of Parliament made and passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and fifty-four*, the Superintendence, Direction, and Control of the whole Civil and Military Government of all the *British Territories and Revenues in India* is vested in a Governor General and Councillors, styled "The Governor General of *India* in Council"; and it is thereby enacted that there shall be Four Ordinary Members of the said Council, to be appointed by the Court of Directors of the said Company, as therein mentioned; and it is thereby enacted that the Person who should be Governor General of the Presidency of *Fort William* in *Bengal* on the Twenty-second Day of *April* One thousand eight hundred and thirty-four should be the

3 & 4 W. 4.
c. 85.

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First

First Governor General of *India* under that Act, and that such Persons as should be Members of Council of the same Presidency on that Day should be respectively Members of the Council constituted by that Act; and it is also enacted that the said Council shall from Time to Time assemble at such Place or Places as shall be appointed by the said Governor General in Council within the said Territories; and various Provisions are made for the Administration of the Government of the said Territories, all of which it is thereby enacted shall commence and take effect from and after the Twenty-second Day of *April* then next, (that is to say,) from and after the Twenty-second Day of *April* One thousand eight hundred and thirty-four: And whereas by a Commission under the Seal of the Honorable the *East India* Company, bearing Date the Twenty-seventh Day of *December* One thousand eight hundred and thirty-three, duly issued by Order of the Court of Directors of the said Company in that Behalf, the said Court did appoint Lord *William Cavendish Bentinck* to be Governor General of *India*, to take upon himself the said Office upon and from the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and did further appoint *William Blunt* Esquire, *Alexander Ross* Esquire, *William Byam Martin* Esquire, and *Thomas Babington Macaulay* Esquire, to be respectively the First, Second, Third, and Fourth Ordinary Members of the said Council; and by another Commission bearing the same Date the said Court did appoint Sir *Charles Theophilus Metcalfe* Baronet to be Governor of the Presidency of *Agra*, which Presidency is by the said recited Act directed to be constituted, to take upon himself the said Office upon and from the said Twenty-second Day of *April* One thousand eight hundred and thirty-four: And whereas under and by virtue of the former Appointments of the Court of Directors of the said Company at the Time of issuing the said Commissions, and from thence until the Twenty-second of *April* One thousand eight hundred and thirty-four, the said Lord *William Cavendish Bentinck* was Governor of the Presidency of *Fort William* in *Bengal*, and the said Sir *Charles Theophilus Metcalfe* and the said *William Blunt* and *Alexander Ross* were respectively Members of the Council of the said Presidency, and in virtue of the Provisions of former Acts the said Sir *Charles Theophilus Metcalfe* was also Vice President of the said Council: And whereas on the said Twenty-second Day of *April* One thousand eight hundred and thirty-four the said Lord *William Cavendish Bentinck* was, in consequence of Ill-health, at *Ootacamund* in the Presidency of *Madras*, and the said Sir *Charles Theophilus Metcalfe* and the aforesaid *William Blunt* were at *Calcutta*, and the said *Alexander Ross*, *William Byam Martin*, and *Thomas Babington Macaulay* were not in the *East Indies*, and Lieutenant Colonel *William Morrison*, who had been appointed by the said Court a Provisional Councillor of *India*, was in *Mysore*; and for these and other Reasons the Government of the said Presidency and other the Territories belonging to the *East India* Company in *India* was administered for a Time otherwise than in accordance with the said recited Act; and it is expedient that the said Lord *William Cavendish Bentinck*, and Sir *Charles Theophilus Metcalfe* and *William Blunt*, and all other Persons by whom the said Government was so administered, and all Persons acting under the Order of them or of any or either of them, should be indemnified in manner herein-after men-

tioned, and their Acts rendered valid: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Lord *William Cavendish Bentinck*, Sir *Charles Theophilus Metcalfe*, and *William Blunt*, and also the several Persons who at any Time after the said Twenty-second Day of *April* One thousand eight hundred and thirty-four were or acted as Members of the Council of *India*, and also all Persons acting under the Authority of them or any or either of them, shall be and they are jointly and severally hereby indemnified, freed, and discharged from and against all Actions, Suits, Prosecutions, and Penalties whatsoever, for or on account or in respect of all or any Acts, Matters, and Things whatsoever done, ordered, directed, or authorized by the said Governor General and Vice President and Members of Council, or any or either of them, or by any Person or Persons acting under the Authority of them or of any or either of them; so only and provided that such Acts, Matters, and Things shall have been done, ordered, directed, or authorized *bonâ fide* in the Exercise of the Administration of the Government of the *British Territories* in the *East Indies*, between the said Twenty-second Day of *April* One thousand eight hundred and thirty-four and the First Day of *January* One thousand eight hundred and thirty-five.

Governor General, Vice President, and Members of Council in India, &c. indemnified for all Acts done by them between 22d April 1834 and 1st January 1835;

II. And be it further enacted and declared, That all such Acts, Matters, and Things shall be as valid and effectual, and shall be and be deemed to be of as much Force, Validity, and Effect as if the same had been expressly authorized by the said recited Act. and such Acts to be valid.



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

C A P. LII.

An Act to authorize the Court of Directors of the *East India Company* to suspend the Execution of the Provisions of the Act of the Third and Fourth *William* the Fourth, Chapter Eighty-five, so far as they relate to the Creation of the Government of *Agra*. [31st August 1835.]

WHEREAS by an Act of Parliament made and passed in the Fourth Year of the Reign of His present Majesty, intituled *An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and fifty-four*, it is among other Things enacted, that the Territories then subject to the Government of the Presidency of *Fort William* in *Bengal* shall be divided into Two distinct Presidencies, one of such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William* in *Bengal*, and the other of such Presidencies to be styled the Presidency of *Agra*: And whereas much Difficulty has arisen in carrying such Enactment into effect, and the same would be attended with a large Increase of Charge: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

5 R 3 & 4 W. 4. c. 85.

by

East India
Company
may suspend
Provisions of
recited Act as
to the Divi-
sion of the
Territories
into Two
Presidencies.

by the Authority of the same, That it shall and may be lawful for the Court of Directors of the *East India* Company, under the Direction and Control of the Board of Commissioners for the Affairs of *India*, to suspend the Execution of the Provisions of the said in part recited Act so far as the same relate to the Division of the said Territories into Two distinct Presidencies, and to the Measures consequent thereupon, for such Time and from Time to Time as the said Court of Directors, under the Direction and Control of the said Board of Commissioners, shall think fit.

Governor Ge-
neral, during
such Suspens-
ion, may ap-
point a Lieut-
enant Govern-
or of the
North-west-
ern Provinces.

II. And be it further enacted, That for and during such Time as the Execution of such Provisions aforesaid shall be suspended by the Authority aforesaid it shall and may be lawful for the Governor General of *India* in Council to appoint from Time to Time any Servant of the *East India* Company, who shall have been Ten Years in their Service in *India*, to the Office of Lieutenant Governor of the North-western Provinces now under the Presidency of *Fort William* in *Bengal*, and from Time to Time to declare and limit the Extent of the Territories so placed under such Lieutenant Governor, and the Extent of the Authority to be exercised by such Lieutenant Governor, as to the said Governor General in Council may seem fit.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1835.



ANNO SEXTO & SEPTIMO.

GULIELMI IV. REGIS.

C A P. XLVII.

An Act to continue until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India*.

[28th *July* 1836.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies, until the First Day of March One thousand eight hundred and thirty-three*: And whereas a certain other Act was passed in the Second Year of the Reign of His present Majesty, intituled *An Act to continue until the First Day of March One thousand eight hundred and thirty-six an Act of the Ninth Year of His late Majesty for the Relief of Insolvent Debtors in India*, whereby the said first-mentioned Act was continued in force until the First Day of *March* One thousand eight hundred and thirty-six: And whereas a certain other Act was passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to amend the Law relating to Insolvent Debtors in India*: And whereas it is expedient that the said first-mentioned Act, as amended by the said last-mentioned Act, should be continued; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present

9 G. 4. c. 73.
2 W. 4. c. 43.
5 W. 4. c. 79.

5 T
Parliament

Recited Acts
continued.

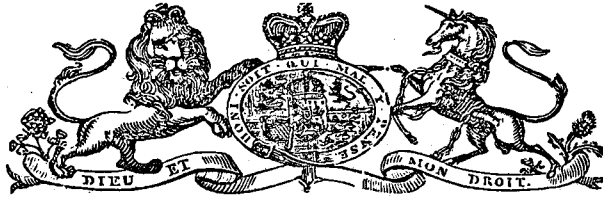
Parliament assembled, and by the Authority of the same, That the said Acts shall be and the same are hereby continued until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence until the End of the then next Session of Parliament.

Acts and
Deeds done
subsequent
to the Expi-
ration of
recited Acts
to be deemed
valid.

II. And whereas it may have happened that divers Acts have been done since the First Day of *March* last pursuant to the Provisions in the said recited Acts contained, and Doubts may be entertained of the Validity or Efficacy of such Acts, or of some of them, and it is expedient that such Doubts should be removed; be it therefore enacted and declared, That all Acts, Deeds, Matters, and Things whatsoever which shall have been made or done on or subsequent to the said First Day of *March* last, and which would have been valid and effectual if the said several Acts had been then in force, are and shall be, and shall be held, adjudged, deemed, and taken to be, as valid and effectual to all Intents and Purposes as if the said recited Acts had not expired, and this Act had passed on the Twenty-ninth Day of *February* last.

Act may be
altered this
Session.

III. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in the present Session of Parliament.



ANNO PRIMO

VICTORIÆ REGINÆ.

C A P. XLVII.

An Act to repeal the Prohibition of the Payment of the Salaries and Allowances of the *East India Company's* Officers during their Absence from their respective Stations in *India*.

[12th July 1837.]

WHEREAS under and by virtue of an Act passed in the Thirty-third Year of the Reign of His Majesty King George the Third, intituled *An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating to certain Uses the Revenues and Profits of the said Company; and for making Provisions for the good Order and Government of the Towns of Calcutta, Madras, and Bombay,* and of another Act passed in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories,* till the Thirtieth Day of April One thousand eight hundred and fifty-four, it is enacted, that "if any Governor or other Officer whatever in the Service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual Service of the said Company, the Salary and Allowances appertaining to his Office

33 G. 3. c. 52.
3 & 4 W. 4. c. 85.
5 P

Office shall not be paid or payable during his Absence to any Agent or other Person for his Use, and in the event of his not returning, or of his coming to *Europe*, his Salary and Allowances shall be deemed to have ceased on the Day of his leaving the said Territories or the Presidency to which he may have belonged": And whereas it is further provided in the said last-mentioned Act, that it shall be lawful for the said Company to make such Payment as is now by Law permitted to be made to the Representatives of their Officers or Servants who, having left their Stations intending to return thereto, shall die during their Absence, and it is expedient that such Provision of the Law should be altered in manner herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Part or Parts of the said Two Acts passed respectively in the Thirty-third Year of the Reign of His Majesty King *George* the Third and in the Third and Fourth Years of the Reign of His said late Majesty King *William* the Fourth, and of any other Act or Provision of the Law, as enacts that if any Governor or other Officer whatever in the Service of the said Company shall leave the Presidency to which he shall belong, other than in the known actual Service of the said Company, the Salary and Allowances appertaining to his Office shall not be paid or payable during his Absence to any Agent or other Person for his Use, shall not extend to the Case of any Officer or Servant of the Company under the Rank of Governor or Member of Council who shall quit the Presidency to which he shall belong in consequence of Sickness, under such Rules as may from Time to Time be established by the Governor General in *India* in Council, or by the Governor in Council of such Presidency, as the Case may be, and who shall proceed to any Place within the Limits of the *East India* Company's Charter, or to the *Cape of Good Hope*, or to the *Mauritius*, or to the Island of *St. Helena*, nor to the Case of any Officer or Servant of the said Company, under such Rank as aforesaid, who, with the Permission of the Government of the Presidency to which he shall belong, shall quit such Presidency in order to proceed to another Presidency for the Purpose of embarking thence for *Europe*, until the Departure of such Officer or Servant from such last-mentioned Presidency with a view to return to *Europe*, so as that the Port of such Departure for *Europe* shall not be more distant from the Place which he shall have quitted in his own Presidency than any Port of Embarkation within such Presidency.

So much of the Provisions of the recited Acts as prohibits the Payment of Salaries to Officers in the Service of the East India Company during their Absence shall not extend to Cases of Sickness;

nor to Cases of Officers quitting one Presidency for another, in order to embark for Europe.

No Rule valid till approved by Court of Directors, subject to the Control of Commissioners for Affairs of India.

Power for the Court of Directors,

II. Provided always, and be it enacted, That no such Rule so to be established as aforesaid shall have any Force or Validity until the same shall have been approved by the Court of Directors of the said Company, subject to the Control of the Commissioners for the Affairs of *India*, in like Manner as is provided by the said Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth.

III. And be it further enacted, That it shall be lawful for the said Court of Directors, subject to such Control as aforesaid, to direct the refunding,

1° VICTORIÆ, Cap.47.

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refunding, by any Officer or Servant of the said Company, or by the Representatives of any such Officer or Servant, of the Whole or any Part of the Salary or Allowance which he or they may have received under or by virtue of any such Rule so to be established as aforesaid, if it shall appear to the said Court, subject to such Control as aforesaid, that the Permission to such Officer or Servant to quit the Presidency to which he shall belong hath been improperly granted or obtained; and such Sum as the said Court, subject to such Control as aforesaid, shall direct such Officer or Servant, or the Representatives of such Officer or Servant, to refund, shall be a Debt due to the said Company, and shall be recoverable by them in any Court in like Manner as any Debt may now or hereafter shall be recovered by them.

subject to aforesaid Control, to direct the refunding of any Part of the Allowance paid under any of said Rules.



ANNO PRIMO

VICTORIÆ REGINÆ.

C A P. LXX.

An Act to authorize the Commissioners for the Affairs of *India* and the Court of Directors of the *East India* Company to suspend the subsisting Enactments concerning the Fourfold System of Nomination of Candidates for the *East India* Company's College at *Haileybury*, and for providing during such Suspension for the Examination of Candidates for the said College.

[15th July 1837.]

WHEREAS in an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act for effecting an Arrangement with the East India Company*, 3 & 4 W. 4. c.85. and for the better Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and fifty-four, are contained several Enactments respecting the Admission of Students into the College of the said Company at *Haileybury*, upon a Principle then intended to be brought into practice of there being Four Candidates and no more than One Student admitted into the said College for every expected Vacancy in the Civil Establishment of *India*, according to a yearly prospective Estimate by the said Act provided for: And whereas it is expedient to provide, in manner herein-after mentioned, for the Suspension of the same Enactments: May it therefore please Your Majesty that it may be enacted; and

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be

The India Board and Court of Directors may suspend the Operation of Enactments respecting Admission of Students ;

be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Board of Commissioners for the Affairs of *India* and the Court of Directors of the *East India* Company shall, from the passing of this Act, have and be invested jointly with full Power from Time to Time to suspend and to revive the Operation of the said Enactments for and during such Period or successive Periods of Time as the said Board of Commissioners and Court of Directors may in their Discretion think desirable.

and in such Case the Board to appoint Examiners.

II. And whereas in case of any Suspension of the Operation of the said Enactments it will be expedient to establish some System of Examination of Candidates for Admission to the said College at *Haileybury* ; be it therefore further enacted, That in case the said Board of Commissioners and Court of Directors shall at any Time or Times hereafter suspend the Operation of the said Enactments it shall be lawful for the said Board of Commissioners and they are hereby required to appoint, during the Pleasure of the said Board, any competent Person or Persons to be an Examiner or Examiners of all Candidates for Admission to the said College at *Haileybury*, and to make, and afterwards alter, vary, or repeal, and again make, any Regulations or Provisions concerning such Examinations, but so that during any Suspension of the said Enactments there shall be and continue in operation some System of Examination according to the Intent of this Enactment.

Court of Directors to pay Expences of System of Examination.

III. And be it further enacted, That it shall be lawful for the Court of Directors of the said *East India* Company and they are hereby required to pay the Expences of any System of Examination to be at any Time established by virtue of this Act, provided such Expences do not exceed in any One Year the Sum of Five hundred Pounds.

Part of 33 G. 3. c. 52. repealed.

IV. And be it further enacted, That so much of an Act passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing in the East India Company for a further Term the Possession of the British Territories in India, together with their exclusive Trade, under certain Limitations ; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same ; for appropriating to certain Uses the Revenues and Profits of the said Company ; and for making Provision for the good Order and Governments of the Towns of Calcutta, Madras, and Bombay*, as enacts that no Person shall be appointed or sent out to *India* as a Writer after he has attained the Age of Twenty-two Years, shall be and the same is hereby repealed.

Limiting the Ages of Students and Writers.

V. Provided always, and it is hereby further enacted, That it shall not be lawful for any Person to be admitted to the said College as a Student whose Age shall exceed Twenty-one Years, nor for any Person to be appointed or sent out to *India* as a Writer in the said Company's Service whose Age shall exceed Twenty-three Years.

VI. And

VI. And be it further declared and enacted, That all Persons who since the Tenth Day of *April* One thousand eight hundred and thirty-four have been appointed or sent out to *India* as Writers in the said Company's Service, after receiving a Certificate of their due Qualification under the Hand of the Principal of the said College, and all Persons who previously to the Tenth Day of *April* One thousand eight hundred and thirty-nine shall be appointed or sent out to *India* as Writers in the said Company's Service, after receiving such Certificate of their due Qualification, shall be deemed to have been and to be duly appointed as Writers, notwithstanding such Persons may not have resided for Four Terms at the said College.

All Persons appointed or sent out as Writers since 10th April 1834 and previously to 10th April 1839 to be deemed duly appointed.

VII. And be it further enacted, That any Rules made for the Admission of Students into the *East India* College at *Haileybury* by the Commissioners for the Affairs of *India*, in pursuance of the Provisions of this Act, shall be laid before both Houses of Parliament within Fourteen Days after the Commencement of the Session of Parliament then next ensuing.

Rules made in pursuance of this Act to be laid before Parliament.



ANNO PRIMO

VICTORIÆ REGINÆ.

C A P. XXII.

An Act to enable the Commissioners for the Affairs
of *India* to make Rules and Regulations for
Haileybury College. [9th *May* 1838.]

WHEREAS in an Act passed in the Fourth Year of the Reign
of His late Majesty King *William* the Fourth, intituled *An Act for effecting an Arrangement with the East India Company, and for the Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and thirty-four*, are contained several Enactments respecting the Admission of Students into the College of the said Company at *Haileybury*, upon a Principle then intended to be brought into Practice, of there being Four Candidates and no more than One Student admitted into the said College for every expected Vacancy in the Civil Establishment of *India*, according to a yearly prospective Estimate by the said Act provided for; and by such Enactments it was provided, amongst other things, that it should be lawful for the said Commissioners to form such Rules, Regulations, and Provisions for the good Government of the said College as in their Judgment should appear best adapted to secure fit Candidates for Admission into the same, and for the Examination and Qualifications of such Candidates, and of the Students of the said College, after they should have completed their Residence there, and for the Appointment and Remuneration of proper Examiners; and such

3 H Rules,

Rules, Regulations, and Provisions were to be submitted to Her Majesty in Council, for Her Revision and Approbation: And whereas by virtue of an Act passed in the last Session of Parliament, intituled *An Act to authorize the Commissioners for the Affairs of India and the Court of Directors of the East India Company to suspend the subsisting Enactments concerning the Fourfold System of Nomination of Candidates for the East India Company's College at Haileybury, and for providing during such Suspension for the Examination of Candidates for the said College*, the said Commissioners and Court of Directors have suspended the said Enactments: And whereas, notwithstanding such Suspension, or any future Suspension of the said Enactments, it is expedient that the said Commissioners should have Power to frame Rules for the Government of the said College as hereinafter mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Board of Commissioners for the Affairs of *India*, from Time to Time, whether the said Enactments shall or shall not be suspended, to frame and make such Rules, Regulations, and Provisions for the good Government of the said College as in their Judgment shall appear best adapted to secure the appropriate Education of young Men intended for the Civil Service of the *East India* Company in *India*, and from Time to Time, by any new or other Rules, Regulations, or Provisions, to revoke or alter the same, as to such Commissioners may seem fit: Provided always, that no Rules, Regulations, or Provisions to be framed or made under the Authority of this Act shall have any Force or Effect until the same shall have been submitted to Her Majesty, and until Her Majesty's Approbation thereof shall have been signified by an Order of Her Majesty in Council: Provided also, that Notice of all such Rules, Regulations, and Provisions shall be given by the said Commissioners to the Court of Directors of the *East India* Company Twenty-one Days at least previously to the same being submitted to Her Majesty for Approbation as aforesaid.

7 W. 4. &
1 Vict. c. 70.

Commissioners for the Affairs of India to make Rules for the Government of Haileybury College.

II. And be it enacted, That it shall be lawful for the Court of Directors of the *East India* Company to nominate, appoint, and send to any of the Presidencies for the Time being in the *East Indies* any Person in the Capacity of a Writer who shall have been duly entered at such College, and have resided there the Number of Terms which shall be prescribed by any such Rules and Regulations as aforesaid, and who shall produce to the said Court of Directors a Certificate under the Hand of the Principal of the said College testifying that he has duly conformed to the Rules and Regulations of the said College.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended this Session.



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

C A P. XXXIV.

An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at *Fort William* and *Madras*; and to empower the same Courts, and the Supreme Court of Judicature of *Bombay*, to make Rules and Orders concerning Pleadings.
[29th July 1839.]

WHEREAS the Supreme Court of Judicature at *Fort William* in *Bengal* on the Fifteenth Day of *June* One thousand eight hundred and thirty-seven, and the Supreme Court of Judicature at *Madras* on the Twenty-second Day of *February* One thousand eight hundred and thirty-seven, made and passed certain Rules and Orders whereby the Modes of pleading in the same Courts respectively were in some respects altered; and Doubts have arisen as to the Powers of the same Courts to make such Alterations without the Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Rules and Orders, so far as they altered the Modes of pleading in the said Supreme Courts at *Fort William* and *Madras* respectively, shall be deemed and taken to all Intents to have been lawfully made, and to have had and still to have the Force of Law.

The Rules for altering the Mode of pleading in the Supreme Courts at *Fort William* and *Madras* deemed to have been lawfully made.

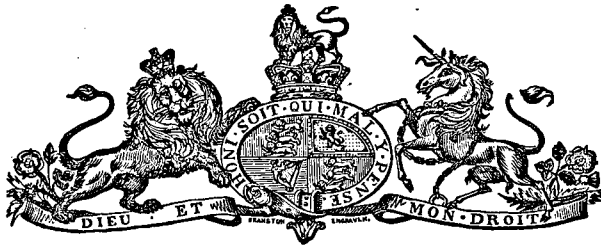
Supreme Courts at Bombay, Fort William, and Madras may pass Rules for altering the Modes of pleading.

Such Rules to be subject to Confirmation by the Governor General; and may be altered or rescinded by the Privy Council.

Act not to affect Rights and Powers of Supreme Courts.

II. And whereas it is expedient to provide for giving Validity to any Rules or Orders which may be made by the Supreme Court of Judicature at *Bombay* for altering the Modes of pleading therein, and also to any other Rules or Orders which may hereafter be made by the said Supreme Courts of *Fort William* and *Madras* or either of them respecting the Modes of pleading in the same Courts respectively; be it therefore enacted, That the said Supreme Court of *Bombay* shall and may, by any Rules or Orders to be from Time to Time passed by the said Court, make such Alterations, and the said Supreme Courts of *Fort William* and *Madras* shall and may, by any other Rules or Orders to be from Time to Time passed by the said Courts respectively, make such further Alterations in the Mode of pleading in the said Courts respectively, or in the Mode of entering and transcribing Pleadings, Judgments, and other Proceedings in Actions at Law or Suits in Equity, or any Civil or Ecclesiastical Causes, and such Regulations as to the Payment of Costs, and otherwise for carrying into effect any such Alterations, as to the said Courts respectively may seem expedient; and all such Rules, Orders, or Regulations shall be submitted for Confirmation or Disallowance to the Governor General of *India* in Council immediately upon the making of the same; and every such Rule, Order, or Regulation shall to all Intents and Purposes have full Effect after it shall have been confirmed by the said Governor General of *India* in Council; but every such Rule, Order, and Regulation, when so confirmed, shall be transmitted to Her Majesty, Her Heirs or Successors, in Council, and shall be subject at any Time to be altered or rescinded by Her said Majesty, Her Heirs or Successors, in Council: Provided always, that no Rule or Order to be made by virtue of this Act shall have the Effect of depriving any Person of the Power of pleading the General Issue and giving the special Matter in Evidence in any Case wherein he is now or hereafter shall be entitled to do so by virtue of any Act of Parliament now or hereafter to be in force.

III. And be it enacted, That nothing herein contained shall be construed to affect any Rights, Powers, or Privileges now belonging to or inherent in the said Supreme Courts of Judicature respectively.



ANNO TERTIO & QUARTO.

VICTORIÆ REGINÆ.

C A P. XXXVII.

An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India Company*, and for providing for the Observance of Discipline in the *Indian Navy*, and to amend the Laws for regulating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service.

[4th August 1840.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George the Fourth*, intitled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and to authorize Soldiers and Sailors in the East Indies to send and receive Letters at a reduced Rate of Postage*, and it being requisite, for the retaining of such Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert the said Company's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent

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3 Z

Consent

Punishment
for Mutiny,
Desertion,
and divers
other Mili-
tary Crimes.

Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier in the Service of the said Company, shall, at any Time during the Continuance of this Act, begin, excite, cause, or join in any Mutiny or Sedition in the Land or Marine Forces of Her Majesty or of the said Company, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall cast away his Arms or Ammunition, or otherwise misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave towards the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, which he or they shall be commanded to defend; or shall treacherously make known the Watchword; or shall intentionally occasion false Alarms in Action, Camp, Garrison, or Quarters; or shall leave his Post, for Plunder or otherwise, before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty or the said Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall knowingly harbour or protect such Rebel or Enemy, or shall treat or enter into any Terms with such Rebel or Enemy, without the Licence of the said Company or of the said Company's Governor General in Council, or Governor in Council at any of their Presidencies, or without the Licence of the General or Chief Commander; or who shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of the Forces; or shall force a Safeguard; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert the said Company's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within the Dominions of Her Majesty or the Possessions or Territories which are or may be under the Government of the said Company, or in Foreign Parts, upon Land or upon the Sea, within or without the Limits of the Charter of the said United Company, shall suffer Death, Transportation, or such other Punishment as by a Court-martial shall be awarded.

Power to
appoint
General
Courts-mar-
tial any
where
beyond 120
Miles from
the Presi-

II. And be it enacted, That the General or other Officer commanding in chief the Forces of or belonging to the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively for the Time being may appoint General Courts-martial, and issue his Warrant to any General or other Officer not below the Degree of a Field Officer, having the Command of a Body of Troops of Her Majesty, or of the said Company, empowering them respectively to appoint General Courts-martial,

martial, as Occasion may require, to be holden within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island, Singapore, and Malacca,*) in the Territories under the Government of the said Company, and situated above One hundred and twenty Miles from the said Presidencies respectively, for the Trial of any Person under his Command, accused of having committed wilful Murder or any other Capital Crime, or of having used Violence or committed any Offence against the Person or Property of any Subject of Her Majesty, or any other Person entitled to Her Majesty's Protection, to the Protection of the respective Governments of the *East India* Company, or of any State in alliance with the said Company, within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place, other than *Prince of Wales Island, Singapore, or Malacca,* in the Territories under the Government of the said Company, situated above One hundred and twenty Miles from the said Presidencies respectively; and the Persons accused, if found guilty, shall suffer Death, or be liable to Transportation for Life or for a Term of Years, or to such other Punishment, according to the Nature and Degree of the respective Offences, as by such Sentence of any such General Court-martial shall be awarded: Provided always, that any Person so tried shall not be liable to be tried for the same Offence by any other Court whatsoever.

dencies of Fort William, Fort St. George, and Bombay, except Prince of Wales's Island, Singapore, and Malacca, for the Trial of Capital Offenders.

III. And be it enacted, That in every Case wherein a Sentence of Death or Transportation shall be pronounced, or a Sentence of Death shall be commuted to Transportation, for any such Capital Offence committed at any Place situated above One hundred and twenty Miles from the Presidencies of *Fort William, Fort Saint George, and Bombay* respectively, and being within the Territories under the Government of the said Company, such Sentence, whether original, revised, or commuted, shall not be carried into execution until confirmed by the General or other Officer commanding in chief at the Presidency, with the Concurrence of the Governor General in Council, or Governor in Council of the Presidency in the Territories subordinate to which the Offender shall have been tried, although such Offender may belong to the Forces of another Presidency: Provided always, that such Sentence shall have been regularly reported to and approved and confirmed by the General or other Officer commanding in chief the Forces of the Presidency to which such Offender shall belong, and by whom or under whose Authority the Court-martial by which such Offender shall have been tried was appointed.

Sentences of Death or Transportation not to be carried into execution till confirmed by the Officer commanding in chief, with the Concurrence of the Governor of the Presidency.

IV. And be it enacted, That if any Person liable to be tried by a Court-martial for any such Offence alleged to have been committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island, Singapore, or Malacca,*) in the Territories under the Government of the said Company situate above One hundred and twenty Miles from the said Presidencies of *Fort William, Fort Saint George, and Bombay* respectively, and for which no Proceeding shall have been commenced in any Court of competent Juris-

Such Offenders, if apprehended by the Civil Authorities, to be delivered over for Trial by Court-martial.

Jurisdiction, shall be apprehended by the Authority of or brought before any Magistrate for any such Offence, such Magistrate shall deliver over such accused Person to the Commanding Officer of the Regiment, Corps, or Detachment to which such accused Person shall belong, or to the Commanding Officer of the nearest Military Station, for the Purpose of his being tried by a Court-martial for such Offence as herein-before is provided in that Behalf.

The ordinary Course of Law not to be interfered with.

V. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer, who shall wilfully neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, or any other Person entitled to Her Majesty's Protection, or to the Protection of the respective Governments of the *East India* Company, or of any State in alliance with the said Company, which is punishable by the ordinary Course of Law, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of Her Majesty's Courts of Record in *India*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment in the said Company's Service in the *East Indies*; and a Copy of the Record of such Conviction, subscribed and attested by the Clerk of the Crown, or other proper Officer of the Court in which such Conviction shall take place, shall, within Two Months from the Time of such Conviction, be transmitted to the Judge Advocate General of the Army to which such Offender shall belong; provided that nothing herein contained shall extend to require the Delivery over to the Civil Magistrate of any such Person accused of any Offence who shall have been tried for such Offence by any Court-martial in manner herein-before provided in respect of Offences committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place in or out of the Territories of the said Company situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, or against whom any effectual Proceeding shall have been taken or ordered to be taken, for the Purpose of bringing such Person to Trial by such Court-martial as aforesaid; provided also, that no Person or Persons, being acquitted or convicted of any Capital Crime, Violence, or Offence by the Civil Magistrate or the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

After Trial by the Civil Power, no other Punishment than cashiering.

No Soldier liable to Arrest for Debt, unless amounting to 500 Company's Rupees.

VI. And be it enacted, That no Person whatever enlisted into the Company's Service as a Soldier shall be liable to be arrested or taken therefrom, by any Process or Execution whatever, other than for some Criminal Matter, unless an Affidavit (for which no Fee shall be taken) shall be made by the Plaintiff or some one on his Behalf, before a Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such

such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Three hundred Company's Rupees at the least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaint thereof made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy that the Person who takes out the said Execution might have had for his Costs, or the Plaintiff in the like Action might have had for the Recovery of his Costs, in case Judgment had been given for him with Costs, against the Defendant in the said Action; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing or left at such Soldier's last Quarters, may file a Common Appearance, in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment according to the Course of the Court, and have Execution other than against the Body.

Plaintiff may enter a Common Appearance, &c.

VII. And be it enacted, That it shall be lawful for Her Majesty to make Articles of War for the better Government of the said Company's Forces, which Articles of War shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War, signed with his own Hand and Name, to the Judges of Her Majesty's Superior Courts at *Westminster, Dublin, Edinburgh*, and in *India* respectively, and also to the Governors of Her Majesty's Dominions abroad, and the Territories within the Limits of the Charter of the said Company; provided that no Person shall by such Articles of War be subject to any Punishment extending to Life or Limb or Transportation within the Dominions of Her Majesty, or the Possessions or Territories which are or may be under the Government of the said Company, for any Crime committed within One hundred and twenty Miles Distance from either of the Presidencies of *Fort William, Fort Saint George, or Bombay*, which is not expressed to be so punishable by this Act; provided also, that nothing in this Act contained shall in any Manner impeach or affect any Articles of War, or any Matters enacted or in force, or which hereafter may be enacted by the Government of *India*, respecting Officers or Soldiers being Natives of the *East Indies*, or other Places within the Limits of the said Company's Charter, and to whom the present Act is declared not to be applicable.

The Queen may make Articles of War, of which all Courts shall take judicial Notice; and Copies to be transmitted to Judges and Governours.

VIII. And be it enacted, That on the Trial of all Offences committed by any Native Officer or Soldier or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

Trial of Native Officer or Soldier.

The Queen may authorize the Court of Directors of the East India Company to empower the Indian Governments and their Commanding Field Officers to appoint Courts-martial.

IX. And be it enacted, That Her Majesty may from Time to Time grant a Commission or Warrant under Her Royal Sign Manual unto the Court of Directors of the said Company, who by virtue of such Commission or Warrant shall have Power under the Seal of the said Company to authorize and empower their Governor General in Council and Governor in Council for the Time being at the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, from Time to Time to appoint Courts-martial, and to authorize and empower the General or other Officer commanding any Body of the Forces employed in the said Company's Service to appoint General Courts-martial, as well as to authorize any Officer under their respective Commands, not below the Degree of a Field Officer, to convene General Courts-martial, as Occasion may require, for the Trial of Offences committed by any of their Forces under their several Commands, whether the same shall have been so committed before or after such Officer shall have taken upon himself such Command, all which Courts-martial shall be constituted and shall regulate their Proceedings according to the several Provisions herein-after specified; provided that, whenever any of Her Majesty's Forces shall be employed to act under the Authority of any of the said Company's Presidencies in the *East Indies*, the Power of appointing Courts-martial, or authorizing the Appointment of Courts-martial for the Trial of any Officer or Soldier of the said Company of or belonging to such Presidencies, shall be in the Officer for the Time being commanding in chief at such Presidency.

The Queen may authorize the convening of Courts-martial for trying Offences against Articles of War.

X. And be it enacted, That, for bringing to Justice Offenders against such Articles of War as may be framed by Her Majesty as herein-before provided, it shall be lawful for Her Majesty to grant Her Commission or Warrant to the Persons and in the Manner herein mentioned and expressed for convening, and authorizing any Officer under their respective Commands not below the Degree of a Field Officer to convene Courts-martial, as well in the Possessions or Territories which are or may be under the Government of the Company as elsewhere where the Troops of the Company are or may be employed, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Commands, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command.

Offenders may be tried and punished in Places other than where the Offences have been committed.

XI. And be it enacted, That any Person subject to the Provisions of this Act who shall, in any Part of Her Majesty's Dominions or the Possessions or Territories under the Government of the *East India* Company, or elsewhere, commit any Offence for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any Part of Her Majesty's Dominions or the Possessions or Territories which are or may be under the Government of the said Company, or elsewhere where he may have come after the Commission of the Offence, in the same Manner as if the Offence had been committed where such Trial shall take place.

XII. And

XII. And be it enacted, That all General Courts-martial held under the Authority of this Act shall consist of not less than Thirteen Commissioned Officers, except the same shall be holden in any Place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or at *Prince of Wales Island, Singapore, or Malacca*, at which Places such General Court-martial may consist of any Number not less than Five; and no Judgment of Death shall pass without the Concurrence of Two Thirds at least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Composition
and Consti-
tution of
General
Courts-mar-
tial.

XIII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, of such Imprisonment with hard Labour, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay and Pension on Discharge; and whensoever any Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps of the said Company's Forces, and in any Country or Place, (such Country or Place being within the Limits of the said Company's Charter, and under the said Company's Government,) which the Officer commanding in chief at the Presidency to which the Offender belongs shall thereupon direct, or may, if such Offender shall have enlisted for a limited Number of Years, sentence him to serve for Life as a Soldier in any Corps of the said Company's Forces which such Officer commanding in chief shall direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay or as to Pension on Discharge which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for the Officer commanding in chief the Forces of the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to the Officer commanding as aforesaid.

Powers of
General
Courts-mar-
tial.

XIV. And

The Queen empowered to appoint or to authorize the Indian Government to appoint Places of Transportation.

Indian Governments to execute Sentences of Transportation.

Transports to be subject to the Convict Laws of the Place of Transportation.

Trial and Punishment for Embezzlement and similar Offences.

Composition and Powers of District or Garrison Courts-martial.

XIV. And be it enacted, That Her Majesty may, by any Order or Orders, to be by Her from Time to Time made with the Advice of Her Privy Council, appoint, or by any such Order or Orders in Council authorize the Governor General of *India* in Council, and the Governor in Council of *Fort Saint George* and *Bombay* respectively, to appoint, any Place or Places beyond the Seas within Her Majesty's Dominions to which Felons and other Offenders may be conveyed; and that when such Offenders shall be about to be transported from any of the said Presidencies to such Place of Transportation the Governor of such Presidency shall give Orders for his intermediate Custody and Removal to the Ship to be employed for his Transportation, and shall empower some Person to make a Contract for the effectual Transportation of the Offender to the Place so appointed, and shall direct Security to be given for such Transportation.

XV. And be it enacted, That so soon as such Offender shall be delivered to the Governor of the Colony, or other Person or Persons to whom the Contractor or other Person appointed for that Purpose as aforesaid shall be so directed to deliver him, every such Person shall, within the Place or Places to which under or in pursuance of any such Order or Orders in Council they shall be sent or transported, be subject and liable to all such and the same Laws, Rules, and Regulations as are or shall be in force in any such Place or Places with respect to Convicts transported from *Great Britain*.

XVI. And be it enacted, That every Paymaster or other Commissioned Officer, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces, or for Her Use, or belonging to the *East India* Company or for their Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from the said Company's Service, and Incapacity of serving the *East India* Company in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage, so ascertained as aforesaid, shall be a Debt to Her Majesty or the *East India* Company, as the Case may be, and may be recovered accordingly.

XVII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such

Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding One Month at a Time, or Three Months at different Times with Intervals of not less than One Month between such Times in One Year, of such Imprisonment with hard Labour, or may sentence any Soldier to corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmity, or wilfully delaying his Cure:

In purloining or selling Stores, the Property of the Crown or of the *East India* Company:

In stealing any Money or Goods, the Property of a Comrade, or of any Military or Regimental Mess:

In producing false or fraudulent Accounts or Returns:

In embezzling or fraudulently misapplying Money intrusted to him, belonging either to the Crown or the *East India* Company:

Or in committing any Petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind:

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from the Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, or Island; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Sentences to
be con-
firmed.
President.

Certain Offences may be tried and punished by Regimental Courts-martial.

Regulations as to Imprisonment and other Punishment awarded by Regimental Courts-martial.

Additional Punishments.

Officers in command of Troops serving in foreign Countries, not in Alliance with the East India Company, may assemble Courts-martial.

XVIII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may try any Soldier for habitual Drunkenness, and may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty Days, and to solitary Confinement for any Period not exceeding Twenty Days; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment: Provided always, that when such Court shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment, including the solitary Part thereof, shall not exceed Twenty Days, and shall be divided into Periods not exceeding Ten Days each; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor, when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay for such Period, not exceeding Six Months, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct.

XIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General or District or Garrison Court-martial, where such Findings shall be duly approved, or of Felony in any Court of Civil Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the left Side, Two Inches below the Arm-pit, with the Letter D., such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

XX. And be it enacted, That it shall be lawful for any Officer commanding any District, or any Portion of the said Company's Troops which may at any Time be serving in any Place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to the Company's Army, being under the immediate

Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers at the least, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon any such Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief of the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

Sentence of such Courts to be confirmed.

XXI. And be it enacted, That Officers of Her Majesty's Land Forces, and of the Forces in the Service of the *East India* Company, may, whenever it shall be necessary, sit in conjunction on Courts-martial, which shall be regulated in like Manner as if consisting wholly of Officers of Her Majesty's Land Forces, or wholly of Officers in the Service of the said Company; except that upon the Trial of any Person in Her Majesty's Land Forces, the Provisions of the Act which shall exist at the Time for the Punishment of Mutiny and Desertion in Her Majesty's Forces shall be applicable; and on the Trial of any Officer or Soldier in the Service of the said *East India* Company, the Provisions of this Act shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from Her Majesty or any of Her Royal Predecessors.

How Proceedings shall be regulated in Cases of Conjunction of Queen's and Company's Officers on Courts-martial.

XXII. And whereas it may sometimes happen that Officers in the Service of the said Company cannot conveniently be had to compose the whole or Part of a Court-martial; be it enacted, That any Officer or Soldier, or Person subject to the Provisions of this Act, may be tried by a General Court-martial composed of Officers in Her Majesty's Service alone; provided always, that the Officer convening such Court-martial shall specify in his Warrant that no Officer in the Service of the said Company could conveniently be had.

Courts-martial may be wholly composed of Queen's Officers.

XXIII. And be it enacted, That all General and other Courts-martial shall administer an Oath, or, in case of Natives of *India*, an Oath or solemn Declaration, as Circumstances may require, to every Person who shall be examined before such Court in any Matter relating to any Proceedings before the same.

Oaths or solemn Declarations to be administered.

XXIV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act the President and every Member assisting at such Trial, before any Proceedings be had thereon, shall take the Oaths in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court shall administer to the Judge Advocate, or the Person officiating as such, the Oath in the

Members of General Courts-martial and Officiating Judge Advocate to take the Oaths mentioned in the Schedule.

Protection to
Witnesses.

Witness not
attending or
refusing to
give Evi-
dence liable
to be at-
tached.

A second
Trial to be
had only on
Appeal from
a Regimental
to a General
Court-mar-
tial, and no
Revision
more than
once.

Original Pro-
ceedings,
Sentence,
&c. to be
transmitted
to the Judge
Advocate
General of
the Army in
which such
Court shall
be held.

Indian Ga-
vernments
may suspend
Proceed-
ings.

Offences
against for-
mer Mutiny
Act punish-

the Schedule to this Act annexed; and no Proceeding or Trial shall be had but between the Hours appointed by the Officer commanding where the Court-martial is held, except in Cases which require an immediate Example: Provided also, that every Witness duly summoned or warned to attend any Court-martial shall during his necessary Attendance on such Court, and in going to and returning from the same, be privileged from Arrest, and shall, if arrested in breach of such Privilege, be discharged by such Court-martial, or any Court of Law, or Judge of any such Court, according as the Case shall require, upon its being made appear to such Court-martial, Court of Law, or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that every Witness so duly summoned or warned to attend as aforesaid who shall not attend on such Court, or who attending shall refuse to give Evidence, on Oath or solemn Declaration, or to answer all such Questions as the Court may legally demand, shall be liable to be attached in the Courts of Law, upon Complaint made, in like Manner as if such Witness had neglected to attend on any Trial in any such Court.

XXV. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

XXVI. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, shall transmit, with as much Expedition as Circumstances will admit, the original Proceedings, and the Sentence, Finding, or Opinion of such Court-martial, to the Judge Advocate General of the Army in which such Court-martial shall be held, in whose Office they are to be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence, Finding, or Opinion, and Proceedings, (paying reasonably for the same,) whether such Sentence shall be approved or not, at any Time not sooner than Three Months if the Trial took place on the Continent of *India*, or Six Months if beyond Seas; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

XXVII. And be it enacted, That the Government of any of the said Presidencies in *India* may suspend the Proceedings of any Court-martial which may at any Time be holden within such Presidencies respectively.

XXVIII. And be it enacted, That all Crimes and Offences which have been committed against the said Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth, or against any of the Articles

Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under the said Act of the Fourth Year of the Reign of His Majesty King *George* the Fourth shall remain in full Force, notwithstanding the Repeal of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Repeal of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts, or either of them, which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried under such Commission or Warrant at any Time not exceeding Two Years after the Impediment shall have ceased; or unless the Conduct of the Person accused shall have been submitted to the Consideration of the Court of Directors of the *East India* Company by the Government of the Presidency to which such Person shall belong, in which Case such Person shall be liable to be tried under such Commission or Warrant at any Time not exceeding Five Years after his Offence shall have been committed.

able as if committed against this Act, and all existing Proceedings continued.

Limitation as to Trial of Offences.

XXIX. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, notwithstanding that he may of right belong to some Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act, and by the Articles of War to be framed by Her Majesty by virtue of this Act, be awarded for the Offence of which he shall have been found guilty.

Desertion shall be punishable, notwithstanding any Circumstances of Enlistment.

Admissibility of Evidence of former Offences.

A Person acknowledging himself to be a Deserter to be deemed duly enlisted and dealt with accordingly.

XXX. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from any Regiment or Corps of the said Company's Forces, or who, upon being apprehended for Desertion or any other Offence, shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, confess himself to be a Deserter from any such Regiment or Corps, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any such Corps of the said Company's Forces as the Commander of the Forces of the said Company shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not.

Punishment for inducing or assisting in Desertion.

XXXI. And be it enacted, That every Person who shall directly or indirectly persuade any Soldier to desert shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Eight hundred Company's Rupees, and be further liable to Imprisonment, not exceeding Twelve Months.

Regulations for Musters, and Penalties on false Musters.

XXXII. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in the said Company's Service at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the Territories under the Government of the *East India* Company, or in Her Majesty's Service or the Service of the said Company; and if the Person giving such untrue Certificate shall not have any Military Commission he shall forfeit for every such Offence the Sum of Five hundred Company's Rupees; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Magistrate residing near the Place where such Muster shall be made, forfeit the Sum of Two hundred Company's Rupees; and the Informer, if he belong to the Company's Service, shall, if he demand it, be forthwith discharged.

Suspension and Forfeiture of Pay.

XXXIII. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has

so absented himself without Leave, or on which he has been absent by such Desertion; and that no Soldier shall be entitled to Pay, or to reckon Service, Rewards, Pay, or Pension, when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment on a Charge of any Offence cognizable by a Civil or Criminal Court, or by reason of any Arrest for Debt, or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, it shall be lawful for the said Commanding Officer (if he shall think fit) to order and direct that, in addition to such other Punishment as he has Authority to inflict, such Soldier shall also suffer Forfeiture of his Pay for the Day or Days on which he has so absented himself, and thereupon such Pay shall be forfeited, and such Soldier shall not be liable to be afterwards tried by a Court-martial for the said Offence: Provided always, that any Soldier who shall be so ordered to forfeit his Pay shall have a Right to insist on being tried by a Court-martial for his Offence instead of submitting to such Forfeiture; and provided also, that any Soldier acquitted of any Offence for which he had been committed shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining the Service from being a Prisoner of War due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to the Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; provided also, that it shall be lawful for the Government under which any Soldier is serving to order or withhold the Payment of the Whole or any Part of the Pay of any such Soldier during the Period of Absence by any of the Causes aforesaid.

XXXIV. And be it enacted, That every Soldier entitled to his Discharge under any Orders or any Regulations made by the said Company, or upon the Expiration of any Period for which he shall have engaged to serve, or under this Act, shall be entitled to be sent to *Great Britain* or *Ireland* free of Expence, and be entitled on his Return to have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of Arrival in *Great Britain* or *Ireland* decide to take up his Residence, such Place not being at a greater Distance from the Place of his landing than the Place of his original Enlistment, such Marching Money being at the Rate and Reckoning *per Diem* fixed for victualling Soldiers in Her Majesty's Service on the March: Provided always, that every such Soldier entitled to and claiming his Discharge, and to be sent to *Great Britain* or *Ireland*, shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provisions of this Act, and

Soldiers entitled to Discharge may claim to be sent home, free of Expence:

but to be subject to this Act till their Arrival.

and the Articles of War framed or to be framed by Her Majesty for the better Government of the Company's Forces.

No Paymaster to receive Fees, or to make unusual Deductions out of Pay, or to detain Pay :

Punishment for so doing.

Indian Governments may give Orders to withhold Pay in Cases of Absence without Leave.

Penalties on Persons unlawfully having or purchasing Military Stores, &c.

Recruits concealing Infirmities punishable.

XXXV. And be it enacted, That no Paymaster or other Person shall receive any Fees or make any Deductions whatsoever out of the Pay or Allowances of any Officer or Soldier (without his Consent be obtained thereto), other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required to be made according to the Regulations of the Service ; and every Paymaster or other Officer having received any Officer's or Soldier's Pay and Allowances, who shall unlawfully detain for the Space of One Month the same, or refuse to pay the same when it shall become due, according to the several Rates established by the Regulations of the Service, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit Eight hundred Company's Rupees, and be liable to such further Punishment as shall by the Court-martial be awarded, one Moiety of such Fine to be paid to the Informer, and should such Informer be a Soldier he shall, if he demand it, be discharged from any further Service ; provided that it shall be lawful for the Governor General in Council, or the Governor in Council at the said Presidencies respectively, to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave.

XXXVI. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to the Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Forty Company's Rupees, (one Moiety to be paid to the Informer,) together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed ; and if any credible Person shall prove on Oath or solemn Declaration before a Magistrate, or Person exercising the like Authority, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Magistrate or Person exercising like Authority may grant a Warrant to search for such Property as in case of stolen Goods.

XXXVII. And be it enacted, That any Person who shall enlist into the Company's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity which shall have been concealed by such Person, or not declared before the Justice of the Peace at the Time of his Attestation, and mentioned at the Foot thereof,

thereof, may be transferred into any Garrison or Veteran or Invalid Battalion, or into Her Majesty's or Company's Marine Forces, notwithstanding he shall have been enlisted for any particular Regiment, and shall be entitled to receive such Portion or Residue of Bounty only as shall be allowed by the said Company by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules or Regulations relating to Soldiers, to the contrary notwithstanding.

XXXVIII. And be it enacted, That all Officers and Soldiers who shall be enlisted in or transferred to the Service of the said Company, and all Officers in the said Company's Service who may proceed in Charge of or be appointed to do Duty with such enlisted or transferred Officers and Soldiers, shall, from and after their Embarkation to go abroad to such Place whereto they shall be sent in the Service of the said Company, be, during their Passage, subject to all the Provisions and Regulations of this Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said Company shall from Time to Time be subject to at the Garrison or Place to which such Officers and Soldiers shall be sent.

After Embarkation all Officers and Soldiers subject to this Act.

XXXIX. And forasmuch as it may happen that Offences may be committed by the said Officers and Men after their Embarkation, and before their Arrival at their Place of Destination abroad, which nevertheless cannot be tried and punished during their Passage in such Manner as such Offences ought to be tried and punished; be it therefore enacted, That in every such Case every such Officer or Soldier may and shall, after his Arrival at his Place of Destination abroad, be tried and punished for every Offence committed after his Embarkation and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender would have been tried by any Court-martial held under the Authority of this Act.

Offences during Passage cognizable after Arrival.

XL. And be it enacted, That the Provisions of this Act shall apply to all Officers and Persons who are or shall be serving and hired to be employed, or who shall serve and be hired to be employed, in the Artillery, and in the several Trains of Artillery, and all Conductors of Stores, and in the Department of Engineers, and all Officers serving or who shall serve in the Corps of Engineers, and all Officers and Persons serving or who shall serve as Military Surveyors or Draftsmen, or in the Corps of Sappers and Miners or Pioneers, and all Persons who now are or shall be in the Ordnance and Commissariat Department; and all Apothecaries, Veterinary Surgeons, Medical Storekeepers, Hospital Stewards, and others serving in the Medical Establishment of the Army, licensed Sutlers and Followers, and all Storekeepers and other Civil Officers employed under the Ordnance, shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act.

Divers Persons, besides Officers and Soldiers, made subject to this Act.

XLI. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised or serving

Officers and Soldiers raised or in

servings in friendly States subject to Martial Law.

in any of the Possessions or Territories which are or may be under the Government of the said Company, or Places which are or may be occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company, under the Command of any Officer having a Commission immediately from the Government of any of the Presidencies of the said Company, shall be liable to Martial Law in like Manner as the Company's other Forces are.

For the Purposes of this Act the Presidency of Fort William to comprise that of Agra.

XLII. And be it enacted, That for the Purposes of this Act, and of any Articles of War to be made under the same, the Presidency of *Fort William* in *Bengal* shall be taken and deemed to comprise under and within it all the Territories which by Law are divisible between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively, and shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William* in *Bengal*.

9 G. 4. c. 72.

Governor-General of India in Council empowered to make Laws and Regulations for securing Discipline and punishing Offences in the Indian Navy, as fully as he may make other Laws under 3 & 4 W. 4. c. 85.

XLIII. And whereas the said Company, for the Safety and Protection of the Territories under their Government, in addition to their Land Forces, maintain a Marine Establishment, heretofore called "The *Bombay Marine*," but now called "The *Indian Navy*;" and by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to extend the Provisions of the East India Mutiny Act to the Bombay Marine*, reciting the said Act of the Fourth Year of King *George* the Fourth, and that it was expedient that Discipline should be enforced in the said Marine Establishment in the Manner provided by the said Act of the Fourth Year of King *George* the Fourth in respect to the other Forces of the said Company, it is enacted, that the Provisions of the said Act of the Fourth Year of King *George* the Fourth, and the Rules and Articles of War made and to be made by virtue thereof, should extend and be applied to the Service of "The *Bombay Marine*;" and that all Persons in the Service of the said Company belonging to the said *Bombay Marine* who should be commissioned or in Pay as Officers, or enlisted or in Pay as Non-commissioned Officers or Soldiers respectively, in the said Company's Army, should be, to all Intents and Purposes, liable to the Provisions of the said Act of the Fourth Year of His Majesty King *George* the Fourth, and to the same Rules and Articles of War, and the same Penalties, as the Officers and Soldiers of the said Company's other Forces: And whereas it is expedient to provide other Means for enforcing Discipline in the said Marine Establishment called "The *Indian Navy*;" be it enacted, That for the retaining the Forces of the said Establishment in their Duty, the Governor General of *India* in Council shall have Power to make Laws and Regulations for securing the Observance of an exact Discipline in the said Service called "The *Indian Navy*," and for bringing to a more exemplary and speedy Punishment than the usual Forms of the Law will allow all Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said Marine Establishment who shall mutiny or stir up Sedition, or shall desert the said Service, or shall commit any other Offence which in its Nature would be cognizable by Courts-martial under this Act, or which may be against good Discipline in Naval Service, in the same and as full and ample Manner, to all Intents and Purposes, as by virtue of an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty King

King *William* the Fourth, intituled *An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories till the Thirtieth Day of April One thousand eight hundred and fifty-four*, the said Governor General in Council now has Power to make any Laws and Regulations whatsoever; any thing in the said last-mentioned Act, or any other Act or Acts, to the contrary notwithstanding.

XLIV. Provided always, and be it enacted, That in case the Court of Directors of the *East India* Company, under the Control of the Board of Commissioners for the Affairs of *India*, shall signify to the said Governor General in Council their Disallowance of any Laws or Regulations by the said Governor General in Council made by virtue of this Act, then and in every such Case, upon Receipt by the said Governor General in Council of Notice of such Disallowance, the said Governor General in Council shall forthwith repeal all Laws and Regulations so disallowed.

Court of Directors, under Control, may disallow any such Laws and Regulations;

XLV. Provided also, and be it enacted, That all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same Force and Effect, within and throughout the said Territories, as any Act of Parliament would or ought to be within the same Territories, and shall be taken notice of by all Courts of Justice whatsoever within the same Territories in the same Manner as any Public Act of Parliament would and ought to be taken notice of; and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor General in Council.

but until repealed they shall be in force.

XLVI. Provided also, and be it enacted, That it shall not be lawful for the said Governor General in Council, without the previous Sanction of the said Court of Directors, to make any Law or Regulation whereby Power shall be given to any Court, other than the Courts of Justice established by the Charters of the Crown, to sentence to the Punishment of Death any of Her Majesty's natural-born Subjects, born in *Europe*, or the Children of such Subjects.

No Law to be made for sentencing to Punishment of Death European-born Subjects, &c.

XLVII. Provided also, and be it enacted, That until the said Governor General in Council shall have made Laws and Regulations for the good Government of the said *Indian* Navy by virtue of the Powers by this Act for that Purpose given, all the Provisions of this Act, and the Rules and Articles of War to be made by virtue thereof, shall extend and be applied to the said Marine Establishment called "The *Indian* Navy;" and that all Persons in the Service of the said Company belonging to the said *Indian* Navy, who shall be commissioned or in Pay as Officers, or enlisted or in Pay as Non-commissioned Officers or Soldiers respectively, in the said Company's Army, shall be, to all Intents and Purposes, liable to the Provisions of this Act, and to the same Rules and Articles of War, and the same Penalties, as the Officers and Soldiers of the said Company's other Forces.

Until such Laws and Regulations made, the Provisions of this Act to be applicable to the *Indian* Navy.

XLVIII. And whereas by an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend Two Acts; of the Fifty-eighth Year of His late Majesty, for regulating* 6 G. 4 c. 61.

Persons employed under Articles of War to collect Effects of Officers and Soldiers dying in Service abroad, may do so without Probate or Letters of Administration.

lating the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in Service, and the Receipt of Sums due to Soldiers; and of the Fourth Year of His present Majesty, for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, Provision is made for the Care, Application, and Distribution of the Effects and Credits of Officers and Soldiers in the said Company's Service; and it is expedient to render such Provisions more effectual; be it enacted, That it shall be lawful for all Persons who may be employed or required, by or under the Authority of any Articles of War in force for the Time being for the *European* Officers or Soldiers in the Service of the said Company, to take care of, collect, or superintend or direct the Collection of the Effects of Officers or Soldiers dying in the Service of the said Company out of the United Kingdom, to ask, demand, and receive any such Effects, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of the same, without taking out any Letters of Administration, either with any Will annexed or otherwise, in every respect as if such Officers or Persons employed or required as aforesaid had been appointed Executors or had taken out Administration of such Effects; and no Registrar of any Court in the *East Indies*, or any Person acting under the Appointment or Authority of such Court, *ad colligenda* or otherwise, shall in any Manner interpose in relation to any such Effects unless required and authorized so to do by any such Officer or Persons employed or required as aforesaid, any Act or Acts, Law, Statute, or Usage, to the contrary notwithstanding.

What Debts to be deemed Regimental Debts, and to have Priority accordingly.

Military Secretary to decide Doubts as to Regimental Debts.

XLIX. And be it enacted, That all Sums of Money due by deceased Officers and Soldiers in respect of any Military Clothing, Appointments, and Equipments, Servants Wages due, and Household Expences during the current Month, or in respect of any Quarters, or of any Mess or Regimental Accounts, and all Sums of Money due to any Agent or Paymaster or Quartermaster, or any other Officer, upon any such Accounts, or on account of any Advance made for any such Purpose, and also any Charges or Expences attending or relating to the Illness or Funeral of any such Officer or Soldier, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, Chattels, and Effects of any Officer or Soldier dying out of the United Kingdom while in the Service of the said Company, in preference to any other Debts, Claims, or Demands whatsoever upon the Estate and Effects of such Officer or Soldier; and if any Doubt shall arise as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, or whether such Charges or Expences attending or relating to the Illness or Funeral of such Officer or Soldier are proper to be allowed, such Question shall be decided and concluded by the Order or Certificate of the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged; and all such Payments shall be good and valid in Law; and every Person who shall make any such Payment out of any such Arrears of Pay, Effects, or Proceeds as aforesaid under the Provisions of this Act, or in pursuance of any such Order or Certificate of such Military Secretary, or into

into whose Hands any such Money shall come, shall be and are hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things done in pursuance of the Provisions of this Act, or of the Order or Certificate of the said Military Secretary, in relation to the Distribution of such Assets; any thing in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

L. And be it enacted, That all such Regimental Debts shall and may be paid without Probate of any Will being obtained, or any Letters of Administration, or any Confirmation of Testament, or Letters testamentary or dative, being taken out of any Person; and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods, and Chattels, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased, for the Payment of any Duty in respect of any Probate, or of any Letters of Administration or Confirmation of Testament, or Letters testamentary or dative, or for the Purpose of Distribution as Personal Estate; and it shall be lawful for the said Military Secretary to order and direct the Payment or Distribution of any such Surplus in any Case in which the same shall not exceed Five hundred Company's Rupees, without any Probate or Letters of Administration or Confirmation of Testament, or Letters testamentary or dative, or Payment of any Duty of Stamps, or upon Legacies or otherwise; and it shall also be lawful for any Paymaster or other Person to issue any Sum not exceeding the Value of Five hundred Company's Rupees which may be due to any Officer deceased, or to the Widow or Relative of any Officer deceased, or to the Representative or Representatives of any such Officer's Widow or Relative in *India*, in like Manner without any Probate or Letters of Administration, or Confirmation of Testament, or Letters testamentary or dative, or Payment of any Duty of Stamps, or upon Legacies or otherwise, the same to be paid to the Person who shall be notified by the said Military Secretary as aforesaid as being entitled thereto; and all such Payments respectively shall be as valid and effectual, to all Intents and Purposes, as if the same had been made by or to any Executor or Administrator, or under the Authority of any Probate or Letters of Administration, or Confirmation of Testament, Letters testamentary or dative; any thing in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Regimental Debts to be paid without Probate or Letters of Administration, and the Surplus only to be deemed the Personal Estate to be administered.

Military Secretary to administer such Surplus when not exceeding 500 Company's Rupees, without Probate or Administration, and Duty free.

LI. And be it enacted, That such Effects, or the Proceeds or Surplus of such Effects, of any Officer or Soldier so dying, when remitted to any Person under any Order of the Military Secretary to the Government of any of the said Company's Presidencies, or to such Military Secretary, shall not by reason of coming to the Hands of such Person or Military Secretary be taken to be Assets or Effects in the Place to which such Proceeds or Surplus may be remitted so as to render it necessary that Administration should be taken out in respect thereof; and it shall be lawful for the Military Secretary to the Government of the Presidency to which the deceased Officer or Soldier shall have belonged to order that such Effects, or the Proceeds or Surplus of any such Effects, shall be remitted to any other Place in *India* where the same can more conveniently be paid over to the Person or Persons entitled thereto; and the Obedience to the Orders

Effects remitted not deemed Assets in the Place to which remitted, so as to render Administration necessary, &c. Military Secretary authorized to order Remittance of Effects to

any other
Place in
India.

of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds or Surplus of such Effects, shall be a Discharge from all Actions, Suits, and Demands in respect thereof to any Person to whose Hands any such Effects, Proceeds, or Surplus shall have come, and which shall have been paid and disposed of under the Order of such Military Secretary.

Mode of ad-
ministering
Surplus pre-
scribed.

LII. And be it enacted, That the Effects, or the Proceeds or Surplus of such Effects, of any such Officer or Soldier dying as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, shall with all convenient Speed be transmitted to such Military Secretary, by the Officer or Person employed or required to take care of, collect, and receive the same as aforesaid; and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and after such Payment and Application as is herein-before authorized, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier; or if such Executor or legal Representative shall not be in *India*, or shall not within Twelve Months from the Death of such Officer or Soldier claim such Surplus, then and in that Case such Military Secretary shall remit the said Surplus to the Court of Directors of the said Company in *London*, to be by them paid to the Executor or legal Representative of such Officer or Soldier so deceased; and such Remittance, at the End of Twelve Months as aforesaid, shall be a Discharge to such Military Secretary from all Actions, Suits, and Demands in respect of such Surplus; provided always, that the Registrars of Her Majesty's several Supreme Courts in *India* shall not be required or entitled to take out Letters of Administration, with the Will annexed or otherwise, in respect of such Surplus; and in all Cases in which the Surplus so to be remitted by the said Military Secretary to the said Court of Directors in *London* shall not exceed Fifty Pounds it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to the Parties entitled thereto, without any Probate, Letters testamentary or dative, or Payment of any Duty of Stamps upon any Legacies or otherwise.

Registrars of
Supreme
Courts not to
take out Ad-
ministration
to Surplus.
Court of
Directors
may distri-
bute remit-
ted Surplus,
if not ex-
ceeding 50*l*.

Preceding
Provisions as
to the Effects
of deceased
Officers and
Soldiers ex-
tended to
the Indian
Navy.

LIII. And whereas it is expedient that the Benefit of Provisions, similar in Principle and Extent of Operation to those hereby enacted, respecting the Collection and Conversion into Money of the Effects of Officers or Soldiers dying in the Service of the said Company out of the United Kingdom, and the Nature and Priorities of Debts of such Officers or Soldiers, and the general Administration of the Proceeds or Surplus of such Effects, should be extended to the *Indian* Navy; be it therefore enacted, That the Governor General of *India* in Council shall have Power to make Laws and Regulations in manner aforesaid, to be subject to such Disallowance as aforesaid, for providing for the due Collection and Conversion into Money, the Priorities and Discharge of Debts out of, and the Application, Remittance, and Distribution of the Effects and Credits of Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said Marine Establishment called the *Indian* Navy, who shall happen to die in the Service of the *East India* Company out of the United Kingdom; provided that such Laws and Regulations,

so far as the Nature and Circumstances of the different Cases will permit, shall, in Principle and Substance, be conformable to and in Extent of Benefit shall not exceed the Provisions hereinbefore contained respecting the Administration of the Effects of Officers and Soldiers so dying in Service as aforesaid; and for the Purpose of Distribution of the Surplus of the Effects of such Officers, Engineers, Soldiers, Marines, Seamen, and all others belonging to the said *Indian Navy*, under any such Laws and Regulations, in Cases in which their legal Representatives shall not be in *India*, such Surplus shall be remitted to the Court of Directors of the said Company in *London*; and in all Cases in which the same shall not exceed Fifty Pounds it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to the Parties entitled thereto without any Probate, Letters testamentary or dative, or Payment of any Duty of Stamps upon any Legacies or otherwise.

LIV. And be it enacted, That in all Places where the said Company's Forces now are or may be employed, or where any Body of Her Majesty's Forces may be serving with the Forces of the said Company, situate beyond the Jurisdiction of the Court of Requests established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, Actions of Debt, and all personal Actions against Officers, all Persons licensed to act as Sutlers to any Corps or Detachment or at any Station or Cantonment, all Persons resident within the Limits of a Military Cantonment, or other Persons amenable to the Provisions of this Act, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere, provided the Value in question shall not exceed Four hundred Company's Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose, which Court the Commanding Officer of any Station or Cantonment is hereby authorized and empowered to convene; and the said Court shall in all practicable Cases consist of Five Commissioned Officers, and in no Instance of less than Three, and the President thereof shall in all practicable Cases be a Field Officer, and in no Case be under the Rank of a Captain, and every Member having served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings to be had before it, shall take the following Oath upon the Holy Evangelists, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath; (that is to say,)

' I swear, That I will duly administer Justice according to the Evidence in the Matters that shall be brought before me. So help me GOD.'

And every Witness before any such Court shall be examined on Oath, which such Courts are hereby authorized to administer, or if Natives of the *East Indies*, on Oath or solemn Declaration, as the Circumstances of the Case may require; and it shall be competent for such Courts, upon finding any Debt or Damage due, either to award Execution thereof generally, or to direct that the Whole or any Part thereof shall be stopped and paid over to the Creditor out of any Pay or Public Money which may be coming to the Debtor in the current

Where Troops are serving beyond the Jurisdiction of the Court of Requests, Actions of Debt, not exceeding 400 Company's Rupees, to be cognizable by a Military Court.

Composition and Constitution of the Court prescribed;

and its Powers defined.

current or any future Month, or to be paid by Instalment on sufficient Security; and in case the Execution shall be awarded generally, the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Debtor's Goods as may be found within the Camp, Garrison, or Cantonment, under a written Order of the Commanding Officer grounded on the Judgment of the Court; and the Goods of the Debtor, if found within the Limits of the Company's Garrison or Cantonment to which the Debtor shall belong at any subsequent Time, shall be liable to be seized and sold in satisfaction of any Remainder of such Debt or Damages; and if sufficient Goods shall not be found within the Limits of the Camp, Garrison, or Cantonment, then any Public Money, or any Sum not exceeding the Half Pay accruing to the Debtor, shall be stopped in Liquidation of such Debt or Damage; and if such Debtor shall not receive Pay as an Officer or from any public Department, but be a Sutler, Servant or Follower, he shall be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries for the Space of Two Months, unless the Debt be sooner paid.

Punishment
for giving
false Testi-
mony.

LV. And be it enacted, That any Person wilfully and knowingly giving false Testimony on Oath or solemn Declaration, or Affirmation, in any Case wherein an Oath or solemn Declaration is required to be made, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Law in force in *India* any Persons convicted of wilful and corrupt Perjury are subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered; and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof shall be punished at the Discretion of a General or Regimental Court-martial.

Limitation of
Actions.
Modes of
Procedure.

LVI. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at the Presidency under which such Person is serving, or in the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Mode of re-
covering
Penalties for
procuring
Desertion.

LVII. And be it enacted, That all Penalties by this Act imposed for persuading or procuring any Soldier to desert may and shall be sued for and be recoverable in any Court of Record at the Presidency under which such Offender shall be resident; provided that no
Action

Action shall be brought or Prosecution carried on by virtue of this Act for the Penalties aforesaid, unless the same be commenced within Six Months after the Offence is committed.

LVIII. Provided always, and be it enacted, That nothing in this Act contained shall in any Manner affect Her Majesty's Royal Prerogative of Mercy. Not to affect the Royal Prerogative.

LIX. And be it enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and forty-one, except where any other Commencement is particularly directed; and that from after such Day all Powers and Provisions contained in the said Act of the Fourth Year of the Reign of His late Majesty King *George* the Fourth shall cease and determine, and that the said Act shall be and is hereby repealed. Commencement of this Act and repeal of former Act.

SCHEDULE to which this Act refers.

FORM of OATHS to be taken by the PRESIDENT and MEMBERS of
COURTS-MARTIAL.

YOU shall well and truly try and determine, according to the Evidence in the several Cases and Matters which shall be brought before you, upon the General Court-martial now assembled.
So help you GOD.

I A.B. do swear, That I will duly administer Justice as a Member of the General Court-martial now assembled, upon the several Cases and Matters which shall be brought before the same, according to the Rules and Articles for the better Government of the Forces of the East India Company, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion of the said Forces, and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, that I will not divulge any Sentence of the Court until it shall be duly approved or published in General Orders: And I further swear, that I will not, upon any Account, or at any Time whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law.
So help me GOD.

FORM of OATH to be taken by the JUDGE ADVOCATE or Person
officiating as such.

I do swear, That I will not, upon any Account whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or Court-martial in due Course of Law.
So help me GOD.



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

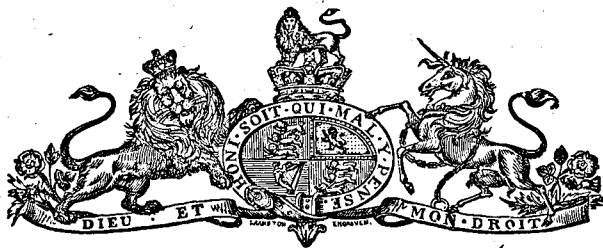
C A P. LXXX.

An Act to continue until the First Day of *March* One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India*. [7th *August* 1840.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies until the First Day of March One thousand eight hundred and thirty-three*: And whereas a certain other Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue until the First Day of March One thousand eight hundred and thirty-six an Act of the Ninth Year of His late Majesty, for the Relief of Insolvent Debtors in India*, whereby the said first-mentioned Act was continued in force until the First Day of *March* One thousand eight hundred and thirty-six: And whereas a certain other Act was passed in the Fifth Year of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to amend the Law relating to Insolvent Debtors in India*: And whereas by an Act passed in the Session held in the Sixth and Seventh Years of the Reign of His said late Majesty King *William*

9 G. 4. c. 73.
2 & 3 W. 4. c. 43.
4 & 5 W. 4. c. 79.
6 & 7 W. 4. c. 47.

7 H



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

C A P. LXXX.

An Act to continue until the First Day of *March* One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in *India*. [7th August 1840.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies until the First Day of March One thousand eight hundred and thirty-three*: And whereas a certain other Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue until the First Day of March One thousand eight hundred and thirty-six an Act of the Ninth Year of His late Majesty, for the Relief of Insolvent Debtors in India*, whereby the said first-mentioned Act was continued in force until the First Day of *March* One thousand eight hundred and thirty-six: And whereas a certain other Act was passed in the Fifth Year of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to amend the Law relating to Insolvent Debtors in India*: And whereas by an Act passed in the Session held in the Sixth and Seventh Years of the Reign of His said late Majesty King *William*

9 G. 4. c. 73.
2 & 3 W. 4. c. 43.
4 & 5 W. 4. c. 79.
6 & 7 W. 4. c. 47.

3° & 4° VICTORIÆ, Cap. 80.

William the Fourth, the first-mentioned Act, as amended by the said last-mentioned Act, was continued in force until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament: And whereas it is expedient that the said first-mentioned Act, as amended by the said Act of the Fifth Year of the Reign of His late Majesty King *William* the Fourth, should be further continued; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts of the Ninth Year of the Reign of King *George* the Fourth and the Fifth Year of the Reign of King *William* the Fourth shall be and the same are hereby continued until the First Day of *March* One thousand eight hundred and forty-five, and from thence until the End of the then next Session of Parliament.

Acts con-
tinued for a
further
Period.

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1841.



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. CI.

An Act for extending to the Governors and Officers of the *East India* Company the Powers given by an Act of the Fifth Year of King *George* the Fourth to Her Majesty's Governors and Officers for the more effectual Suppression of the Importation of Slaves into *India* by Sea.

[10th August 1842.]

WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws* 5 G.4. c relating to the Abolition of the Slave Trade, various Provisions are made for the more effectual Suppression of the Importation of Slaves into Her Majesty's Colonies and Plantations, and various Powers and Authorities are given to the Governors, Lieutenant Governors, and other Persons exercising the Authority of Governors in Her Majesty's Colonies and Plantations, and to Her Majesty's Officers there, Civil and Military, for the more effectual Suppression of the Importation of Slaves into such Colonies and Plantations by Sea, and for the Punishment of all Persons guilty of the Crime of introducing or attempting to introduce Slaves into any such Colonies

Extending
Powers of
recited Act
to Govern-
ors of the
Presidencies
under the
East India
Company's
Government.

or Plantations : And whereas it is expedient that Powers and Authorities by the said recited Act given to the Governor or Lieutenant Governor, or other Person exercising the Authority of Governor, in the Colonies, Plantations, or other Places therein referred to, should be extended to and vested in the respective Governors of the several Presidencies or Places within the Territories under the Government of the *East India* Company, and that all Powers and Authorities thereby given to Her Majesty's Officers, Civil and Military, should be extended to and vested in the Officers of the *East India* Company, Civil and Military, within the Territories under the Government of the said Company ; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Powers and Authorities by the said recited Act of the Fifth Year of the Reign of King *George* the Fourth given to or vested in the Governors or Lieutenant Governors, or other Persons exercising the Authority of Governors in Her Majesty's Colonies, Plantations, or other Places in the said recited Act referred to, for the more effectual Suppression of the Importation of Slaves into such Colonies, Plantations, or other Places by Sea, and for the more effectual Punishment of all Persons guilty of the Crime of introducing or attempting to introduce Slaves into any such Colonies, Plantations, or Places by Sea, shall be and the same are hereby expressly given to and vested in the several and respective Governors of the several and respective Presidencies and Places within the Territories under the Government of the *East India* Company, and the Persons having the chief Civil or the chief Military Authorities at or near the Places where any Offence made cognizable by or under this Act shall have been committed or attempted to be committed ; and that the Powers and Authorities by the said recited Act given to or vested in Her Majesty's Officers, Civil and Military, for the like Purpose, shall be and are hereby given to and vested in the several Officers of the *East India* Company, Civil and Military,



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. CXIX.

An Act to enable Her Majesty to grant Furlough Allowances to the Bishops of *Calcutta*, *Madras*, and *Bombay* who shall return to *Europe* for a limited Period after residing in *India* a sufficient Time to entitle them to the highest Scale of Pension. [12th August 1842.]

WHEREAS by Law the Salaries of the Bishops of *Calcutta*, *Madras*, and *Bombay* respectively are payable to them respectively only so long as they respectively exercise the Functions of their several Offices in the *East Indies*, and no longer; and the Pensions which Her Majesty is empowered to grant to such Bishops respectively can by Law be granted only on their respective Resignation of their said Offices: And whereas it is expedient to enable Her Majesty to make a moderate Provision for such of the said Bishops who, after such Residence in the *East Indies* as herein-after mentioned, shall, with Her Majesty's Permission, return to *Europe* for a Period not exceeding Eighteen Calendar Months, and also to provide for making a further Payment to the Bishop of *Madras* and the Bishop of *Bombay* respectively, if during such Absence of the Bishop of *Calcutta* such Bishop of *Madras* or *Bombay* shall

Empowering
Her Majesty
to grant Al-
lowances to
East India
Bishops ab-
sent on
Leave.

shall perform the Functions of the said Bishop of *Calcutta*; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case Her Majesty shall be pleased from Time to Time or at any Time to grant Permission to any Bishop of *Calcutta* who shall have resided in the *East Indies* for a Period of Ten Years, and to any Bishop of *Madras* or of *Bombay* who shall have resided in the *East Indies* for a Period of Fifteen Years, to return to *Europe* for a Period not exceeding Eighteen Calendar Months from the Time of Departure from the *East Indies*, then and in every such Case it shall be lawful for Her Majesty, in manner mentioned in an Act of the Fifty-third Year of the Reign of His Majesty *George* the Third as to the Grant of the Pension to the Bishop of *Calcutta*, to grant to such Bishop of *Calcutta*, *Madras*, or *Bombay* respectively, so returning to *Europe*, a Furlough Allowance not exceeding the highest Amount of Pension which Her Majesty is by Law empowered to grant to any such Bishop, and for a Period not exceeding Eighteen Calendar Months from the Time of the Departure of such Bishop from the *East Indies*.

Further Fur-
lough and
Allowance
may be
granted.

II. And be it enacted, That it shall be lawful for Her Majesty to grant to any such Bishop who, having obtained such Furlough and received such Furlough Allowance, shall have returned to the *East Indies*, and have resumed the Functions of his Office, a Second Furlough of similar Duration and of similar Amount, to commence from and after the Expiration of Five Years from the Time of such Bishop's resuming the Exercise of his Functions in the *East Indies*.

Allowance
to but One
Bishop at a
Time.

III. Provided always, and it is hereby enacted, That it shall not be lawful for Her Majesty to grant such Furlough Allowance to more than One such Bishop at One and the same Time.

Additional
Allowance
to Bishops
performing
Functions of
Bishops
absent on
Furlough.

IV. And be it enacted, That in case it shall please Her Majesty to extend the Ecclesiastical Jurisdiction and Functions of the Bishops of *Madras* and *Bombay*, or of either of them, so as to enable such last-mentioned Bishop, during such Absence of the Bishop of *Calcutta*, to perform the Functions of the said Bishop of *Calcutta*, then and in that Case, so long as the Bishop of *Madras* or the Bishop of *Bombay* shall perform the Functions of the Bishop of *Calcutta*, the said Bishop of *Madras* or the Bishop of *Bombay* shall, in addition to his Salary as Bishop of *Madras* or *Bombay*, have and be entitled to a further annual Allowance of Ten thousand Company's Rupees for so long Time as he shall perform the Functions of such Bishop of *Calcutta*.



ANNO SEPTIMO

VICTORIÆ REGINÆ.

C A P. XVIII.

An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the *East Indies*.

[6th June 1844.]

WHEREAS Doubts have arisen as to the proper Authority by which, in certain Cases, Courts-martial may be appointed and convened, and the Sentences thereof confirmed, in the *East Indies* and elsewhere; and it is important to the Maintenance of good Order and Military Discipline that such Doubts should be removed; be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, any Law, Custom, Usage, Statute, Regulations, Articles of War, or Warrant to the contrary notwithstanding, any General or other Officer who may from Time to Time have Power to appoint or convene General or District or other Courts-martial for the Trial of Offences committed by any of the Officers or Soldiers in the Service of Her Majesty, or by any of the Officers, Soldiers, or Followers in the Service of the *East India Company*, not being Natives of the *East Indies* or other Places within the Limits of the said Company's Charter, or by any of the Officers, Soldiers, or Followers in the Service of the said Company, being Natives

Any Officer who may convene or confirm Courts-martial for the Queen's Troops, or for the East India Company's Troops, may convene or

confirm
Courts-mar-
tial for any
Troops
under his
actual Com-
mand.

of the *East Indies* or other Places within the Limits aforesaid, shall, without any further or other Authority or Warrant, have Power and Authority to appoint or convene General or District or other Courts-martial (as the Case may be) to be holden for the Trial of Offences committed by any Officer, Soldier, or Follower in any of the said Services, who may be under the actual Command or who may be or come within the local Limits of the Command of such General or other Officer, although the Power of such Officer as to appointing or convening Courts-martial might but for this Act extend to One or more of the said Services only, or to some only of the Forces belonging to any One or more of such Services; and that in like Manner any General or other Officer who may from Time to Time have Power to confirm Sentences of General or District or other Courts-martial for the Trial of Offences committed by any of the Officers or Soldiers in the Service of Her Majesty, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, not being Natives as aforesaid, or by any of the Officers, Soldiers, or Followers in the Service of the *East India* Company, being such Natives as aforesaid, shall, without any further or other Authority or Warrant, have Power and Authority to confirm Sentences of General or District or other Courts-martial (as the Case may be) held for the Trial of any Officer or Soldier or Follower in any of the said Services, who may be under the actual Command or who may be or come within the local Limits of the Command of such General or other Officer, although the Power of such Officer, as to confirming the Sentences of Courts-martial, might but for this Act extend to One or more of the said Services only, or to some only of the Forces belonging to any One or more of such Services.

Offenders
may be tried
wheresoever
they may be
serving or
the Offence
may have
been com-
mitted.

II: And be it enacted, That the said several Powers may be exercised as aforesaid to whichever of the Presidencies of *Fort William*, *Fort Saint George*, or *Bombay* the Offender may belong, or whether the General or other Officer appointing or convening the Court-martial, or confirming the Sentence, may be the Officer commanding in chief in *India*, or at the Presidency to which the Offender may belong, or at any other Presidency, or may hold his Command or his Power to appoint, convene, or confirm the Sentences of Courts-martial from or under the Officer commanding in chief in *India*, or at the Presidency to which the Offender may belong, or at any other Presidency, or may hold such Command or Power from or under any other Authority whatsoever, or whether the Offence shall have been committed before or after the Officer appointing or convening the Court or confirming the Sentence shall have taken the Command, or before or after the Offender shall have been under the Command of such Officer, or before or after the Offender shall have been or shall have come within the local Limits of the Command of such Officer, or wheresoever, whether within the Presidency to which the Offender may belong, or within any other Presidency, Possessions, or Territories under the Government of the said Company, or on the High Seas, or elsewhere, the Offender may be serving, or the Offence shall have been committed, or the Court-martial shall be appointed, convened, or held.

III. And

III. And be it enacted, That, any Articles of War or Usage to the contrary notwithstanding, Her Majesty may grant Warrants under Her Sign Manual severally empowering the Officer commanding in chief the Forces in *India*, and the General or other Officer commanding the Forces at each or any of the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* for the Time being, to authorize any General or other Officer not below the Rank of a Field Officer, having the Command of any Body of the Troops of Her Majesty or of the said Company serving in the Possessions or Territories which are or may be under the Government of the said Company or elsewhere, to confirm the Sentences of General Courts-martial which shall be holden for the Trial of Offences committed by any Officer, Soldier, or Follower of or belonging to such Troops; and the Officer commanding in chief the Forces in *India*, or the General or other Officer commanding the Forces at any of the said Presidencies, being so empowered, may authorize any such General or other Officer to confirm such Classes of Sentences only, or Sentences passed for such Classes of Offences only, or on such Classes of Persons only, as he may think fit, reserving to himself the Power of confirming Sentences in all such Cases as such General or other Officer may not be authorized to confirm, or may think fit to send for the Decision of such Officer commanding in chief the Forces in *India*, or of such Officer commanding the Forces at one of the said Presidencies.

Her Majesty may authorize Commanders-in-Chief to delegate Power of confirming Sentences of General Courts-martial.

IV. And be it enacted, That when, by any Act of Parliament or Articles of War, the Sentence of a Court-martial is not to be carried into execution until confirmed by the General or other Officer commanding in chief at the Presidency in the Territories subordinate to which the Offender shall have been tried, with the Concurrence of the Governor General in Council, or Governor in Council, or Governor of such Presidency, it shall not be necessary, in any such Case, that a Sentence so confirmed, with such Concurrence, should, in addition, be reported to or approved or confirmed by the General or other Officer commanding in chief the Forces of the Presidency to which the Offender may belong; and the Officer confirming the Sentence, with such Concurrence, and in all other Cases the Officer authorized under the Provisions in this Act contained to confirm the Sentence of any Court-martial, shall have Power to cause the same to be put into execution, or to suspend, mitigate, or remit the same.

No other Confirmation necessary, except in certain Cases.

V. And be it enacted, That nothing in this Act contained shall empower any Person not otherwise duly authorized in that Behalf to confirm any Sentence of Death, Transportation, or Cashiering on any Commissioned Officer employed upon Her Majesty's Staff, or serving in any of Her Majesty's regular Regiments; and that nothing in this Act contained shall empower any Officer, other than those herein-after mentioned, to confirm the Sentence of Death, Transportation, or Cashiering on a Commissioned Officer of the *East India Company's Service*; (that is to say,) the General or other Officer commanding in chief at the Presidency within which, or in Territories subordinate to which, the Offender shall have been tried, or the General commanding

Confirmation of Sentences of Death on Commissioned Officers.

in chief the Army to which the Division, Brigade, or Party in which the Offender may be serving shall belong or be attached.

Act not otherwise to affect Laws now in force.

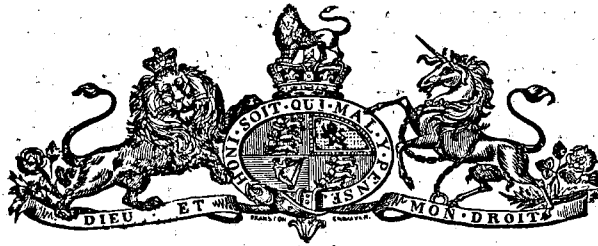
VI. Provided always, and be it enacted, That, save as herein-before is expressly provided, this Act shall not alter or affect the Laws, Statutes, Regulations, Articles of War, Usages, or Customs which now are or hereafter may be in force with respect to Her Majesty's Forces or the Forces of the said *East India* Company, whether Natives or not of the *East Indies*, or other Places within the Limits of the said Company's Charter: Provided also, that this Act shall not be construed as declaring or interpreting the Extent of Her Majesty's Royal Prerogative, or the Meaning of any former Act or of any Article of War.

Act to extend only to the East Indies.

VII. And be it enacted, That the Provisions of this Act shall apply to all such Persons as may from Time to Time be liable to Martial Law under the Provisions of any Act of Parliament or Articles of War, and who may from Time to Time be serving or may be or come within the Limits of the Charter of the *East India* Company, construing the same as extending to all Places and Seas Eastward of the *Cape of Good Hope* to the *Straits of Magellan*.

Continuance of Act as to Her Majesty's Forces.

VIII. And be it enacted, That, so far as regards Officers and Soldiers in Her Majesty's Service, this Act shall continue in force so long only as there may be in force some Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.



ANNO NONO

VICTORIÆ REGINÆ.

C A P. XXI.

An Act to enable the Right Honourable *Henry Viscount Hardinge* to receive the full Benefit of an Annuity of Five thousand Pounds granted to him by the *East India Company*.

[18th June 1846.]

WHEREAS the Court of Directors of the *East India Company* have resolved unaniously, that as a special Mark of the high Sense entertained by the *East India Company* of the eminent Services of Lieutenant General the Right Honourable Viscount *Hardinge*, Knight Grand Cross of the Most Honourable Military Order of the Bath, Governor General of *India*, in bringing to a speedy and triumphant Issue the Hostilities caused by the unprovoked Invasion by the *Sikh* Army of the Dominions of the *British* Government, and in dictating in a Spirit of Justice and Moderation the Arrangements for the Restoration of Peace, an Annuity of Five thousand Pounds, commencing from the Date when the *British* Troops arrived at *Lahore*, be granted to his Lordship for the Term of his natural Life; which Resolution has been sanctioned by the General Court of Proprietors of the said Company, and confirmed by the Board of Commissioners for the Affairs of *India*, in the Manner required by Law to give full Effect to such Resolution: And whereas by an Act passed in the Session held in the Third and Fourth Years of the Reign of His late Majesty King *William* the

3 & 4 W. 4.
c. 85.

Lord Har-
dinge em-
powered to
receive his
full Salary as
Governor
General, not-
withstanding
the Grant of
5,000*l.* per
Annum by
the East
India Com-
pany.

Fourth, intituled *An Act for effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till the Thirtieth Day of April One thousand eight hundred and fifty-four*, it was amongst other things provided, that there should be paid to the Governor General of *India*, to each Ordinary Member of the Council of *India*, to each Governor of the Presidencies of *Fort Saint George*, *Bombay*, and *Agra*, and to each Member of any Council in any Presidency, the several Salaries therein mentioned, and that the said Salaries should be the whole Profit or Advantage which the said Officers should enjoy during their Continuance in such Offices respectively; and it was thereby also provided, that if any Governor General, Governor, or Ordinary Member of the Council of *India*, or any Member of the Council of any Presidency, should hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown, or any public Office, or the said Company, or any Annuity payable out of the Civil or Military Fund of the said Company, the Salary of his Office of Governor General of *India*, Governor, or Member of Council should be reduced by the Amount of the Pension, Salary, Annuity, or Profits of Office so respectively held or enjoyed by him: And whereas it is deemed fit and proper, in consideration of the Services of the said *Henry Lord Viscount Hardinge*, to make such Provision as herein-after is contained; be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the herein-before recited Provisions of the said Act of the Session of the Third and the Fourth Years of the Reign of King *William the Fourth* shall not have any Application in the Case of the said Annuity of Five thousand Pounds *per Annum* granted to the said *Henry Lord Viscount Hardinge* as aforesaid, and accordingly it shall and may be lawful for the said *East India Company* to pay, and for *Henry Lord Viscount Hardinge* to receive, the full Amount of the Salary of the Office of Governor General of *India* during the Time of the Continuance of the said *Henry Lord Viscount Hardinge* in such Office, without any Reduction or Diminution, in respect of the said Annuity of Five thousand Pounds; any thing in the said Act or in any other Act or Acts contained to the contrary notwithstanding.



ANNO UNDECIMO

VICTORIÆ REGINÆ.

C A P. XXI.

An Act to consolidate and amend the Laws relating to Insolvent Debtors in *India*. [9th June 1848.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the Relief of Insolvent Debtors in the East Indies until the First Day of March One thousand eight hundred and thirty-three*: And whereas a certain other Act was passed in the Second Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue until the First Day of March One thousand eight hundred and thirty-six an Act of the Ninth Year of His late Majesty, for the Relief of Insolvent Debtors in India*, whereby the said last-mentioned Act was continued in force until the First Day of *March* One thousand eight hundred and thirty-six: And whereas a certain other Act was passed in a Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Insolvent Debtors in India*: And whereas by an Act passed in a Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to continue until the First Day of March One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament, the*

9 G. 4. c. 73.
2 & 3 W. 4. c. 43.
4 & 5 W. 4. c. 79.
6 & 7 W. 4. c. 47.

3 G severpl

3 & 4 Vict.
c. 80.

9 & 10 Vict.
c. 14.

Recited Acts
9 G. 4. c. 73.
and 4 & 5 W. 4.
c. 79. repealed
after 31st
July 1848,
save as to
Acts then
done and
pending
under re-
cited Acts
6 & 7 W. 4.
c. 47,
3 & 4 Vict.
c. 80., and
9 & 10 Vict.
c. 14.

Courts
established
under

several Acts relating to Insolvent Debtors in India, the first-mentioned Act, as amended by the said Act of the Session of the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, was continued in force until the First Day of *March* One thousand eight hundred and thirty-nine, and from thence to the End of the then next Session of Parliament: And whereas by a certain other Act of Parliament passed in a Session holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to continue until the First Day of March One thousand eight hundred and forty-five, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in India*, the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, were continued until the First Day of *March* One thousand eight hundred and forty-five, and from thence until the End of the then next Session of Parliament: And whereas by a certain other Act of Parliament passed in a Session holden in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to continue until the First Day of March One thousand eight hundred and forty-seven, and from thence to the End of the then next Session of Parliament, the several Acts relating to Insolvent Debtors in India*, the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, were continued until the First Day of *March* One thousand eight hundred and forty-seven, and from thence to the End of the then next Session of Parliament: And whereas it is expedient to consolidate the Provisions of the said Acts into One Act, and to amend the Laws relating to Insolvent Debtors in *India*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts of the Ninth Year of the Reign of King *George* the Fourth, and of the Session of the Fourth and Fifth Years of the Reign of King *William* the Fourth, shall be and the same are hereby continued until the Thirty-first Day of *July* One thousand eight hundred and forty-eight, and that from and after that Day the same, and also the said Act of the Session of the Ninth and Tenth Years of the Reign of Her present Majesty, shall be and stand repealed, save as to all Acts, Matters, and Things which before then shall have been done under the Provisions of the said Three last-mentioned Acts or of any of them, and save as to all Rights, Exemptions, and Discharges whatsoever under and by virtue of any of the said last-mentioned Acts, and save as to all Matters and Things whatsoever under and by virtue of any of the said last-mentioned Acts which shall then be pending in any of the Courts for the Relief of Insolvent Debtors in *India*, or in any other Courts whatsoever, which shall be proceeded with in the like Manner, and have all the like Effects and Consequences, as if the said Acts hereby repealed had been in force, and had been permanently continued by this Act.

II. And be it enacted, That the Courts established under the first of the said recited Acts for the Relief of Insolvent Debtors in the
East

East Indies shall be continued and shall continue to be Courts of Record, with all the same Powers as heretofore, and each shall continue to be styled "The Court for the Relief of Insolvent Debtors," and to be holden before any One Judge of the Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, within the respective Limits of the said Towns of *Calcutta*, *Madras*, and *Bombay*, and that all the Officers of the said Courts respectively now established for the Relief of Insolvent Debtors in the *East Indies* shall be, until removed under the Provisions herein-after contained, the Officers of the said Courts hereby continued respectively, and that all Rules and Orders not repugnant to the Provisions of this Act now in force in the said Courts respectively, and all Tables of Fees now in force therein, shall, until the same are varied or repealed, continue in force in like Manner to all Intents and Purposes as if the Acts in force with respect to Insolvent Debtors before this Act comes into operation had been continued by this Act.

9 G. 4. c. 73.
for Relief of
Insolvent
Debtors, con-
tinued with
the same
Powers as
heretofore.

III. And be it enacted, That a Court for the Relief of Insolvent Debtors shall be holden once a Month at least throughout the Year, and oftener if need be, in *Calcutta*, and so often as may be found necessary within the Towns of *Madras* and *Bombay*, by any One Judge of the said Supreme Courts of Judicature respectively; and it shall be lawful for each of the said Courts to sit for the Despatch of Business at one and the same Time with the said Supreme Court of its Presidency; and every Advocate and Attorney of the said Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively shall be entitled to practise in the way of his Profession in the Court for the Relief of Insolvent Debtors of that Presidency, and no other Persons shall practise as Advocates or Attornies in the said Courts for the Relief of Insolvent Debtors; and the said Supreme Courts of Judicature respectively shall have Power from Time to Time to make Rules to regulate the Proceedings of the Courts hereby continued for the Relief of Insolvent Debtors to be holden within their respective Jurisdictions, and from Time to Time to vary and repeal, in whole or in part, any of the Rules and Orders and any Table of Fees now in force in the said Courts respectively for the Relief of Insolvent Debtors in the *East Indies*, and especially to provide in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with their respective Seals a sufficient and proper List of Fees to be charged and received by the Officers of the said Courts for the Relief of Insolvent Debtors of their respective Presidencies, and shall certify under their Seals, and transmit to the President of the Board of Commissioners for the Affairs of *India*, Copies of such Rules and Lists of Fees to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in conspicuous Places in the Courts for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer or Attorney of such last-mentioned Courts, on any Pretence whatsoever, except such as shall be specified in such Lists.

A Court to
be holden
once a Month
at least in
Calcutta,
and as often
as found nec-
essary in
Madras and
Bombay, by
any One
Judge of the
respective
Supreme
Courts.

IV. And

Power to Supreme Courts to remove and appoint Officers, and reduce Emoluments, from Time to Time.

Records, &c. to be sealed with the Seal of the Court.

Power to Court to adjourn Sittings and administer Oaths, &c.

Courts to have the same Power to issue Commissions, and compel Attendance of Insolvents and Production of Books, &c. as are now possessed, or as given to Commissioners of Bankrupt under 6 G. 4. c. 16.

Power to Courts to order Prisoners to be brought up as often as requisite.

IV. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall have Power from Time to Time to remove any of the Officers of the Courts hereby continued as the Courts for the Relief of Insolvent Debtors within their respective Presidencies, and to make such Reductions in the Number and in the Emoluments of such Officers as may be practicable, and to them shall seem fit, and from Time to Time to appoint such Persons as may be necessary to transact the Business of such Courts, and from Time to Time to annul all or any of such Appointments, and to reduce the Number of such Officers in case the Number of the same may be conveniently reduced; and that each of the said Courts hereby continued shall cause to be sealed with the Seal of the said Court all such Records, Proceedings, Documents, and Copies of the same as are hereinafter expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same, as the said Court shall at any Time direct; and that the said Courts respectively may adjourn any of their Sittings from Time to Time, and to such Time as may be requisite, and shall have Power to administer Oaths, or, in the Case of such Persons as shall object on the Ground of any religious or conscientious Scruples to take an Oath, solemn Affirmations, and shall examine all Parties and Witnesses upon Oath or such solemn Affirmation for the Purposes of this Act; and the said Courts respectively shall have the like Powers of issuing Commissions to take Evidence as now are or may be hereafter possessed by the Supreme Courts respectively of their several Presidencies, and shall have the like Powers of compelling the Attendance of the Insolvent and all other Parties at all Times when their Attendance may be deemed requisite by the said Court, and of all Witnesses or any other Persons who may be able to give any Information respecting the Debts, Estates, and Effects of such Insolvent, before the said Courts respectively, or before any Officer of the said Courts respectively, and of requiring and compelling the Production of Books, Papers, and Writings, as now are or may hereafter be possessed by the Supreme Courts respectively of the respective Presidencies, or as are given to Commissioners of Bankrupts by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*; and each of the said Courts hereby continued for the Relief of Insolvent Debtors shall have Power to order any Prisoner whose Estate shall be vested in any Assignee under the Provisions of this Act, or of any of the Acts herein-before referred to, or any Prisoner who shall be a necessary and material Witness in any Matter pending in the said Court, to be brought before the said Court or Officer as often as shall be requisite, which Order alone shall be a sufficient Authority and Protection to the Gaoler or Officer or Person in whose Custody he may be for the Production of such Prisoner; and each of the said Courts shall have the Power of fining in a summary Way, and of committing until such Fine be paid, or of committing in the first instance without fining, all Persons guilty of Contempt of the said Court, and of fining in a summary Way, and of removing, any of the Officers of the said Courts who shall be guilty of Negligence, wilful or unnecessary Delay, or other

other Misconduct: Provided always, that the said Courts for the Relief of Insolvent Debtors shall not have the Power of awarding Costs against any Person, except in Cases in which it is expressly permitted by this Act, or in which it shall be expressly permitted by any Rules which shall be made by the said Supreme Courts respectively as to Costs to be awarded in the said Courts for the Relief of Insolvent Debtors respectively.

Courts not to award Costs except in certain Cases.

V. And be it enacted, That from and after the Time appointed for this Act to take effect any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, upon any Process whatsoever, for or by reason of any Debt, Damages, Costs, or Money which such Person is solely or jointly with any other liable to pay, or for or by reason of any Contempt of any Court whatsoever for Nonpayment of Money only, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, or in any Manner in consequence of or by reason of such Contempt, or who shall reside within the Jurisdiction of any of the Supreme Courts at *Calcutta*, *Madras*, and *Bombay* respectively, and, being indebted on account of any such Liability as aforesaid, shall be in insolvent Circumstances, may at any Time apply by Petition to the Court for the Relief of Insolvent Debtors within the Presidency where such Insolvent Debtor shall then be, for the Benefit of the Provisions of this Act, which Petition may be in the Form in the Schedule (A.) to this Act, or the Schedule (B.) to this Act, (as the Case may require,) with such Additions and Variations as may be necessary to adapt it to the particular Case; and such Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the said Court to which it shall be presented; and if any such Person as aforesaid shall be jointly indebted, it shall be lawful for them to apply jointly by Petition, in such Manner as is herein-before mentioned, and under such joint Petition the joint Estate and the separate Estates of such Petitioners shall be dealt with and distributed.

Persons imprisoned for Debts may petition the Court for Relief according to the Forms in the Schedule to this Act.

VI. And be it enacted, That where any such Petition for Relief as is aforesaid shall be presented by any such Insolvent to the said Court for the Relief of Insolvent Debtors, the Party presenting the Petition, at the same Time, or within such further Time as the said Court may deem reasonable, shall deliver into the Court a Schedule in the Form in the Schedule (C.) to this Act annexed, with such Additions and Variations as may be necessary to adapt it to the particular Case, containing a full and true Description as to all Matters and Things required to be set forth therein, so far as the same can be described or set forth, and the said Schedule shall be subscribed by such Petitioner, and shall forthwith be filed in the said Court.

Party petitioning to deliver in a Schedule in the Form in the Schedule (C.)

VII. And be it enacted, That upon the filing of any such Petition as is aforesaid, it shall be lawful for the said Court and the said Court is hereby authorized and required to order that all the Real and Personal Estate and Effects of such Petitioner, whether within the Territories within the Limits of the Charter of the *East India* Company or without, except the Wearing Apparel, Bedding, and other such

Upon filing Petition the Real and Personal Estate of Petitioner to be vested in Official As-

signee as
Court shall
direct.

such Necessaries of such Petitioner and his Family, and the Working Tools and Implements of such Petitioner and his Family, not exceeding in the whole the Value of Company's Rupees Three Hundred for each Petitioner with his Family, and all Debts due to him, and all the future Estate, Right, Title, Interest, and Trust of the said Petitioner in or to any Real or Personal Estate or Effects within or without the said Territories which such Petitioner may purchase, or which may revert, descend, be devised or bequeathed, or come to him, and all Debts growing due to him before the Court shall have made its Order in the Nature of a Certificate as herein-after mentioned, do vest in the Official Assignee for the Time being of the said Court, and that all Books, Papers, Deeds, and Writings in any way relating to such Petitioner's Estate and Effects in his Possession, or under his Custody or Control, shall be deposited with such Assignee, and such Order shall be entered of Record in the said Court, and such Notice thereof shall be published as the said Court shall direct; and such Order, when so made, shall by virtue of this Act relate back to and take effect from the filing of the said Petition, and shall instantly, and without any Conveyance or Assignment, vest all the Real and Personal Estate, Effects, and Debts as aforesaid in the said Official Assignee, who shall have full Powers for the Recovery thereof, and shall hold and stand possessed of the same for the Purposes and in manner herein-after mentioned: Provided always, that in case, after the making of any such Vesting Order, the Petition of any such Petitioner shall be dismissed by the said Court, such Vesting Order made in pursuance of such Petition shall from and after such Dismissal be null and void to all Intents and Purposes: Provided also, that in case any such Vesting Order as aforesaid shall become null and void by the Dismissal of such Petition, all Acts theretofore done by any Assignee or other Person acting under his Authority according to the Provisions of this Act shall be good and valid, and no Action or Suit shall be commenced against any such Assignee, nor against any Person duly acting under his Authority, except to recover any Property of such Petitioner detained after an Order made by the said Court for the Delivery thereof, and Demand made thereupon; and until the Appointment of an Official Assignee as herein-after is directed the Common Assignee of the Court shall stand and be in the Place of the Official Assignee, and this present Clause shall apply and have effect accordingly.

In case, after making Vesting Order, Petition be dismissed, the same to be null and void; but all Acts done by any Assignee, &c. under this Act to be held valid.

Lying in Prison 21 Days for Debt shall be deemed an Act of Insolvency, on which Creditor may petition.

VIII. And be it enacted, That from and after the Time appointed for this Act to take effect, if any Person who shall be in Prison within the respective Limits of the Towns of *Calcutta*, *Madras*, and *Bombay*, charged in execution for any Debt or Damages, or any Costs or Sum or Sums of Money, or committed for or by reason of any Contempt of any Court whatsoever for Nonpayment of Money, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, or in any Manner in consequence or by reason of such Contempt, shall not, within Twenty-one Days next after such Prisoner shall have been so charged in execution or committed as aforesaid, make Satisfaction to the Creditor or Creditors at whose Suit such Prisoner shall have been so charged in Execution, or committed for such Debt, Damages,

Damages, Costs, Sum or Sums of Money, or to the Person or Persons entitled to the Money for Nonpayment of which such Prisoner shall have been in Contempt, or to the Payment of which such Prisoner would be liable in consequence or by reason of such Contempt, then and in any of the said Cases it shall be lawful for any such Creditor or Creditors, or Person or Persons entitled to such Money as aforesaid, to present a Petition to the Court for the Relief of Insolvent Debtors of the Presidency within which such Person shall have been so imprisoned, which Petition may be in the Form No. 1. in the Schedule (D.) to this Act annexed, with such Additions or Variations as may be necessary to adapt it to the particular Case; whereupon, and upon such Petition being duly verified, it shall be lawful for the Court to adjudge that such Prisoner has committed an Act of Insolvency: Provided always, that it shall be lawful for the said Court, upon the Petition of any Person adjudged to have committed an Act of Insolvency as aforesaid, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been made, to revoke or confirm such Adjudication.

Court may, upon Petition, revoke or confirm Adjudication.

IX. And be it enacted, That if any Person who, by an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, or an Act passed in the Session held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Bankruptcy*, or any other Act now in force or hereafter to be passed, would be deemed a Trader liable to become Bankrupt, having been arrested or committed to Prison for Debt, or for or by reason of any Contempt of any Court whatsoever, for Nonpayment of Money only, or of Costs taxed or untaxed, either ordered to be paid, or to the Payment of which such Person would be liable in clearing such Contempt, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money or Costs as aforesaid, lie in Prison Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall be in Prison for Twenty-one Days after any Detainer for Debt, Nonpayment of Money or Costs as aforesaid, lodged against him and not discharged, or if any such Person shall depart from within the Limits of the Jurisdiction of any of the said Supreme Courts with Intent to defeat or delay his Creditors, or with the like Intent, depart from his usual Place of Business or Abode within the said Jurisdiction, or make with like Intent any fraudulent Gift, Grant, Conveyance, Delivery, or Transfer of any of his Lands, Tenements, Money, Goods, or Chattels, or fraudulently with like Intent suffer his Lands, Money, Goods, or Chattels to be taken in Execution, attached, or sequestered, it shall be lawful for any Person being a Creditor, or for Two or more Persons being Partners in Trade and Creditors to the Amount of Company's Rupees Five hundred, or for any Two Creditors to whom such Person shall be indebted to the Amount of Seven hundred Company's Rupees, or for any Three or more Creditors to whom such Person shall be indebted to the Amount of Company's Rupees One thousand, to present a Petition to the Court for the Relief of Insolvent Debtors of the Presidency within which such Person shall have been so imprisoned or have resided at the Time of such Departure, or of such fraudulent

Parties subject to the Bankrupt Laws lying in Prison 21 Days, or departing the Jurisdiction with Intent to defeat or delay their Creditors, or with like Intent make any fraudulent Gift, &c. shall be deemed to have committed an Act of Insolvency, on which Creditors may petition.

fraudulent Gift, Grant, Conveyance, Delivery, Transfer, or fraudulent Execution, Attachment, or Sequestration, which Petition may be in the Form No. 2. in the Schedule (D.) to this Act annexed, with such Additions and Variations as may be necessary to adapt it to the particular Case; whereupon, and upon such Petition being duly verified, it shall be lawful for the Court to adjudge that such Person has committed an Act of Insolvency: Provided always, that it shall be lawful for the said Court, upon the Petition of any Person adjudged to have committed an Act of Insolvency as aforesaid, and upon Proof of Notice to the Creditor or Creditors upon whose Petition such Adjudication shall have been made, to revoke or confirm such Adjudication.

Court may, upon Petition, revoke or confirm Adjudication.

Creditor whose Demand at the Time of Act of Insolvency is not then due may petition or join in Petition.

X. And be it enacted, That every Person who shall have given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed any Act of Insolvency within the Meaning of this Act, may so petition or join in petitioning as is aforesaid, whether he shall have had any Security for such Sum or not.

On Adjudication of such last-mentioned Act of Insolvency, Vesting Order to take same Effect as where the Petition is presented by the Insolvent;

XI. And be it enacted, That upon any such Adjudication being made as herein-before is mentioned, the said Court is hereby authorized and required to make the like Vesting Order as herein-before is authorized to be made in the Case of a Petition by an Insolvent Debtor, which said Vesting Order shall in like Manner be entered of Record and notified as is herein-before mentioned, and shall, when made, take effect by Relation from the filing of the Petition on which the Adjudication shall have proceeded; and such Order shall, when made, vest in like Manner all the said Estate and Effects, Right, Title, and Interest, Trust and Debts of the Insolvent in the Official Assignee, in like Manner, and as fully, and with the like Effect as is herein-before mentioned, and which said Vesting Order shall, in case of the Adjudication being for any Reason revoked, be thenceforth null and void, to all Intents and Purposes, in like Manner, and with the like Effect, and under the same Qualifications as herein-before is mentioned.

and Court invested with same Powers as if such Insolvent had petitioned.

XII. Provided always, and be it enacted, That after the Adjudication of an Act of Insolvency in any of the Cases aforesaid, it shall be lawful for the Court to direct, and it is hereby required to direct, the Insolvent to file, within a Time to be named by the Court, and the said Insolvent is hereby directed and required to file accordingly, a Schedule in the Form in Schedule (C.) to this Act annexed, in the Court by which such Adjudication shall have been pronounced; and the Court shall be at liberty to proceed thereupon in like Manner as in the Case of an Insolvent presenting a Petition for Relief under this Act.

Powers of Court to grant Interim Order for Protection of Insolvents.

XIII. And be it enacted, That in any Case where a Petition shall have been presented by an Insolvent Debtor as aforesaid, or an Act of Insolvency shall have been adjudged to have been committed as aforesaid, it shall be lawful for the said Court, after the filing of the Schedule required by this Act, if under the Circumstances it shall appear

appear proper, to make an Interim Order for the Protection of the Insolvent from Arrest, and any such Interim Order may apply either to all the Debts or Liabilities mentioned in the said Schedule, or to any of them, as the Court may think proper, and may commence and take effect at such Time as the Court shall direct; and any such Order may be recalled and may be renewed as to the Court may appear proper; and any such Order, when so made, shall protect the Person to whom it shall be given from being arrested or detained in Prison for any Debt or Liability to which such Order shall apply within the Limits of the Towns of *Calcutta, Madras, and Bombay* respectively, or any other Place within the Territories under the Government of the *East India* Company; and any Person arrested or detained contrary to the Tenor and Effect of any such Order shall be entitled to his Discharge out of Custody upon Application to any Court or Judge which or who shall have Power to set at large Persons illegally detained in Custody under the Process by virtue of which such Person shall have been arrested or be so detained: Provided always, that no such Order shall operate as a Release or Satisfaction of the Debt or Demand of any Creditor, nor prejudice the Right of any such Creditor to arrest the Insolvent, whether he shall or not have been previously arrested for the same Debt or Demand, in case the Order shall be recalled, or shall fall by reason of the Petition of the Insolvent being dismissed, or the Adjudication being reversed.

Such Order not to operate as a Release, &c. in certain Cases.

XIV. And be it enacted, That as soon as this Act shall come into operation there shall be appointed by the Chief Justice of the Supreme Court at each of the said Presidencies, or in the Case of any Vacancy in the Office of Chief Justice then by the Senior Judge for the Time being of such Court, One Person to each Court for the Relief of Insolvent Debtors in each of the said Presidencies respectively, to be the Official Assignee in all Insolvencies in the Course of Prosecution at the Time when this Act shall take effect, or to be afterwards prosecuted in the said Court; and every such Official Assignee shall at all Times be, by virtue of such his Appointment, and without any other Assignment, an Assignee of every such Insolvent's Estate and Effects, together with any other Assignee or Assignees, or solely, according as there may or may not be then or afterwards any other Assignee or Assignees of such Estate or Effects.

Judges of Supreme Courts to appoint an Official Assignee for each Court.

XV. And be it enacted, That every such Official Assignee shall give such Security, and shall be subject to such Rules, and shall act in such Manner, as the Judges of the Supreme Court shall direct by any Rules and Orders of the said Court to be approved of by the Governor General of *India* in Council, and to be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and all the moveable Estate and Effects, and the Rents and Profits of all immoveable Estate, and the Proceeds of Sale of all the Estate and Effects of the Insolvent, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be expressly directed by the Court for the Relief of Insolvent Debtors to be possessed and received by such Official Assignee and

Official Assignees to give Security, and be subject to Rules made by Supreme Court, to be approved by the Governor General and by Her Majesty. Insolvents Estates to be received by the Official As-

signee alone, except when directed by the Court to be otherwise. the Special Assignee or Assignees (if any), which the said Court shall have Power, if it think fit, to direct, and in all Cases of such Receipt and Possession shall, within Seven Days, be paid, delivered, or transferred by such Official Assignee, or such Official Assignee and other Assignee or Assignees, as aforesaid, to and be kept in Deposit in such public Bank or other safe Place of Deposit, and be managed and dealt with as the Judges of the Supreme Court shall have directed or may direct by any Rules or Orders of the said Court, to be approved of by the Governor General in Council, and to be transmitted for Approbation, Correction, or Revision in manner aforesaid.

As soon as Official Assignees appointed, Office of Common Assignee to cease, except as to Acts already done. XVI. And be it enacted, That as soon as such Official Assignee shall be appointed to each of such Courts respectively the Office of Common Assignee shall cease and determinè, but without Prejudice to any Acts, Matters, or Things previously done; and all Estates and Effects vested in him shall be divested, and vest in the Official Assignee instantly, by Operation of Law, by Force of the Appointment of such Official Assignee, without any Assignment; and upon the Death, Resignation, or Removal from Office of each such Official Assignee, another Official Assignee shall be appointed in his Place in the like Manner as upon the first of each of such Appointments.

On Application of Creditors, after vesting Orders, &c. Court may order an Election of Assignees by the Creditors. XVII. And be it enacted, That at any Time after the making of any such Vesting Order as aforesaid, or after any such Adjudication of Insolvency as aforesaid, if any Creditor or Creditors of any such insolvent Trader as aforesaid shall be desirous that an Assignee or Assignees of the Insolvent's Estate and Effects shall be chosen by the Creditors, he or they shall be at liberty to apply in Writing, by Petition to the Court, that such Election shall take place; and thereupon a Time and Place for such Election shall be appointed by the Court; and all Creditors whose Debts amount to One hundred Rupees and upwards, who shall be included in the Schedule as Creditors, or who shall have proved their Debts, shall be entitled to vote in such Choice, and the Choice shall be made by the major Part in Value of the Creditors so entitled to vote; and the Person or Persons so elected shall be appointed by the Court a Special Assignee or Special Assignees of the Estate of the said Insolvent; provided that any Creditor shall be at liberty to give Notice to any other Person whose Name is included in the Schedule of the Insolvent as a Creditor, but who shall not have proved his Debt, to prove his Debt before he shall be admitted to vote on such Election, and in such Case such Party shall not be entitled to vote until he shall have proved his Debt.

Power of Court to remove Assignees. XVIII. And be it enacted, That the Court may at any Time, in case of the Unwillingness to act, Removal from out of the Jurisdiction of the Court, Incapacity or Misconduct of any Official Assignee, or of any Assignee appointed by the Court, on the Election of the Creditors, or for any other Cause appearing to the Court sufficient, by its Order annul such Appointment, and thereupon, or in the Case of the Death of any such Official Assignee or other Assignee, another shall

shall be appointed; provided that if it be the Case of a chosen Assignee such Appointment shall not be made unless some Creditor or Creditors shall apply in Writing, by Petition to the said Court, that an Election of another Person as Assignee may be had, and thereupon the Court shall proceed in all respects in like Manner, and such Election shall be made, conducted, and declared in all respects in like Manner, as is herein-before directed as to the Election of Assignees by Creditors; and no Act or Thing done prior to the Order whereby such Appointment is so vacated shall be annulled or in any way affected.

Mode of appointing or electing others.

XIX. And be it enacted, That no Remuneration whatever, whether in the Shape of Commission or otherwise, shall be received by any Assignee, except in the Manner nor beyond the Extent herein-after allowed; (that is to say,) the Court may allow a fair Remuneration to the Assignee or Assignees out of the Sum to be distributed as Dividends, and make an Order accordingly: Provided always, that the Court shall not have Power to order any Remuneration to be made to any Assignee or Assignees chosen by the Creditors, unless the Creditors shall at the Time of the Election declare that some Remuneration is to be made to the Assignee or Assignees chosen by them, and at what Rate such Remuneration is to be made, and in such Case the Court shall have Power to reduce, but not to increase, the Amount of such last-mentioned Remuneration.

No Remuneration to be received by Assignee, except as herein provided.

XX. And be it enacted, That on every Appointment of a new Assignee the Estate, Effects, Rights, and Powers which would otherwise remain or be in the former Assignee or Assignees shall immediately, by virtue of such Appointment, and without any Conveyance or Assignment in any Case whatever, vest in the actual Assignee or Assignees, in trust for the Benefit of the Creditors of such Insolvent, in respect of and in proportion to their respective Debts, according to the Provisions of this Act; and all Books, Papers, Deeds, and Writings in any way relating to the Estate and Effects of the Insolvent shall be transferred to and deposited with such Assignee or Assignees as last aforesaid, and from Time to Time, on each Change of Assignees, shall be transferred to the Possession of the Assignee or Assignees for the Time being of such Insolvent; and the Court shall have Power to compel any Assignee or Assignees whose Appointment may be vacated, or the Heirs, Executors, Administrators, or Assigns of any Person once appointed such Assignee and deceased, to account for and deliver up all such Estates and Effects, Books, Papers, Writings, Deeds, and all other Evidences relating thereto, as shall have come to his or their Hands, and the Decision of the Court thereupon shall be final and conclusive; and whenever any Assignee shall die, or be removed from his Office, and any other Assignee or Assignees shall be appointed as aforesaid, no Action at Law or Suit in Equity brought or defended by him or them in the Character of Assignee or Assignees shall be thereby abated, but upon the Suggestion of each such Death, Removal, or new Appointment, such Action or Suit shall be prosecuted or defended in the Name of the existing Assignee or Assignees, and any Real and Personal Estate, Money and Effects, vested in or possessed by any Official Assignee shall not remain in him, if he shall resign

Estate to vest, without Conveyance or Assignment, in new Assignee.

resign or be removed from his Office, nor in his Heirs, Executors, or Administrators, in case of his Death, but shall in every such Case go to and be vested in his Successor in Office, by Relation, from the Time of his Resignation, Removal, or Death, as the Case may be; and every such Appointment of any Assignee other than the Official Assignee shall be entered of Record of the said Court, and such Notice thereof shall be published as the said Court shall direct, and every such Assignee so appointed shall be liable to the Control of the Court, in like Manner as any Officer of the said Court.

Power of Assignees.

XXI. And be it enacted, That every such Assignee as aforesaid shall with all convenient Speed take possession, by himself, or by means of Messengers of the Court, or by other fit and proper Persons, of all the Real and Personal Estate and Effects of the Insolvent of which immediate Possession may be obtained, and shall use his best Endeavours to seize, obtain, recover, and reduce into Possession, as speedily as possible, the rest of such Estate and Effects, and all Debts, Claims, and Choses in Action, which by virtue of his Appointment under this Act, and of the Vesting Order or Adjudication aforesaid, he shall have been empowered to obtain, recover, and get in.

After Vesting Order, no Distress for Rent previously due shall be made, but Landlord to prove for the Amount.

XXII. And be it enacted, That after any such Vesting Order shall be made as aforesaid no Distress for Rent due before such Vesting Order shall be made upon the Goods and Effects of the Insolvent; but the Landlord or Party to whom the Rent should be due shall be entitled to prove, in respect of such Rent so due as aforesaid, whether the same shall or not be inserted in the Schedule of the Insolvent, and to receive a Dividend in respect of the said Rent, and shall not, unless the Petition of such Insolvent be dismissed, or the Adjudication be reversed, be entitled to distrain for the said Rent.

Property in the Order and Disposition of Insolvent to be deemed his Property.

XXIII. And be it enacted, That if any such Insolvent shall, at the Time of filing his Petition, or at the Time of filing the Petition on which an Adjudication of Insolvency shall be made by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof such Insolvent is reputed Owner, or whereof he has taken upon him the Sale, Alteration, or Disposition as Owner, the same shall be deemed to be the Property of such Insolvent, so as to become vested in the Official Assignee of the Court by the Order made in pursuance of this Act; provided that no Assignment or Transfer of any Ship or Vessel, or any Share thereof, made as a Security for any Debt either by way of Mortgage or Assignment, duly registered according to the Provisions of any Act or Acts of Parliament now in force or hereafter to be passed, for the registering of *British* Vessels, shall be invalidated or affected by reason of such Possession, Order, or Disposition of the same as aforesaid.

Mortgages of Ships or Vessels, or Shares thereof duly registered, not to be invalidated or affected.

Fraudulent Conveyances, &c. made by Insolvent within Two Months

XXIV. And be it enacted, That if any Insolvent who shall file his Petition for his Discharge under this Act, or who shall be adjudged to have committed an Act of Insolvency, shall voluntarily convey, assign, transfer, charge, deliver, or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods,

Goods, or Effects whatsoever, to any Creditor, or to any other Person in trust for or to, or for the Use, Benefit, and Advantage of any Creditor, every such Conveyance, Assignment, Transfer, Charge, Delivery, and making over, if made when in insolvent Circumstances, and within Two Months before the Date of the Petition of such Insolvent, or of the Petition on which an Adjudication of Insolvency may have proceeded, as the Case may be, or if made with the View or Intention, by the Party so conveying, assigning, transferring, charging, delivering or making over, of petitioning the said Court for his Discharge from Custody under this Act, or of committing an Act of Insolvency, shall be deemed and is hereby declared to be fraudulent and void as against the Assignees of such Insolvent.

before Insolvency, to be void.

XXV. And be it enacted, That if any such Insolvent as aforesaid shall at any Time before he shall have obtained his Discharge in the Nature of a Certificate herein-after mentioned be entitled to or possessed of, in his own Right, any Government Stock, Funds, or Annuities, or any of the Stocks or Shares in any public Company, either in *England, Scotland, or Ireland*, or the Territories under the Government of the *East India Company*, it shall be lawful for the said Court, upon the Application of any Assignee or any Creditor of such Insolvent whose Debt or Demand against such Insolvent shall have been admitted or established in the Matter of the said Insolvency, whenever it shall deem fit so to do, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name or Names of such Assignee or Assignees as aforesaid; and all such Persons whose Act or Consent is so necessary as aforesaid are hereby indemnified for all Things done or permitted pursuant to such Order: Provided always, that in all Transfers into the Name or Names of any such Assignee or Assignees, the Transferee or Transferees shall be described as Assignee or Assignees of the Estate and Effects of the Insolvent, and no Dividend shall be paid to, nor any future Transfer made by, any Person of any such Stock, Funds, Annuities, or Shares, except under a Power of Attorney, in the usual Form required for the Receipt of Dividends upon or Transfer of such Stock, Funds, Annuities, and Shares respectively, duly executed by such Assignee or Assignees, and attested by Two credible Witnesses, One of whom shall be an Officer of such Court for Relief of Insolvent Debtors, and to which Attestation the Seal of such Court shall be affixed.

Government Stocks, Funds, &c. standing in the Name of Insolvent to be transferred to the Name of Assignee.

XXVI. And be it enacted, That in case any Person shall, after any such Insolvent shall have petitioned for his Discharge under this Act, or have been adjudged to have committed an Act of Insolvency, and before the said Insolvent shall have obtained his Discharge in the Nature of a Certificate as herein-after mentioned, be possessed of or have under his Power or Control any Property whatsoever of such Insolvent, other than any such Government Stock, Funds, or Annuities as aforesaid, or other than any of the Stock or Shares in any public Company either in *England, Scotland, or Ireland*, or within the Limits aforesaid, or to which such Insolvent may be in any way entitled, either under any Trust, express or implied, or otherwise held for his Use and Benefit, or in case any such Person shall be at any

Persons holding Property of Insolvent, except Stocks, &c. or indebted to him, to transfer the same, and make Payment of Debts to the Assignee.

such Period indebted to such Insolvent, it shall be lawful for the said Court, upon the Application of any Assignee or any Creditor of such Insolvent whose Debt or Demand shall have been admitted or established in the Matter of the said Insolvency, to cause Notice to be given to such Person, directing him to hold and retain the said Property till the said Court shall make further Order concerning the same; and thereupon it shall be lawful for the said Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, to the Assignee or Assignees of the Estate and Effects of such Insolvent, for the general Benefit of the Creditors of such Insolvent; and such Delivery and Payment shall be made accordingly in obedience to such Order, and such Person shall by such Payment and Delivery, so made in pursuance of such Order of the said Court, be discharged in respect of such Property and Debts against all Persons whatsoever to all Intents and Purposes.

Offices, &c. held by Insolvent, if unsaleable, may be charged with proportionate Payment, to Assignee, if saleable shall vest in Assignee.

XXVII. And be it enacted, That if any such Insolvent as aforesaid shall, at any Time before he shall obtain his Discharge in the Nature of a Certificate as herein-after mentioned, hold any public Office, Appointment, or Benefice, Civil, Military, or Ecclesiastical, not saleable, or shall be in any Situation or Employment whatsoever in respect of which he shall receive any Salary or Emolument, or shall be in the Receipt of any Pension, then it shall be lawful for the said Court to order the said Insolvent to pay such Proportion of his Receipts therefrom to his Assignee as the said Court shall think right; and all saleable Offices, Appointments, or Benefices shall vest, by virtue of the Vesting Order as aforesaid, in the Official Assignee, in trust for the Creditors of such Insolvent as aforesaid.

Power of Assignee, with Consent of Creditors, to take Composition, and to submit Disputes, &c. to Arbitration.

XXVIII. And be it enacted, That it shall be lawful for the Assignee or Assignees, with the Leave of the Court first obtained, upon Application to such Court, and by and with such Notice to such Creditors as it shall think fit to direct, to take such reasonable Part of any Debts due to the Insolvent as may by Composition be gotten, in full Discharge of such Debts, and to submit to Arbitration any Difference or Dispute between the Assignee or Assignees and any other Person or Persons for or on account or by reason of any thing relating to the Estate and Effects of such Insolvent.

Powers of Assignee to institute and defend Actions and Suits.

XXIX. And be it enacted, That it shall be lawful for the Assignee or Assignees, with Leave of the Court first obtained, to commence, prosecute, or defend any Suits or Actions at Law or in Equity which the Insolvent might have commenced and prosecuted or defended, and to defray the Costs to which he may be put in respect of such Suits or Actions out of the Proceeds of the Estate and Effects of the Insolvent; and if there be any Partner of the Insolvent who hath not joined in the Petition, it shall be lawful for the Court to authorize the Assignee to join such Partner with himself as Plaintiff in such Suit or Action; and if such Partner shall execute any Release of the Debt or Demand for which such Suit or Action is brought, the Release shall be void: Provided always, that such Partner, if he shall take no part in the Prosecution or Defence of such Suit or Action, shall

Proviso as to Partners in Partnership with Insolvent.

shall not be liable to pay Costs in respect of the same; and it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the said Court shall direct.

XXX. And be it enacted, That all Powers vested in any such Insolvent which he might lawfully execute for his Benefit shall be and are hereby vested in the Assignee or Assignees of the Real and personal Estate of such Insolvent or Insolvents by virtue of this Act, to be executed by his Assignee or Assignees for the Benefit of his Creditors.

All Powers vested in Insolvent to be vested in the Assignee for the Benefit of the Creditors.

XXXI. And be it enacted, That the Assignee or Assignees shall, with all convenient Speed, make Sale of the Property and Effects of the Insolvent; Provided nevertheless, that the said Court shall have full Power and Authority, upon the Application of any Insolvent, or any Creditor or Mortgagee of such Insolvent, to delay or postpone the Sale of any Property, and to make such other Order respecting the same as to such Court shall seem meet.

Assignee to make sale of Insolvent's Estate. Court may delay or postpone the Sale.

XXXII. And whereas Insolvents may be entitled to Annuities for their own Lives, or other uncertain Interests, or to reversionary or contingent Interests, or may have made Advances of Money for the Cultivation of Lands, or may be interested in Property in other Ways under such Circumstances that an immediate Sale and Payment of their Debts may be very prejudicial to them and to their Creditors, and it may be proper in some Cases to defer the Sale of their Property, or some Parts thereof, and to put it under temporary Management, or to authorize the raising of Money by way of Mortgage or otherwise for Payment of the Debts or Part of the Debts of an Insolvent, and for defraying the Expenses attending the Execution of this Act, instead of selling for such Purpose; be it enacted, That in all such Cases it shall be lawful for the said Courts for the Relief of Insolvent Debtors at any Time to take into Consideration all Circumstances affecting any Property of the Insolvent which shall have been vested under the Provisions of this Act; and if it shall appear to any Court that it would be reasonable to make any special Order touching the same, it shall be lawful for such Court so to do, and to direct that so much of the said Property as it may be expedient not to sell immediately according to the Provisions of this Act shall not be so sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Insolvent, until the same can be properly sold, or until Payment of such Creditors be effected according to the Provisions of this Act, and to make such Order touching the Sale or Disposition or Management of such Property as to such Court for Relief of Insolvent Debtors may seem reasonable and beneficial, and upon such Terms and Conditions with respect to the Allowance of Interest on Debts not bearing Interest, or other Circumstances, as to such Court shall seem just; and if it shall appear that the Debts of any such Insolvent can be discharged by means of Money raised by way of Mortgage or otherwise on any of the said Property of the said Insolvent, instead of raising the same by Sale, it shall be lawful for the said Court so

Discretionary Power vested in the Court as to immediate Sales of Property of Insolvents entitled to Annuities, or contingent or uncertain Interests therein.

to

to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Insolvent in such Manner as may be most consistent with the Interest of such Insolvent and of his Creditors.

Assignees to keep Accounts of the Estates of Insolvents, with Liberty for Creditors to inspect the same.

XXXIII. And be it enacted, That the Assignee or Assignees shall keep Accounts of the Property, Debts, and Credits of such Insolvent, whether separate or joint, and of all Property of the Insolvent received by him or them, and all Payments made by him or them, which Accounts any Creditor shall be at liberty to inspect at all reasonable Times; and it shall be lawful for the Courts for the Relief of Insolvent Debtors to summon the Assignee or Assignees before them, and require him or them to produce all Books, Papers, Deeds, Writings, and other Documents in his or their Possession relating to the Matters of such Insolvency; and upon his or their Default, it shall be lawful for such Courts respectively to issue an Attachment or Attachments against the Party or Parties so making Default, and to cause such Assignee or Assignees to be brought before them, and to commit such Assignee or Assignees to Prison until he or they shall submit to the Court by which he or they shall have been summoned.

Penalty on Assignee improperly dealing with Insolvent's Estate.

XXXIV. And be it enacted, That if any Assignee shall knowingly retain in his Hands, for his own Benefit, or employ for his own Benefit, or knowingly permit any Co-Assignee so to retain or employ any Sum, Part of the Estate of the Insolvent, or shall knowingly omit to invest or pay or deposit any Money or other Property in the Manner in which it may be his Duty for the Time being, according to Law, to invest, pay, or deposit the same, every such Assignee shall, besides being liable to be removed therefor from his Office of Assignee for Misconduct, be liable to be charged in his Accounts with such Sum as shall be equal to Interest at the Rate of Twelve *per Centum per Annum* on the Amount or Value of such Money or Property, or if any higher Interest shall have in fact been made, then to the Extent of the Interest actually made, and Five *per Centum per Annum* in addition thereto on all such Money or Property, for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed as aforesaid, or during which he shall have so neglected to invest or deposit the same as aforesaid; and the Court is hereby required to charge every such Assignee in his Accounts accordingly, and the Amount so charged shall constitute a Debt from him to such Estate; and if any Assignee indebted to the Estate of which he is such Assignee, in respect of Money so retained or employed by him as aforesaid, become insolvent, his Discharge under the Provisions of this Act shall only have the Effect of freeing his Person from Arrest and Imprisonment on account of such Debt; but his future Effects, excepting the Wearing Apparel, Bedding, and other herein-before mentioned Articles excepted out of the Operation of the Vesting Order aforesaid, and not exceeding the Value herein-before limited in that Behalf, shall remain liable for so much of his Debts to the Estate of which he was Assignee as shall not be paid by Dividends under such Insolvency, together with legal Interest for the whole Amount.

XXXV. And

XXXV. And be it enacted, That after the Petition and Schedule of any Insolvent shall have been filed in any Court for the Relief of Insolvent Debtors, and after any such Adjudication of an Act of Insolvency shall have been pronounced as aforesaid, the Court shall cause Notice thereof to be given to any Creditor or Creditors of the Insolvent at whose Suit he may be detained in Custody, or the Attorney or Agent of such Creditor or Creditors, and to the other Creditors resident within the Limits of the Territories of the *East India* Company, as the Court shall direct; and Notice to the like Effect shall be twice at least published in the Gazette of the Presidency where such Court shall be holden; and the Court in such Notice shall appoint a Day and Place for the hearing of the Matters of the Petition of such Insolvent, and for hearing any other Applications in the Matter of the Insolvency.

After Petition and Schedule filed, and Adjudication of an Act of Insolvency. Notice to be given to Creditors, and published.
Court in such Notice to appoint a Day for hearing.

XXXVI. And be it enacted, That upon the Day so appointed by the Court as aforesaid for such hearing as aforesaid, or on any future Day to which such hearing may be adjourned, it shall be lawful for the Insolvent and for any Creditor of the Insolvent, as the Case may require, to be heard, either by himself or by Counsel, in support of or in opposition to the Petition of the Insolvent, or on any other Application relating to the Insolvent or his Estate; and it shall also be lawful for the Court, on those or any other Occasions, and from Time to Time as often as Occasion may require, to order any Insolvent who is in Custody to be brought before it, and to summon any Insolvent who shall not be in Custody, and the Wife of any Insolvent, and any other Person, whether a Creditor or not, who may be known or suspected to have any of the Estate or Effects of the Insolvent in his or her Possession, or any Person who may be suspected to be indebted to the Insolvent, or any Person who is believed to be capable of giving any Information respecting the Estate and Effects of such Insolvent, or respecting his Acts, Dealings, or Conduct, or any Information which will more easily enable the Court to dispose of the Estate and Effects of the Insolvent for the Benefit of his Creditors; and it shall also be lawful for the Court to examine any Insolvent or his Wife, or any other such Person, whether a Creditor or not, in the same Way as any other Witnesses are examined in Her Majesty's Supreme Court at that Presidency, in any Suits at Law or in Equity, or according to any Rules which may be made for the Practice of the said Courts for the Relief of Insolvent Debtors respectively, or for giving effect to this Act, in the Manner which is herein prescribed: Provided always, that every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him in like Manner as by Law is required upon Service of a Subpœna to a Witness in an Action at Law.

Course of Proceeding on hearing.

XXXVII. Provided also, and be it enacted, That in all Cases where any Creditor or other Person shall be prevented or hindered from attending the said Court, by reason of Sickness or Infirmity, or the Distance of his Residence, or other reasonable Cause, to be admitted by the Court, it shall be lawful for the Court to receive the Affidavit or solemn Affirmation of such Creditor or other Person, and also, if the Court shall think fit, to permit Interrogatories to be filed for the Examination or Cross-examination of any such Person.

Court may admit Affidavit instead of personal Appearance in case of Sickness, &c.

Creditor whose Name is not included in the Schedule may claim and prove his Debt, and receive Dividends thereon.

XXXVIII. And be it enacted, That when any Petition shall have been presented under this Act by an Insolvent, or any Adjudication of an Act of Insolvency shall have been pronounced as aforesaid, it shall be lawful for any Person to whom any such Insolvent shall be indebted or liable in respect of any Debt or Demand which would have entitled such Person to be inserted as a Creditor in the Schedule of such Insolvent, to make Claim upon the Estate of such Insolvent, and to prove his Debt or Demand, whether due by such Insolvent solely or jointly with any other Person or Persons; and such Person shall be entitled to and receive a Dividend thereon rateably with the other Creditors of the said Insolvent, although the Name of such Creditor may have been wholly omitted by the said Insolvent in his or her Schedule, or may have been inserted for a smaller Amount than the Debt or Demand really due to such Person; and where any Objection to the Existence or Amount of such Debt or Demand shall be made by such Insolvent, or any Creditor, such Court shall hear the same, and may make such Order thereon as may seem meet and just.

Mutual Demands may be set off against each other.

XXXIX. And be it enacted, That when there has been mutual Credit given to the Insolvent and any other Person or Persons, One Debt or Demand may be set against the other.

All Debts, &c. proveable under Fiat in Bankruptcy pursuant to 6 G. 4. c. 16. may be proved under Insolvency.

XL. And be it enacted, That all such Debts, Dues, and Claims as might be proved under a Fiat of Bankruptcy bearing even Date with the Insolvent's Petition or the Adjudication (as the Case may be), according to the Provisions of the said Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Law relating to Bankrupts*, or any other Statute or Statutes now in force or hereafter to be passed relating to Bankrupts, may also be proved as is herein-before mentioned, in the same Manner and subject to the like Deductions, Conditions, and Provisions as in the said Statutes are or may be set forth and prescribed.

Power to Court to order Dividends to be declared, giving Notice of the same.

XLI. And be it enacted, That whenever it shall appear to the Court, either by the Accounts of any Assignee or Assignees, or otherwise, to be probable that a Dividend may be beneficially made amongst the Creditors, it shall be lawful for the Court to appoint a Day for the Purpose of making a Dividend, and to cause Notice thereof to be given, in such Manner as it shall direct; and on the Day appointed the Assignee or Assignees shall deliver in, upon Oath or solemn Affirmation, as the Case may be, a true Statement in Writing of all Money received by him or by them respectively, and when, and on what Account, and how the same have been employed; and the Court shall examine such Statement, and compare the Receipts with the Payments, and shall ascertain what Balances, if any, have been from Time to Time in the Hands of such Assignee or Assignees respectively; and on the said Day all Parties interested shall be heard, and all Objections to the Schedule of the Insolvent, and to the Accounts or Conduct of the Assignee or Assignees; and any Claims of any Creditors which shall not have been previously determined shall be heard and determined either by such Court immediately, or on a Reference to the Examiner or other Officer of the Court; and it shall be lawful for the Court to examine the Insolvent, the Assignees, and any

any Witnesses, either on Oath or Affirmation, and either at that Time to declare a Dividend, and to direct that the same shall be paid by the Assignee or Assignees, or to postpone such Declaration or Direction of the same until a further Hearing, and to make such Order as shall be just.

XLII. Provided always, and be it enacted, That it shall not be lawful for such Court to order any Dividend to be made amongst the joint Creditors out of the separate Estate until the separate Creditors shall have been paid in full, nor to order any Dividend to be made to the separate Creditors out of the joint Estate until all the joint Creditors shall have been paid in full; in which latter Case it shall be lawful for such Court to order such Dividend to be made among the separate Creditors out of such Interest in the joint Estate as such Insolvent shall appear to be entitled to.

As to Payment of Dividends out of separate Estates to joint Creditors, and out of joint Estates to separate Creditors.

XLIII. Provided always, and be it enacted, That unless it shall appear to the Satisfaction of such Court that all the Property of the Insolvent is situate, and all the Debtors and Creditors resident, within the Limits of the Charter of the *East India Company*, then, until the Expiration of Twelve Calendar Months from a Notice, to be published in the *London Gazette*, of the Petition or Adjudication of or against any Insolvent as herein-after is mentioned, the Assignee or Assignees shall reserve the full Amount of One Third Part of all the Property of the said Insolvent which shall have been got in, and shall make a Dividend amongst the Creditors of the said Insolvent to the Amount of the remaining Two Third Parts only, which Third Part so to be reserved as aforesaid shall in the meantime be invested or disposed of in such Way as such Court shall order, and shall not remain in the Hands of such Assignee or Assignees; and at the Expiration of the said Term of Twelve Calendar Months it shall be lawful for the Assignee or Assignees of such Insolvent to apply to such Court for a Return of the said Third Part so reserved as aforesaid, in order that the same may be so distributed amongst the Creditors as to place them all upon an equal Footing; and upon such Third Part so reserved as aforesaid being restored to such Assignee or Assignees, such Assignee or Assignees shall forthwith proceed to take an Account of the Debts of the said Insolvent admitted and established in the said Court, and of the Sum or Sums which shall or may have been paid by way of Dividend to any of such Creditors, and shall distribute the Fund then in the Hands of such Assignee or Assignees, so as to place all the Creditors of the said Insolvent, whether *Indian* or *British* or Foreign, upon a just and equal Footing, and so as that every Creditor whose Debt or Claim shall be admitted or established in the said Court shall receive a rateable and proportional Part of the Assets of the said Insolvent, according to the Amount of his Debt, without reference to the Time at which such Debt shall have been claimed.

Unless the Court is satisfied that all the Estate of the Insolvent is within the Limits of the Charter, and all Debtors and Creditors reside therein, Assignee to reserve One Third Part undivided until after Twelve Months Notice, to be published in the *London Gazette*.

At Expiration of Twelve Months such One Third to be divided.

XLIV. And be it enacted, That if any Creditor whose Claim shall have been admitted or established in any Court for the Relief of Insolvent Debtors shall not appear, by himself, his Attorney or Agent, at the making of any Dividend, nor shall make Application to receive his

If Creditors do not appear to claim Dividend, Court may order Pay-

ment, or Deposit thereof, in such Way as it shall see fit.

his Share thereof, the Assignee or Assignees shall certify the same to such Court at its first Sitting after the making of the Dividend, and it shall be lawful for the Court to direct in what Manner, and by whom, and upon what Conditions the Money so due to such Creditor shall be kept for or paid to him or to his lawfully constituted Attorney or Agent.

Power of Court over Assignees neglecting to pay Dividends or committing Breach of Duty as such Assignees.

XLV. And be it enacted, That if any Assignee or Assignees shall neglect to pay any Dividend which shall have been ordered by any Court for the Relief of Insolvent Debtors, or in any other respect shall neglect or commit any Breach of his or their Duty as Assignee or Assignees, it shall be lawful for such Court, having first summoned the Assignee or Assignees to appear before it and answer the same, to order the Payment of such Dividend, with Interest at such Rate as the Court shall award, not exceeding Six Pounds *per Centum per Annum*, and to order the Assignee or Assignees to make such Compensation to any Party injured by such Neglect or Breach of Duty as to such Court shall seem fit, and in default of Obedience thereto to commit such Assignee or Assignees to the Common Gaol, there to remain without Bail until he or they shall obey the Order of such Court, and to levy by Distress and Sale of the Offender's Goods as much as shall be sufficient to satisfy the Order of the Court.

Court may award Wages, &c. to Servants or Clerks not exceeding Six Months, with Power to prove for any Sum beyond the same.

XLVI. And be it enacted, That if it shall appear to any of the said Courts for the Relief of Insolvent Debtors that any such Insolvent as aforesaid is indebted to any Servant or Clerk of such Insolvent in respect of Wages or Salary of such Servant or Clerk, it shall be lawful for the said Court to order so much as shall be due as aforesaid, not exceeding Six Months Wages or Salary, to be paid to such Servant or Clerk out of the Estate of such Insolvent, and such Servant or Clerk shall be at liberty to prove and receive Dividends for any Sum exceeding such last-mentioned Amount.

Court may, by Order of Discharge, protect Insolvent, or Discharge from Custody, or dismiss, &c. Petition, or order to amend Schedule, or adjourn the Hearing, &c.;

XLVII. And be it enacted, That upon Application to the Court for that Purpose, it shall be lawful for the Court to declare that the Insolvent is entitled to his personal Discharge under this Act, and to order the same accordingly, which Order of Discharge shall have the Effect of protecting his Person from Arrest in respect of all Demands inserted in his Schedule or established in the same Court; and if such Insolvent be in Custody, it shall be lawful for the Court to order his immediate Discharge from Custody accordingly, or to dismiss or give Leave to amend the Petition aforesaid, or to order the Insolvent to amend his Schedule, or to adjourn the Hearing until a future Day, or to make a Reference to the Examiner or other Officer of the said Court to make Inquiry into any Matter of Account, or into the Truth of the Schedule or Schedules, and to report thereon to the Court; and it shall also be lawful for the Court to remand the Insolvent to Prison, if a Prisoner, until a further Hearing, or until a further Time to be named in such Order, or to commit the Insolvent to Custody for any Debt or Demand, if he shall not be in Custody at the Time of the Hearing, and to cancel or renew any such Order as is herein-before mentioned which may have been given for the Purpose of affording interim Protection to the Insolvent from Arrest, and to order

Court may remand Insolvent to Prison, &c., and order an Allowance for Maintenance.

order and direct that the Assignee shall make some reasonable Allowance for Maintenance of the Insolvent until Final Order, the Amount of which shall be fixed by the Court, and shall not exceed Five Company's Rupees *per Week*; and the Court by which any Order of Discharge shall be made upon any such Hearing as is herein-before mentioned shall by such Order direct that the Assignee shall give such Notice of such Order as to the Court shall seem fit and convenient.

XLVIII. And be it enacted, That the Discharge of any such Insolvent as aforesaid shall and may extend to any Sum or Sums of Money which shall be payable, by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security whatsoever, and to any Sum or Sums of Money payable at a certain Time, which Time shall not have arrived at the Time of the Act of Insolvency or Petition of such Insolvent; and that every Person and Persons who would be a Creditor of such Insolvent for such Sum of Money if the same were presently due, shall be admissible as a Creditor of such Insolvent for the Value of such Sum of Money so payable as aforesaid, which Value the said Court shall, upon Application at any Time made in that Behalf, ascertain; and such Creditor shall be entitled in respect of such Value to the Benefit of all the Provisions made for Creditors by this Act, without Prejudice, nevertheless, to the respective Securities of such Creditor, excepting as respects such Insolvent's Discharge under this Act; and the Discharge by virtue of this Act as to any Debt or Demand of any Creditor of the Insolvent shall be deemed to extend also to all Costs incurred by such Creditor before the Insolvency in any Action or Suit for the Recovery of the same, and to any Process of Contempt for enforcing the same, and to all Costs which the Insolvent would be liable to pay in clearing such Contempt; and that all Persons as to whose Demands for any such Costs as aforesaid the Discharge of the Insolvent is so to extend shall be deemed Creditors of the Insolvent in respect thereof, and entitled in respect thereof to the Benefit of all the Provisions made for Creditors by this Act, subject nevertheless to ascertaining the Amount of such Demands by Taxation or otherwise.

Discharge to extend to any Sums payable by Insolvent by way of Annuity at any future Time, &c. Persons who would be Creditors if Monies were presently due, entitled to Benefit of Provisions of this Act. Discharge to extend to Costs incurred before Insolvency.

XLIX. And be it enacted, That if after the filing of any Insolvent's Schedule in the said Court for the Relief of Insolvent Debtors, and before such Insolvent shall obtain his Discharge in the Nature of a Certificate herein-after mentioned, any Suit or Action shall be pending against the Insolvent, his Heirs, Executors, or Administrators, in any Court within the Limits aforesaid, or any Execution or Process shall be sued out or issued from any of the said Courts, or be enforced against such Insolvent, his Heirs, Executors, or Administrators, for or in respect of any Debt or Demand admitted in the Schedule of the Insolvent, or disputed as to Amount only, the said Court in which such Action or Suit shall be pending, or from which such Execution or Process as aforesaid shall issue, on Proof to its Satisfaction that such Action or Suit, Execution or Process, is in respect of the Debt or Demand aforesaid, may stay the Proceedings in such Suit or Action, so far as the same respects the said Debt or Demand, until further

Suits against the Insolvent pending at the Time of Insolvency, and all Proceedings therein, may be stayed, so far as relate to Debts contained in Insolvent's Schedule.

Order of the said Court, and may set aside or suspend such Execution or Process, so far as the same respects the said Debt or Demand, until further Order of the said Court, as it shall think fit; and in such Case the Plaintiff shall pay all Costs reasonably incurred by such Insolvent, his Heirs, Executors, or Administrators, by reason of such Proceedings, and such Execution and Process as aforesaid, subsequent to such Plaintiff's having Notice of his Debt or Demand being included in such Schedule as aforesaid: Provided always, that no Prisoner whose Estate shall by an Order under this Act have been vested in the said Official Assignee shall after such Order, and whilst the same is in force, be discharged out of Custody otherwise than under the Provisions of this Act, as to any Action, Suit, or Process, or concerning any Demand with respect to which an Order of Discharge can, under the Provisions of this Act, be made; nor shall such Action, Suit, or Process abate, be discontinued, terminated, or dismissed, or the Plaintiff be in any way subject to pay Costs, by reason merely of his not having taken any further Step in such Cause, Suit, or Process, or his forbearing to proceed with the same, after such Vesting Order as aforesaid.

No Prisoner whose Estate is vested in Assignee to be discharged, as to certain Actions, &c. except under this Act.

Penalty on Insolvent fraudulently concealing his Effects, or destroying or falsifying Books, or giving undue Preference, or contracting Debts by Breach of Trust, &c.

L. And be it enacted, That in case it shall appear to any Court for the Relief of Insolvent Debtors that any such Insolvent has fraudulently, with the Intent to conceal the State of his Affairs, or to defeat the Objects of this Act, destroyed or otherwise wilfully prevented or purposely withheld the Production of any Book, Paper, or Writing relating to such of his Affairs as are subject to Investigation under this Act, or kept or caused to be kept false Books, or made false Entries in, or withheld Entries from, or wilfully altered or falsified any such Book, Paper, or Writing, or that such Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving an undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from the said Insolvent, or made away with, charged, mortgaged, or concealed any Part of his Property, of what Kind soever, such Court shall have Power to adjudge that the Insolvent shall be imprisoned for a Period or Periods not exceeding Two Years in the whole, as such Court shall direct, and to declare him entitled to his Discharge as aforesaid at the Expiration of the Term of Imprisonment to which he shall be sentenced, and by Warrant under the Seal of the Court to order him to be arrested and committed to Prison, and there to be detained accordingly.

Insolvents fraudulently, vexatiously, frivolously, or maliciously contracting certain Debts not entitled to Discharge.

LI. And be it enacted, That in case it shall appear to any such Court that such Insolvent shall have contracted any of his Debts fraudulently, or by means of Breach of Trust, or by means of false Pretences, or without having any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts by any of his Creditors, or shall have put any of his Creditors to any unnecessary Expense, by any vexatious or frivolous Defence or Delay, to any Suit for recovering any Debt or any Sum of Money due from such Insolvent, or shall be indebted in Costs incurred in any Action or Suit vexatiously brought or defended,

or

or shall be indebted for Damages recovered in any Action for Criminal Conversation with the Wife, or for seducing the Daughter or Servant of the Plaintiff in such Action, or for Breach of Promise of Marriage made to the Plaintiff in such Action, or for Damages recovered in any Action for a malicious Prosecution, or for a Libel or for Slander, or Assault or Battery, or malicious Arrest, or in any other Action for a malicious Injury done to the Plaintiff therein, or in any Action of Tort or Trespass to the Person or Property of the Plaintiff therein, wherein it shall appear to the Satisfaction of such Court that the Injury complained of was malicious, or if it shall appear that the Insolvent's whole Debts so greatly exceed his Means of providing for the Payment thereof during the Time when the same were in the Course of being contracted, reference being had to his actual and expected Property, as to show gross Misconduct in contracting the same, then and in every such Case it shall and may be lawful for such Court to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid forthwith, excepting as to any Debts, Sum or Sums of Money, or Damages to be specially mentioned in the Order, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that such Insolvent shall be so discharged and so entitled as aforesaid as soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively, for such Period or Periods, not exceeding Two Years in the whole, as such Court shall direct.

LII. And be it enacted, That in all Cases where it shall have been ordered that any such Insolvent shall be discharged from Imprisonment as aforesaid at some future Period, such Insolvent shall be subject and liable to be detained in Prison, and to be arrested and charged in Custody, at the Suit of any One or more of his Creditors with respect to whom it shall have been so ordered, at any Time before such Period shall have arrived, in the same Manner as he would have been subject and liable thereto if this Act had not passed: Provided nevertheless, that when such Period shall have arrived such Insolvent shall be entitled to the Benefit and Protection of this Act, notwithstanding that he may have been out of actual Custody during all or any Part of the Time mentioned in such Order, by reason of such Insolvent not having been arrested or detained during such Time, or any Part thereof.

Where Insolvent is ordered to be discharged after Imprisonment, he may still be liable to be arrested and charged in Custody at the Suit of certain Creditors.

LIII. And be it enacted, That in all Cases where such Insolvent shall, upon such Order as aforesaid, be liable to further Imprisonment at the Suit of his Creditors, or any of them, it shall be lawful at any Time for the Court by which such Order shall be pronounced, on the Application of such Insolvent, to order such Creditor or Creditors at whose Suit he shall be so imprisoned to pay to such Insolvent such Sum or Sums not exceeding the Rate of Five Company's Rupees by the Week in the whole, at such Times, and in such Manner, and in such Proportion, as such Court shall direct, and that in failure of Payment thereof, as directed by such Court, such Court shall order such Insolvent to be forthwith discharged from Custody at the Suit of the Creditor or Creditors so failing to pay the same.

Where Insolvent liable to further Imprisonment at the Suit of Creditors, Court may order detaining Creditor to allow him a Sum for Maintenance.

LIV. And

Creditor opposing Discharge of Insolvent to have his Costs allowed him out of the Estate in certain Cases; if Opposition frivolous or vexatious, Court may award Costs against such Creditor.

LIV. And be it enacted, That whenever any Creditor or Creditors opposing such Insolvent's Discharge shall prove to the Satisfaction of any such Court that such Insolvent has done or committed any Act for which he may be liable to remain in such Custody as aforesaid, it shall be lawful for such Court to order the taxed Costs of such Opposition to be paid to such opposing Creditor or Creditors, out of the Estate and Effects of such Insolvent, by his or her Assignee or Assignees, before any Dividend made thereof; and in all other Cases of Opposition to an Insolvent's Discharge being substantiated or effectual, it shall be lawful for such Court to adjudge in like Manner; and that in case it shall appear to such Court that the Opposition of any Creditor to any such Insolvent's Discharge was frivolous and vexatious, it shall and may be lawful for such Court to award such Costs to such Insolvent as shall appear to be just and reasonable, to be paid by the Creditors making such Opposition, which shall be paid accordingly.

Where Order has been issued for Discharge of Insolvent, the Court may also discharge him as to any Arrest or Detainers that may be lodged against him in respect of the same.

LV. And be it enacted, That where in the Matter of any such Petition heard before any such Court any Order shall have been made by such Court for the Discharge of any Insolvent, such Court shall also issue a Warrant or Warrants to the Gaoler accordingly, ordering the Discharge of such Insolvent from Custody, as to any Arrest or Detainers under which he may then be confined, or which may be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Order of Discharge shall have been made, and that every such Order of Discharge shall take effect as from the Day on which it was pronounced, and that every such Order may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors as aforesaid, excepting so far as shall be necessary in any Case in order to distinguish between the Creditors as to whom any such Insolvent may be ordered so to be discharged as aforesaid forthwith, and the Creditors as to whom he may be ordered to be so discharged at some future Period: Provided nevertheless, that in all Cases the Arrest or Detainer with respect to which any such Insolvent shall have been ordered to be discharged out of Custody, he being then in Custody thereupon, shall be specified in the Warrant of such Court, to be delivered to the Gaoler in that Behalf.

Such Order for Discharge, except in Cases of Appeals, shall be final and conclusive unless obtained fraudulently.

LVI. And be it enacted, That every such Order for Discharge of any Insolvent as aforesaid by any such Court as aforesaid, except in Cases of Appeals, shall be final and conclusive, and shall not be reviewed by such Court, unless such Court shall thereafter see good and sufficient Cause to believe that such Order has been made on false Evidence, or has been made by reason of an improper Suppression of Evidence, or of any false Statements in the Insolvent's Schedule, or has otherwise been fraudulently obtained, in which Case it shall and may be lawful for such Court, upon the Application of such Insolvent, or of any Creditor of such Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the said Court shall direct, to attend or to be brought up and the said Matter to be re-heard before the said Court, who shall thereupon

thereupon re-hear the same, and shall and may, if just Cause shall appear, annul the original Order made in such Case, and shall have the same Powers and Authorities upon such Re-hearing as upon an original Hearing in pursuance of this Act, and may adjudicate in such Matter accordingly; and thereupon, in case the former Order in the said Matter shall not be confirmed, such Order, Certificate, and Warrant, so far as Circumstances require, shall be made as required by this Act to be made in the Case of the original Order; and the said Court shall and may, if necessary, remand the said Insolvent to the same Custody in which he or she was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Order therein had not been made; and thereupon all Detainers which were in force against such Insolvent at the Time of his or her former Discharge from Custody shall be deemed to be still in force against him or her as if such former Order had not been made; and the Gaoler and Keeper of the Prison to which such Insolvent shall be so remanded shall and is hereby required to receive such Insolvent into his Custody in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant; and where in any Case such Insolvent shall refuse or neglect to appear before such Court according to such Order for re-hearing as aforesaid, a Copy whereof shall have been duly served on such Insolvent, it shall and may be lawful for such Court to order such Insolvent to be apprehended and committed to Custody to such Prison, and to issue its Warrant accordingly, and to cause such Insolvent to be brought up for Examination as often as to such Court shall seem fit: Provided always, that where upon such re-hearing it shall appear to such Court that such Insolvent is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein contained, the said Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Insolvent at such future Period, to be calculated without including the Time during which such Insolvent shall be out of Custody since the Time appointed for his or her Discharge by such former Order as aforesaid.

LVII. Provided always, and be it enacted, That if in any Case an Order for the Discharge of any such Prisoner shall have issued erroneously, and which is not pursuant to the intended Order of the Court in that Behalf, it shall be lawful for the said Court, on such Error being shown to the Court, to revoke such Order, and to annul, suspend, or amend the same, and, if necessary, to re-commit such Prisoner to his former Custody, when by such Order he shall have been discharged therefrom; and the Gaoler or Keeper of the Prison to whose Custody such Prisoner shall be so re-committed is hereby required to receive such Prisoner into his Custody, according to such Re-commitment, and thereupon all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in force against him as if such erroneous Order had not issued.

If Order issued erroneously, Court may revoke, annul, suspend, or amend the same, and re-commit the Prisoner.

LVIII. And be it enacted, That it shall and may be lawful to and for the Assignee or Assignees from Time to Time, although an Order for the Discharge of the Insolvent may have been made, to

On Request of Assignee, Insolvent may at any Time, al-

though discharged, be further examined touching his Estate.

Penalty on Insolvent refusing to appear.

apply to the Court that such Insolvent may be further examined as to any Matter or Things relating to his Estate and Effects by such Court, and thereupon it shall be lawful for the said Court to order the same; and in case such Insolvent shall neglect or refuse to appear before such Court, at such Time and Place as shall be directed by such Order, or shall refuse to be sworn, or to answer to such Questions as shall be put to him relating to the Discovery of his said Estate and Effects, then and in any of such Cases it shall be lawful for such Court by Warrant to commit such Insolvent to Gaol, there to remain without Bail or Mainprize, until such Time as he shall submit himself to the Order of such Court in that Behalf, and shall answer upon Oath or otherwise, as shall be required, to all such lawful Questions as shall be put to him in pursuance of the same, for the Purposes aforesaid.

Where Estate pays One Third of Insolvent's Debts, or where Creditors to that Amount consent, Court may grant an Order Nisi for final Discharge of Insolvent, appoint Time for Hearing, and direct Notices to be given.

LIX. And be it enacted, That whenever it shall appear that the Estate of any Insolvent which has come to the Hands of his Assignee has sufficed to pay One Third of his Debts admitted or established in the Matter of the said Insolvency, or that a Majority in Number and Value of the Creditors whose Debts are admitted by the Schedule, or established by Proof, have consented to such Application, it shall be lawful for the said Court, at any Time after the Hearing of his Petition, upon the Application of the Insolvent by Petition, which may be in the Form contained in the Schedule (E.) to this Act annexed, with such Variations as the Case may require, to make an Order Nisi for his Discharge in the Nature of a Certificate, and such Order shall specify the Creditors whose Demands are thereby sought to be discharged, and shall appoint a Time for the further Hearing of the said Petition, and shall direct such Notice to be given of such Order in the meantime as it shall think fit, and in case any of the Creditors against whom such Discharge shall be sought shall appear to the Court to be resident without the Limits of the Charter of the *East India* Company, to cause Notice of such Order, or of so much thereof as may appear necessary, to be inserted in the Gazette of the Presidency; and the Chief Secretary of the Government of the Presidency shall thereafter, without Delay, transmit Copies of such Gazettes containing such Notice as aforesaid, by separate Conveyances, to the Court of Directors of the *East India* Company, who shall, without Delay, cause an Extract from such Gazette to be inserted in the *London Gazette*; and upon the further Hearing of such Petition, it shall be lawful for the said Court to make such Order absolute, or to dismiss such Petition, or to adjourn the further Hearing thereof, or to make such Order therein as shall be just; and such Discharge, unless Order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired Property, from the Demands of all the Creditors named in the said Order Nisi: Provided always, that such Order shall not affect any Creditor without the Limits of the Charter of the said *East India* Company, unless Notice of the said Order Nisi shall have been directed to be given in the Gazette in manner aforesaid, and a Period of Twelve Calendar Months shall have elapsed between the Date of the said Order Nisi and the Date of the said Order to make the same absolute: Provided also, that such Order shall not operate

as a Release or Discharge of any Person who was a Partner with such Insolvent, or jointly bound or liable with him.

LX. And be it enacted, That it shall be lawful for any Insolvent Debtor being such Trader as herein-before is mentioned, who shall have presented a Petition under this Act, or as to whom an Adjudication that he has committed an Act of Insolvency shall have been made under this Act, provided he shall have filed his Schedule, to apply to the said Court by Petition, which may be in the Form contained in the Schedule (F.) to this Act annexed, with such Variations as the Case may require; and that it shall be lawful for the said Court, upon such Petition, to make an Order Nisi for his Discharge in the Nature of a Certificate, and to appoint a Time for the further Hearing of the said Petition, and to direct such Notices to be given of such Order in the meantime as it shall think fit, and in case any of the Creditors against whom such Discharge shall be sought shall appear to the Court to be resident without the Limits of the Charter of the *East India* Company, to cause Notice of such Order to be inserted in the Gazette of the Presidency; and the Chief Secretary of the Government of the Presidency shall thereafter without Delay transmit Copies of such Gazettes containing such Notice as aforesaid, by separate Conveyances, to the Court of Directors of the said *East India* Company, who shall without Delay cause an Extract from such Gazette containing such Notice to be inserted in the *London Gazette*; and upon the further hearing of the said Petition it shall be lawful for the said Court to make such Order absolute, or to dismiss such Petition, or to adjourn the further hearing thereof, or to make such Order therein as shall be just; and such Discharge, unless such Order shall be made to the contrary, shall extend to and shall discharge the Insolvent personally, and also his after-acquired Property, from all Demands which would be discharged by a Certificate under the Bankrupt Laws, granted under a Fiat bearing even Date with the Insolvent's Petition, or with the Adjudication, as the Case may be: Provided always, that such Order shall not affect any Creditor without the Limits aforesaid, unless Notice of the said Order Nisi shall have been directed to be given in the *London Gazette* in manner aforesaid, and a Period of Twelve Months shall have elapsed between the Date of the said Order Nisi and the Date of the said Order to make the same absolute: Provided also, that such Order shall not operate as a Release or Discharge of any Person who was Partner with such Insolvent, or jointly bound or liable with him.

Court may, upon Application of insolvent Trader, provided he has filed his Schedule, make an Order Nisi for his Discharge, appoint a Time for Hearing, and direct Notices to be given.

LXI. And be it enacted, That if any such Insolvent, his Heirs, Executors, or Administrators, shall, after such Order for Discharge in the Nature of a Certificate under this Act as aforesaid, be sued or arrested either on Mesne or Final Process, or Execution shall issue against his or their Property, for any Debt, Claim, or Demand from which the said Insolvent shall have been discharged by such Order, on his or their Application to any Court having Power to stay such Proceedings, or to discharge from such Arrest, or to set aside such Execution, and upon Proof to the Satisfaction of such Court of such Order, and that the Debt or Claim for which such Proceedings are had

If Insolvent, discharged by such Order, be again sued in respect of former Debts, Court may, on his Application, order Proceedings to be stayed, and award Costs.

had is the same from which the said Insolvent has been discharged by such Order as aforesaid, such Proceedings shall be stayed, and he or they shall be discharged from such Arrest, and such Process of Execution shall be set aside, and all further Proceedings in the Suit in which such Arrest or such Execution was shall also be stayed, and the said Court shall have Power to award Costs to the said Insolvent, or his Heirs, Executors, or Administrators, as aforesaid, in case the said Proceedings shall appear to the said Court to have been taken after Notice of the said Order, and without any reasonable Cause for impeaching the same, or to have been otherwise oppressive or vexatious.

Nothing in this Act to affect Debts, Penalties, &c. due to the Crown.

LXII. Provided always, and be it enacted, That no Debt due to our Sovereign Lady the Queen, nor any Fine, Penalty, or Forfeiture whatsoever, nor any Recognizance whereby a Debt is acknowledged to the Queen, nor any Debt due on account of any Fine, Penalty, or Forfeiture, or any Estreat, shall be deemed or taken to be such a Debt or Debts as to entitle any Person or Persons to petition as is before mentioned, nor shall any Person be entitled to receive any Dividend for the same under this Act, nor shall any such Fines, Penalties, Forfeitures, Recognizances, Debts, or Estreats be in any way discharged or affected by any thing done under this Act, otherwise than they might and would have been discharged or affected if this Act had not been passed.

Special Provisions for insolvent married Women;

LXIII. And be it enacted, That the Provisions of this Act shall extend to married Women, and that the Order vesting the Estate and Effects of such married Woman in the Official Assignee shall extend to and operate upon her Interest in any Property, Real or Personal, in possession, reversion, remainder, or expectancy, subject to any Rights of her Husband therein, and to all Property over which she shall have any beneficial Power of Disposition, notwithstanding her Coverture, to the Extent of the Benefit which she might acquire therein by the Exercise of such Power; but that the same shall not extend to her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of Two hundred Company's Rupees: Provided always, that the Discharge of any married Woman under the Provisions of this Act shall not extend to discharge her Husband from any Debt in respect of which his Wife shall be so discharged, but such Debt, as far as the same shall remain unpaid and unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

and for insolvent Lunatics.

LXIV. And be it enacted, That if any such Prisoner for Debt as aforesaid shall be or become of unsound Mind, and be therefore incapable of taking the Benefit of this Act in such Manner as he might have done if of sound Mind, the Gaoler or Keeper of the Prison wherein such Prisoner shall be shall give Information thereof to the Court for the Relief of Insolvent Debtors of the Presidency wherein such Prison shall be situated, which Court may thereupon proceed to inquire touching and respecting the State of the Prisoner's Mind, by Examination of Witnesses upon Oath or solemn Affirmation, or by such

such other Means as it shall think fit; and if such Court shall conclude that the Prisoner is of unsound Mind, it shall be lawful for such Court, at the Instance of any Person on behalf of such Prisoner, to order Notice to be twice inserted in the Gazette of such Presidency, and in such Notice to specify and direct that Application shall be made to such Court for the Discharge of such Prisoner on a Day to be specified in such Notice, being Twenty Days at least from the first Time of Publication of such Notice; which Notice, together with Service of the Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his, her, or their Attorney, shall be deemed sufficient to authorize such Court to proceed to the Discharge of such Prisoner, and such Court shall proceed accordingly, and discharge such Prisoner: Provided always, that all and every the Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which would vest in the Official Assignee under a Vesting Order in the Case of a Petition by such Insolvent if he were of sound Mind, shall, by force and virtue of the Order for the Discharge of such Prisoner, be vested in the Official Assignee in the Manner and for the Purposes hereinbefore mentioned.

LXV. And be it enacted, That after the Time appointed for this Act to take effect every Warrant of Attorney to confess Judgment in any Personal Action in any of Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively, and every Cognovit actionem given by any Defendant in any Personal Action which shall be pending in any of the said Courts, shall, within Six Weeks after the Execution of such Warrant or Cognovit, be filed, together with an Affidavit of the Time of the Execution thereof, with the Prothonotary or other proper Officer of the Court in which the Judgment is confessed or the Action is pending; and every such Warrant of Attorney and Cognovit actionem as aforesaid, which shall not be so filed as aforesaid, shall be deemed fraudulent, null, and void, to all Intents and Purposes; and if any Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written before the Time when it shall be filed, otherwise such Warrant or Cognovit shall be null and void to all Intents and Purposes.

Warrants of Attorney and Cognovits to be void unless filed in Six Weeks after Execution.

LXVI. And be it enacted, That the Prothonotary or other proper Officer of Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall cause every Warrant of Attorney and Cognovit Actionem in any Personal Action filed in his Office to be numbered, and shall keep a Book or Books in his said Office, in which he shall cause to be entered an alphabetical List of all such Warrants and Cognovits according to the Form of a Schedule annexed to an Act passed in the Third Year of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*; which Book or Books, and every Warrant of Attorney and Cognovit actionem filed as aforesaid, shall and may be searched and viewed at all Times upon Payment of the Fees lawfully established.

Prothonotary, &c. to keep Books for Registry of Warrants of Attorney and Cognovits, pursuant to 3 G. 4. c. 39.

Court may order Memorandum of Satisfaction to be endorsed.

LXVII. And be it enacted, That it shall be lawful for the Court in which any such Warrant or Cognovit is filed to order a Memorandum of Satisfaction to be written upon any such Warrant or Cognovit, if it shall appear to such Court that the Debt for which such Warrant or Cognovit was given as a Security shall have been satisfied or discharged.

Affidavits and Affirmations may be sworn, &c. before Courts, &c. appointed for that Purpose.

LXVIII. And be it enacted, That Affidavits and Affirmations to be used before any Court for the Relief of Insolvent Debtors, or any Officer of such Court, may be sworn and affirmed before such Court, or any Commissioner or other Person appointed by such Court for that Purpose, or any Judge or Commissioner for taking Affidavits in any of Her Majesty's Courts of Record within the Limits of the said *East India* Company's Charter, or before any Master or Master Extraordinary in Chancery in *England* or *Ireland*, or any Magistrate authorized to take Affidavits or Affirmations in *Scotland*.

Penalty for Perjury, or for forging or counterfeiting the Seal of any Court.

LXIX. And be it enacted, That if any Person, in any Proceeding, Examination, Affidavit, or Affirmation had or taken under this Act, shall wilfully and corruptly swear or affirm falsely, or shall forge or counterfeit the Seal of any of the said Courts, or knowingly concur in using any such forged or counterfeit Seal, for the Purpose of authenticating any Proceedings or Document, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law to order and adjudge such Person to be transported to such Place and for such Term as the Court shall direct, or in either Case to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct.

Penalty for Embezzlement or Concealment of Effects, Books, Papers, &c.

LXX. And be it enacted, That if any Insolvent who shall have filed a Petition for Relief, or against whom any such Adjudication as aforesaid of an Act of Insolvency shall have been made in any of the said Courts for the Relief of Insolvent Debtors in *India*, or any other Person, shall wilfully and fraudulently embezzle or conceal or remove any Part of the Real and Personal Estate or Effects of such Insolvent, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, or shall destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, it shall be lawful for any Court before which any such Person shall be convicted of any such Offence by due Course of Law to order and adjudge that such Person shall be transported to such Place and for such Term of Years as the said Court shall direct, or to order and adjudge that such Person shall be imprisoned and fined, or imprisoned or fined only, for such Time, and to such Amount, and in such Manner as the same Court shall direct.

Application of Fines imposed for the foregoing Offences.

LXXI. And be it enacted, That whenever any Person or Persons shall have been ordered and adjudged, under the Provisions of this Act, to pay any Fine for any Forgery or Perjury, or Embezzlement or Concealment, or any other such Offence as lastly herein-before is mentioned,

mentioned, and such Fine shall have been paid, it shall be lawful for any Assignee or Assignees in whom the Estate and Effects of any Insolvent or Insolvents shall be duly vested according to the Provisions of this Act to apply to the Court by which such Fine shall have been imposed; and if it shall be proved to the Satisfaction of the same Court that the Creditors for whose Benefit the said Assignee or Assignees shall hold in trust the said Estate and Effects have been defrauded, or have incurred Loss, by means of such Forgery, Perjury, Embezzlement, Concealment, or other Offence as aforesaid, the said Court by which the said Fine shall have been imposed may direct the same to be paid, after deducting the Costs of Prosecution, to the said Assignee or Assignees, for the Use and Benefit of the said Creditors: Provided always, that if no such Application shall be made by such Assignee or Assignees within One Year after any such Fine shall have been paid, it shall be lawful for the Court by which such Fine shall have been imposed to appropriate, apply, and to pay over such Fine to such Uses, Purposes, and Persons, and in such Manner, as any other Fine imposed by the same Court for any other Crime or Misdemeanor may be lawfully appropriated, applied, and paid over.

LXXII. And be it enacted, That any Person who shall be interested in any Proceeding of any of the said Courts for the Relief of Insolvent Debtors; upon depositing with the proper Officer of the Court a Sum of Money, of which the Amount shall be fixed by the Court, may require that the whole of the Evidence relating to any such Proceeding may be taken down in Writing by a sworn Officer of the Court, and the same shall be done accordingly; and in case such Person shall not within One Calendar Month thereafter present a Petition of Appeal as is herein-after directed, it shall be lawful for the Court in which such Evidence shall have been so taken down in Writing as aforesaid to pay the reasonable Costs and Expenses thereof out of the Money which shall have been so deposited as aforesaid, returning the Surplus, if any, to the Person who shall have deposited the same.

Any Person interested in Proceedings before the Court may, on making a Deposit, require the Evidence, &c. to be taken down by a sworn Officer of the Court.

LXXIII. And be it enacted, That it shall be lawful for any Person who shall think himself aggrieved by any Adjudication, Order, or Proceeding of any such Court for the Relief of Insolvent Debtors to present, within One Calendar Month thereafter, a Petition to the Supreme Court of Judicature of the Presidency; and it shall be lawful for such Court to order that the whole of the Evidence, if any, which shall have been so taken down in Writing as aforesaid, and the Minutes and Records of the Proceedings of which Complaint shall have been made, shall be brought before it; and the said last-mentioned Court shall inquire into the Matter of the Petition, and of such Proceedings and Evidence, and shall make such Order thereon as to the same Court shall seem meet and just, and shall thereby direct by whom and in what Manner the Costs of such Petition, and of the Proceedings which shall have been had thereon, and of the taking down of any such Evidence in Writing, and of the Proceedings of which Complaint shall have been made, shall be paid; and such Order shall be final and conclusive as to all Parties, and shall be compulsory

Power of Appeal to the Supreme Court of the Presidency.

pulsory and binding upon the Court in which such Proceedings so complained of shall have been had.

Officers of
Courts to
produce Pro-
ceedings and
give Copies
thereof.

LXXIV. And be it enacted, That the proper Officer of the several Courts for the Relief of Insolvent Debtors shall, on the reasonable Request of any such Insolvent as aforesaid, or of any Creditor or Creditors of such Insolvent, or his, her, or their Attorney, produce and show to such Insolvent, Creditor or Creditors, and his, her, or their Attorney, at such Times as such Courts respectively shall direct, every Petition, Schedule, Order of Adjudication, and all other Orders and Proceedings made and had relating to such Insolvent; and the said Court shall order the Assignees of such Insolvent, or the said Officer of the Court, as the Case may be, to permit the said Insolvent, Creditor or Creditors, or their respective Attornies, to have Inspection, at all reasonable Times, of all Books, Papers, and Writings relating to the Matters of the said Insolvency, and the Estate of the said Insolvent in the Possession of such Assignees, or filed in Court in such Matter, and permit him, her, or them to inspect and examine the same; and such Officer or such Assignees as aforesaid shall provide for any such Insolvent, or Creditor or Creditors, or his, her, or their Attorney requiring the same, a Copy or Copies of such Petition or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as such Court shall appoint for so providing the same; and that a Copy of such Petition, Schedule, Order, and other Orders and Proceedings as aforesaid, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Schedule, Order, or other Proceedings, and appearing to be sealed with the Seal of the said Courts respectively, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever, and before Commissioners of Bankrupt and Justices of the Peace, without any Proof of such Seal or other Proof whatsoever, as sufficient Evidence of the same.

Convey-
ances, &c.
under this
Act not
liable to
Stamp Du-
ties, nor
Sales di-
rected by
the Court to
Auction
Duty.

LXXV. And be it enacted, That no Conveyance, Assignment, Letter of Attorney, Affidavit, Certificate, or other Proceeding, Instrument, or Writings whatsoever, before or under any Order of any of such Courts for Relief of Insolvent Debtors, nor any Copy thereof, nor any Advertisement inserted in any Newspaper by Direction of any such Court, relating to Matters within the Jurisdiction of such Court, shall be liable to or chargeable or charged with the Payment of any Stamp or other Duty whatsoever; and that no Sale of any Real or Personal Estate of any such Insolvent as aforesaid, for the Benefit of his or her Creditors under this Act, shall be liable to any Auction Duty.

Supreme
Courts may
make
Rules and
Regulations,
and may
alter and

LXXVI. And be it enacted, That Her Majesty's Supreme Courts of Judicature at *Calcutta*, *Madras*, and *Bombay* respectively shall respectively have Power from Time to Time to make all necessary and reasonable Rules, not inconsistent with the Provisions of this Act, for facilitating and carrying into effect within their respective Jurisdictions the Relief intended to be given by this Act in Cases for which sufficient

sufficient Provision has not been thereby made, and from Time to Time to alter and vary such Rules; all which Rules shall from Time to Time be transmitted to the President of the Board of Commissioners for the Affairs of *India*, to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision.

amend the same, subject to Her Majesty's Approval.

LXXVII. And be it enacted, That the filing of a Petition by any Insolvent Debtor under this Act, and the Adjudication of an Act of Insolvency under this Act, shall, for the Purpose of the Laws concerning Bankrupts in *England*, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Insolvent at the Time of filing his Petition, or of filing the Petition on which the Adjudication shall be made, if the Insolvent shall then be a Person subject to the Laws then in force respecting Bankrupts; and any Creditor or Creditors of such Insolvent whose Debt or Debts shall be of sufficient Amount to enable him or them by Law to petition for a Fiat in Bankruptcy may, at any Time within Two Months after Notice of the Insolvency shall have been given in the *London Gazette* as herein-after is directed, sue out a Fiat in Bankruptcy in that Part of the United Kingdom called *England*, against such Insolvent, under which all such Proceedings may be had and taken as are authorized and directed, or shall be authorized and directed, by any Statute or Statutes now in force or hereafter to be passed respecting Bankrupts, except as herein-after provided.

Filing of Petition by Insolvent, and Adjudication of an Act of Insolvency, conclusive Evidence of an Act of Bankruptcy committed by Insolvent.

LXXVIII. And be it enacted, That when any Creditor or Creditors resident within the Limits of the Charter of the *East India Company* shall be desirous of suing out such Fiat in Bankruptcy against any such insolvent Trader, it shall be lawful for such Person or Persons to make Proof of his or their Debt or Debts before any of the said Courts for the Relief of Insolvent Debtors, which Proof shall be certified under the Seal of such Court; and the Production of the Certificate thereof, so sealed as aforesaid, shall, without any Proof of the Genuineness of such Certificate or of such Seal, be sufficient Evidence of a Petitioning Creditor's Debt to warrant the issuing of a Fiat, and also to authorize all further Proceedings thereon.

Creditor may issue Fiat in Bankruptcy thereupon:

LXXIX. Provided always, and be it enacted, That in the Case of the issuing of any Fiat in Bankruptcy against any such Insolvent Trader, such Fiat shall not in any Manner affect, invalidate, or make void any Acts or Proceedings had or done before the issuing of such Fiat of or by or under the Authority of any Court for the Relief of Insolvent Debtors in *India*, either by any Assignee or Assignees, or any other Person or Persons acting either mediately or immediately under the Authority of any such Court, and whether without or within the Limits of the Charter of the said *East India Company*; nor shall such Fiat in any Manner affect, invalidate, or make void any such Acts or Proceedings as aforesaid had or done after the issuing of such Fiat, respecting any Property or Interest whatsoever of such Insolvent, Real or Personal, or other Matter, Thing, or Person whatsoever within the said Limits; nor shall the Assignee or Assignees under any such Fiat in Bankruptcy acquire any Right or Title to take

but such Fiat not to invalidate or make void any Proceedings had by Insolvent Debtors Court before the issuing of such Fiat.

possession of, demand, sue for, or recover any Property or Interest whatsoever, Real or Personal, of such Insolvent, within the Limits aforesaid; but the Assignee or Assignees under such Insolvency shall, notwithstanding such Fiat in Bankruptcy, have full Power and Control over all the Real and Personal Property of such Insolvent within the Limits aforesaid, as well as over that without the Limits aforesaid, of which they may have taken actual Possession before the issuing of such Fiat, and shall have the Distribution and Management of all such Property, as fully and effectually as if such Fiat in Bankruptcy had not issued.

Creditors having proved under Insolvency to be admitted as Creditors without further Proof under the Bankruptcy, and Creditors under Bankruptcy to receive Dividends on Debts under Insolvency.

LXXX. And be it enacted, That all the Creditors of any such Insolvent whose Debts shall have been admitted or allowed by any Court for the Relief of Insolvent Debtors in *India* shall, without further Proof, be entitled to be admitted as Creditors under any such Fiat in Bankruptcy as aforesaid, for the Purpose of receiving an equal Dividend upon the Estate of such Bankrupt with the Creditors who shall have proved their Debts under such Fiat; and in like Manner all Creditors under such Fiat whose Debts shall have been duly established shall be entitled to be admitted as Creditors, without further Proof, in such Court for the Relief of Insolvent Debtors, for the Purpose of receiving an equal Dividend upon the Estate of such Insolvent with the Creditors whose Debts shall have been allowed in such Court.

Insolvent made Bankrupt not liable to Penalty for not surrendering until 42 Days after Arrival.

LXXXI. Provided always, and be it enacted, That when any such Insolvent shall be declared Bankrupt upon the sole Ground herein-before mentioned, he shall not be required to surrender or be liable to any Penalty for not surrendering himself to be examined under his Commission until Forty-two Days after he shall have come into some Part of the said United Kingdom of *Great Britain* and *Ireland*.

Notices of Insolvency, &c. to be inserted in the Gazettes of the Presidencies and the *London Gazette*.

LXXXII. And be it enacted, That the principal Officer of the respective Courts for the Relief of Insolvent Debtors shall cause Notices to be inserted in the Gazettes of the respective Presidencies within which such Courts shall be holden of every Petition which shall be filed in any of the said Courts by any Insolvent for Relief under this Act, and of every Adjudication of an Act of Insolvency, and of every Confirmation or Revocation thereof, together with the Dates of the same respectively, and, in the Case of an Adjudication, the Date of the Petition on which the same is grounded, forthwith after the filing of such Petition or pronouncing such Adjudication or such Confirmation or Revocation respectively; and that the Chief Secretary of the Government of the said Presidencies respectively shall, without Delay, transmit to the Court of Directors of the said *East India Company* Two or more Copies at least of every such Gazette which shall contain any such Notice as aforesaid, who shall, without Delay after the Receipt thereof, cause such Notice to be inserted in the *London Gazette*; and the Production of the *London Gazette* containing any such Notice as aforesaid shall be deemed and taken by all Commissioners of Bankruptcy and all Courts whatsoever to be sufficient Evidence of the filing of the Petition of such Insolvent

Insolvent in such Court as aforesaid, and of such Adjudication of Insolvency, and of such Confirmation or Revocation thereof, and of the Dates of the same Proceedings respectively, and, in the Case of any Adjudication, of the Date of the Petition on which the same is grounded.

LXXXIII. Provided always, and be it enacted, That in case any Fiat in Bankruptcy, whether under the Provisions of this Act or otherwise, shall be issued against such insolvent Trader as aforesaid, upon which such Insolvent shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, then and in such Case such Order shall not operate as a Discharge from the Debt, Claim, and Demand of any Creditor who shall not have been resident within the Limits aforesaid at any Time between the filing of the Insolvent's Petition or the Adjudication, as the Case may be, and the making of such Order: Provided always, that when such Insolvent shall be indebted or liable to Two or more Persons jointly, if any One of such joint Creditors shall have been resident within the Limits aforesaid within the Time aforesaid, such Certificate shall operate against all such joint Creditors as aforesaid, notwithstanding the Non-residency within the Limits aforesaid of some of the said joint Creditors.

Order for Discharge of Insolvent Debtor not to operate as a Discharge to the Debts, &c. of any Creditor not resident within the Limits of the Charter.

Proviso as to joint Creditors.

LXXXIV. Provided always, and be it enacted, That in case any Fiat in Bankruptcy shall be issued against such insolvent Trader as aforesaid, upon which he shall be declared a Bankrupt before such Order for Discharge in the Nature of a Certificate as herein-before mentioned, if it shall afterwards be made to appear to any Commissioner, Judge, or Court in Bankruptcy having Authority to grant a Bankrupt's Certificate, that such Order has been made by the Court in the *East Indies* as aforesaid, such Commissioner, Judge, or Court as aforesaid may, if he think fit, thereupon grant the Certificate of such Bankrupt, which shall have the same Force and Effect, both without and within the Limits aforesaid, as any Certificate duly granted under any Statute or Statutes now in force or hereafter to be in force respecting Bankrupts.

Power of Court of Bankruptcy in certain Cases to grant Certificates to Insolvents.

LXXXV. And be it enacted, That whenever it shall appear by the Schedule of any such Insolvent as aforesaid that any of the Creditors are resident out of the Limits aforesaid, the principal Officer of the said Court for the Relief of Insolvent Debtors shall, as soon as conveniently may be after the filing of such Schedule, transmit Two or more Copies thereof to the Chief Secretary of the Government of the Presidency within which such Court is situate, who shall transmit the same to the Court of Directors as soon as conveniently may be after the Receipt thereof; and the said Court of Directors shall retain the same, and permit any Person or Persons, being a Creditor or Creditors of any such Insolvent Debtor, at all reasonable Times to inspect and examine such Schedule, and shall, upon the Request and at the reasonable Costs and Charges of any such Creditor or Creditors, such Costs or Charges to be regulated by the said Court of Directors, provide for him or them a Copy or Copies of any such Schedule.

Creditors residing out of the Limits may inspect Proceedings transmitted from India to the Court of Directors.

LXXXVI. And

Courts may order Judgment to be entered up for the Amount of the Debts stated in Insolvent's Schedule.

Execution on the same may be issued against future Assets of Insolvent.

And when the said Judgment is discharged and satisfied, Court may order Satisfaction to be entered up on such Judgment.

LXXXVI. Provided always, and be it enacted, That in all Cases where any Insolvent shall not have obtained his Discharge in the Nature of a Certificate as aforesaid under this Act, the said Court for the Relief of Insolvent Debtors may, if in the Circumstances of the Case it shall think fit, before making such Order for such Discharge, direct a Judgment to be entered up against such Insolvent in the Supreme Court of the Presidency within which such Court for the Relief of Insolvent Debtors shall be situate in the Name of the Assignee or Assignees, or of such Official Assignee as the Court shall think fit, for the Amount of the Debts or Demands stated in the Schedule of such Insolvent as due or claimed, and of such as shall be established in the said Court against the said Insolvent's Estate, or so much thereof as shall appear at the Time of such Order to be due, which said Order shall be filed in the said Court for the Relief of Insolvent Debtors in *India*; and the Production of such Order, or of a Copy of such Order, under the Seal of the said Court, of which Order, Copy, and Seal no Proof shall be requisite, other than the Production of such Order or Copy, shall be sufficient Authority to the proper Officer for entering up the said Judgment; and then and in every such Case, and notwithstanding the Provisions herein-before contained, if at any Time it shall appear to the Satisfaction of the said Court that such Insolvent is of Ability to pay such Debts or Demands, or any Part thereof, or that he is dead, leaving Assets for such Purpose, and that under the Circumstances the same is reasonable and proper, the said Court may, if it shall think fit, order Execution to be taken out upon such Judgment against the Property of such Insolvent, whether the same may or may not be by Law vested in his Assignee or Assignees, for such Sum of Money as under all the Circumstances of the Case the said Court shall order, such Sum to be distributed rateably amongst the Creditors of such Insolvent according to the Mode herein-before directed in the Case of a Dividend, and such further Proceedings may be had upon such Judgment as the Court may from Time to Time order, until the said Debts or Demands shall be fully paid and satisfied, and no Scire facias shall be necessary to revive or to execute such Judgment on account of any Lapse of Time or Change of Parties, or otherwise, but Execution shall at all Times issue thereon by virtue of the Order of the said Court for the Relief of Insolvent Debtors from Time to Time: Provided always, that in case any Application against any such Insolvent for the Purpose aforesaid shall appear to the Court to be vexatious or oppressive, it shall be lawful for the said Court, not only to refuse to make any Order on such Application, but also to dismiss the same, with such Costs against the Party making the same as to the said Court shall appear reasonable.

LXXXVII. And be it enacted, That when the Debts or Demands in respect of which such Judgment shall have been entered up as aforesaid shall have been discharged and satisfied, it shall be lawful for such Court, upon Application of the Insolvent, his Heirs, Executors, or Administrators, to direct Satisfaction to be entered on such Judgment, and the Production of the Order of the said Court for entering up such Satisfaction, or of a Copy thereof, under Seal of the said Court, of which said Order or Copy or Seal no Proof shall be requisite,

requisite, other than the Production of such Order or Copy as aforesaid, shall be a sufficient Authority to the proper Officer for entering up the same; and that if in any Case it shall appear to the Satisfaction of the said Court that after the said Debts and Demands shall have been so discharged and satisfied as aforesaid there shall remain in the Possession or subject to the Control of his Assignee or Assignees any Property of any Kind or Description whatsoever which has come to such Assignee or Assignees, or to which he or they may claim Title by virtue of the Order made in that Behalf, or otherwise by virtue of his or their Office of Assignee or Assignees, it shall be lawful for the said Court, on such Application as aforesaid, to order that all such Property so remaining as aforesaid shall be vested in the Party so applying, and be forthwith delivered up to the said Party, and such Order shall have the Effect of vesting the same accordingly, and the same shall be forthwith delivered up to the said Party.

LXXXVIII. And whereas it is desirable to extend the Benefit of this Act to Insolvent Debtors at the Settlement of *Prince of Wales Island, Singapore, and Malacca*; be it therefore enacted, That from and after the Thirty-first Day of *October* One thousand eight hundred and forty-eight there shall be holden within the said Settlement of *Prince of Wales Island, Singapore, and Malacca* a Court for the Relief of Insolvent Debtors, which shall be a Court of Record, and shall be styled "The Court for Relief of Insolvent Debtors," and that the Court of Judicature of *Prince of Wales Island, Singapore, and Malacca* shall from Time to Time appoint such of their Officers, or, if the Officers of such Court shall be found insufficient, such additional Officers as may be necessary to transact the Business of such Court for the Relief of Insolvent Debtors, and to act as Official Assignees, Examiners, and ministerial Officers of such Court.

After 31st
Oct. 1848
this Act
extended to
the Settlement
of
*Prince of
Wales Island,
Singapore,
and Malacca.*

LXXXIX. And be it enacted, That a Court of Relief of Insolvent Debtors shall be holden within the said Settlement at such Place or Places as may be found most convenient, and as often as may be found necessary, and at least Four Times a Year, by the Recorder of *Prince of Wales Island, Singapore, and Malacca*, and it shall be lawful for such Court to adjourn from Time to Time; and the said Court of Judicature shall have Power and is hereby directed from Time to Time to establish Rules as to the Advocates and Attornies or Agents who may practise in the said Court for the Relief of Insolvent Debtors, and from Time to Time to establish Rules to regulate the Proceedings of such Court, and especially to prescribe in what Manner Notice shall be given to the Creditors of Parties applying for Relief under this Act, and in what Cases besides those mentioned in this Act Costs may be awarded, and shall prepare and cause to be sealed with its Seal a sufficient and proper List of Fees to be charged and received by the Officers of the said Court for the Relief of Insolvent Debtors, and shall and may from Time to Time alter and vary such List as may appear fit and proper, and shall certify under its Seal and transmit Copies of such Rules and Lists of Fees to the Court of Directors of the *East India Company*, to be by them or their Order delivered with their Observations thereon to the President of the Board of Commissioners of the Affairs of *India*, in order for the same

A Court to
be established
in such Settlement,
and held Four
Times a Year
by the Recorder.

to be laid before Her Majesty for Her Royal Approbation, Correction, or Revision; and other Copies of the same shall at all Times be fixed in some conspicuous Place in the Court for the Relief of Insolvent Debtors; and no other Fee or Gratuity shall be received or taken by any Officer, Attorney, or Agent practising in such last-mentioned Court, except such as shall be specified in such Lists.

The several Powers of this Act extended, with certain Exceptions, to the Settlement of Prince of Wales Island, Singapore, and Malacca.

XC. And be it enacted, That the several Powers, Provisions, and Clauses herein-before contained, subsequent to the Clause or Provision for regulating the Fees to be taken in the Courts for the Relief of Insolvent Debtors in *India*, shall apply and take effect in and with reference to the said Settlement of *Prince of Wales Island, Singapore, and Malacca* in the same Manner in all respects as if the said Powers, Provisions, and Clauses respectively were here repeated and re-enacted with reference thereto; and that in applying this last-mentioned Provision the said Court of Judicature at the said Settlement shall stand and be read in the Place of and for the Supreme Court of Judicature at *Calcutta*, and the Court for the Relief of Insolvent Debtors at the said Settlement in the Place of and for the said Court for the Relief of Insolvent Debtors at *Calcutta*, and the said Settlement in the Place of and for the Presidency of *Fort William* and Town of *Calcutta* respectively; and where in any Provision herein-before contained any Sum in Rupees is mentioned, such Provision shall apply in the said Settlement as if a corresponding Sum in Dollars, at the Rate of Two and a Half Rupees to the Dollar, had been mentioned in such Provision; and where in any Provision herein-before contained any Period of Time is mentioned having reference to any Act to be done out of the United Kingdom, after Notice to be published in the *London Gazette*, such Provision shall apply in the said Settlement as if an additional Period of Four Calendar Months had been mentioned therein; and the several Schedules to this Act shall be applicable in the same Manner as if the same formed Part of the Clauses or Provisions referring to the same respectively.

Rules, &c. directed to be transmitted for Her Majesty's Approbation shall be in force till the Return of the same.

XCI. And be it enacted, That where any Rules or other Matters are herein-before directed to be transmitted for Her Majesty's Approbation, Correction, or Revision, the same respectively shall in the meantime be of full Force and shall so continue until the Expiration of Fourteen Days after the Court by whose Authority such Rules or other Matters shall have been made shall have received from the President of the Board of Commissioners for the Affairs of *India* a Communication of Her Majesty's Disallowance thereof, or of any Alterations directed by Her Majesty to be made therein.

Interpretation of Act.

XCII. And be it enacted, That whenever this Statute hath used the Words "Court for Relief of Insolvent Debtors," or any Words of Reference to the same, they shall include each Court for the Relief of Insolvent Debtors at *Calcutta, Madras, and Bombay* respectively; and Words describing the Petition of any Insolvent shall include the joint Petition of Two or more Insolvents, and all Provisions as to the one shall apply to the other; and Words importing the Singular Number or Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well

as

as one Person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise provided, or there be something in the Subject or Context repugnant to such Construction.

XCIII. And be it enacted, That this Act shall, as to all Matters not otherwise provided for, commence and come into operation on the First Day of *August*. One thousand eight hundred and forty-eight. Commencement of Act.

XCIV. Provided always, and be it enacted, That nothing in this Act contained shall affect an Act passed by the Right Honourable the Governor General of *India* in Council, in One thousand eight hundred and forty-one, for appropriating the unclaimed Dividends of Insolvent Estates. This Act not to affect a certain Act of the Governor General in Council of 1841.

SCHEDULES referred to by the foregoing Act.

SCHEDULE (A.)

Form of Petition by Insolvent in Custody.

In the Court for Relief of Insolvent Debtors,

In the Matter of _____ an Insolvent.

To the Honourable the Commissioners of the said Court, the humble Petition of
late of _____

Showeth,

THAT on the _____ Day of _____ your
Petitioner was committed to the Custody of the Sheriff [by virtue of a Writ
of _____ issued against your Petitioner at the Suit
of the _____ for the Sum of _____], [and that
Detainers have since been lodged against him at the Suit of
and _____ for Sums of _____ and
respectively], and that he is now a Prisoner in the Common Gaol under the
Process aforesaid.

That he is desirous of obtaining the Benefit of the Act for the Relief of
Insolvent Debtors in India.

Your Petitioner therefore humbly prays, that upon Compliance with the
Provisions of the said Act he may have the Benefit of the same, and that all
necessary Directions may be given for that Purpose.

And your Petitioner, &c.

NOTE.

*The Blanks are to be filled up, and the Parts between Brackets omitted or varied
according to the Facts.*

The Petition is to be signed by the Insolvent, and witnessed by the Gaoler.

A similar Form is to be adopted in the Case of a joint Petition.

SCHEDULE (B.)

Form of Petition of Insolvent not in Custody.

In the Court for the Relief of Insolvent Debtors.

In the Matter of _____ an Insolvent.

To the Honourable the Commissioners of the said Court, the humble Petition of _____ of _____

Showeth,

THAT your Petitioner is in insolvent Circumstances.

That he is now residing at _____ within the Jurisdiction of the Supreme Court of _____

That he is desirous of obtaining the Benefit of the Act for the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays, that upon Compliance with the Provisions of the said Act he may have the Benefit of the same, and that all necessary Directions may be given for that Purpose.

And your Petitioner, &c.

NOTE.

The Petition to be signed by the Petitioner, and witnessed by his Attorney.

SCHEDULE (C.)

In the Court for the Relief of Insolvent Debtors.

The Schedule of _____

In the Matter of _____, an Insolvent.

I the said _____ do declare, That this my Schedule doth contain a full and fair Description of me, as to Name, Trade, Profession, and Abode, and of the Debts due or growing due from me, and of all and every Person to whom I am indebted, or who to my Knowledge and Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed by me; and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places and Employments of Benefit to me, held by me, and also of all Pensions and Allowances which I have in possession or reversion, or which are held by any other Person for me or on my Behalf, or of or from which I derive or may derive any Manner of Benefit, and also of all Rights and Powers which I am, or any other Person in trust for me or for my Use or Benefit are, in any Manner whatever possessed of or interested in or entitled unto, or which I or any other Person in trust for me or for my Benefit have any Power to dispose of, charge, or exercise for my Benefit or Advantage, together with a full, true, and perfect Account of all the Debts due or growing due to me or any Person in trust for me or for my Benefit or Advantage, either solely or jointly with any other Person, and the Names and Places of Abode of the several Persons from whom such Debts are due and growing due, and

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of the Witnesses who can prove or other Evidence to prove such Debts, so far as I can set forth the same; and that this my Schedule doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries and Working Tools and Implements of myself and my Family which are excepted by me from the Operation of the Act relating to Insolvents in India, together with the Value of such excepted Articles respectively.

CREDITORS.

No.	Names and Description of Creditors of Claimants, and their present or last Residence.	Amount.	When contracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any; also why disputed, if disputed.
1 &c.					

Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "set off" must be written under the Amount.

DEBTORS.

No.	Names and Descriptions and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt, also Securities (if any) for the same.	Witnesses, with their Residences, and other Evidence by which the Debt may be proved.

N.B.—If Property has been taken possession of by the Common Assignee, it must nevertheless be fully entered in the Schedule.

PROPERTY

PROPERTY IN POSSESSION.

		Supposed Value.	
1. Interest in Land, Houses, Rents, or other Real Estate.	Describe the Quantity of Estate, if less than the absolute Proprietary Right, as Lease for Years, Lease for Lives, &c.; local Description, Names of Tenants, annual Rent or Value; Statement of Incumbrances (if any) thereupon, with Description of them, and Dates.		
2. Goods, Choses in Action -	Household Furniture - - - Wearing Apparel (not excepted) - - Jewels, Trinkets, and Ornaments - - Plate, Linen, China, Glass - - - Wines and other Liquors - - - Books, Prints, and Pictures - - Horses and other Animals - - - Carriages - - - - - Farming Stock, Crops, and Implements of Husbandry - - - Other Crops on Cultivation - - Stock in Trade, Machinery, and Utensils in my Business of - - - Ships and Shares of Ships, describing the Ships by Name, and Master, or other sufficient Description - - - Cash, Bills, Notes, Bonds, &c.; any other Property not particularly specified -		
3. Property in public Securities, Indian or otherwise, Shares in Companies, Annuities, &c.	Describe the Fund, Stock, Company, Security, &c., and state in whose Name, and also when and by whom, the last Dividend or other Payment in respect of the same was received, and Shares of Estate.		
4. Unpaid Legacies - -	Legacies, Shares of Intestates' Estates, with all Particulars concerning the same -		

PROPERTY

PROPERTY IN REVERSION, PLACES, PENSIONS, ALLOWANCES, RIGHTS, AND POWERS.

Contingent as well as vested Interests must be entered.

Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.

		Supposed Value of my Interest, if now to be sold.	
<p>1. Interests in Land, Houses, Rents, and other Real Estate.</p> <p>2. Personal Property, as Goods and certain Choses in Action.</p> <p>3. Other Personal Property, as public Securities, Indian or otherwise, Shares in Companies, Annuities.</p>	<p>Describe the Property as in the Division relating to Property in possession; add a Description of the Nature of the Interest, and from whom and in what Manner it is derived, with Names and Descriptions of Persons now enjoying the same, the Value or annual Value, according to the Nature of the Property, and in whose Name or Names the Property now stands, or who has the legal Interest therein, according to the Nature of the Property.</p>		
<p>Places, Pensions, and Allowances in possession or reversion.</p>	<p>Places of Employments held by me, with the Salaries, Fees, and Emoluments thereof; also all Pensions and Allowances in possession or reversion held by me, or by any other Person or Persons for me or on my Behalf, or of or from which I derive or may derive any Benefit.</p>		
<p>Rights and Powers - -</p>	<p>Rights and Powers which I or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of or interested in or entitled unto, or which I or any other Person or Persons in trust for me or for my Benefit have any Power to dispose of, charge, or exercise for my Benefit or Advantage -</p>		
<p>Excepted Articles - -</p>	<p>Excepted Articles, and the Value thereof - Give a full Description of the excepted Articles and their Value.</p>		

*The Schedule to be signed by the Insolvent, and witnessed by his Attorney.
A similar Form must be adopted in the Case of a joint Schedule.*

SCHEDULE (D.)

Form of Petition for Adjudication of Insolvency.

FORM No. 1.

In the Court for the Relief of Insolvent Debtors.
 In the Matter of _____ an Insolvent
 To the Honourable the Commissioners of the said Court.

The humble Petition of _____ of _____

Showeth,

THAT on or about the _____ Day of _____ the said [here state the Time and Place of the Charge in execution or Commitment of the Prisoner, and the Amount of the Debt or Sum of Money for which the Prisoner shall have been so charged in execution or committed].

That your Petitioner is desirous that the said Prisoner should be dealt with according to the Provisions of the Act for the Relief of Insolvent Debtors in India.

Your Petitioner therefore humbly prays that the said _____ may be adjudged to have committed an Act of Insolvency, pursuant to the Provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper Order may thereupon be made.

And your Petitioner, &c.

FORM No. 2.

In the Court for the Relief of Insolvent Debtors.
 In the Matter of _____ an Insolvent.
 To the Honourable the Commissioners of the said Court.

The humble Petition of _____ of _____

Showeth,

THAT _____ late of _____ (heretofore and up to _____ carried on the Trade or Business of _____ at _____), and thereby, as your Petitioner is advised, became a Trader within the Meaning of the Bankrupt Laws.

That on or about the _____ Day of _____ the said _____ [here state shortly the Act or Acts of Insolvency relied on], whereby, as your Petitioner is advised and believes, the said _____ is liable to be adjudged to have committed an Act of Insolvency.

That at the Time aforesaid the said _____ was and now is indebted to your Petitioner in the Sum of _____ [state for what the Party is indebted, as for Goods sold and delivered, &c.].

Your Petitioner therefore humbly prays that the said _____ may be adjudged to have committed an Act of Insolvency, pursuant to the Provisions of the Act for the Relief of Insolvent Debtors in India, and that the proper Order may thereupon be made.

And your Petitioner, &c.

NOTE.

The Blanks must be filled up, and the Parts within Brackets varied or supplied, as the Case may require.

A similar Form must be used in the Case of a joint Petition.

11° VICTORIÆ, Cap. 21.

255

That on or about the Day of your Petitioner duly
filed his Schedule in this Court, and that your Petitioner is desirous of
obtaining a Discharge in the Nature of a Certificate under the Provisions
of the Act relating to Insolvent Debtors in India; and he therefore humbly
prays that all necessary Directions may be given for that Purpose, and that
your Petitioner may, by the Order of this Court for his Discharge in the
Nature of a Certificate, be discharged from all Liability in respect of the Debts
or Claims established, or which might by Law be proved in this Court, in the
Matter of his Insolvency.

And your Petitioner, &c.

NOTE.

*The Petitioner must annex to this Petition a Copy of his Schedule, and include all
Debts established, though not included in the Schedule as originally filed.*

*The Blanks must be filled up, and the Parts between Brackets varied, as the Case
may require.*

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1848.



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

C A P. LXXXIV.

An Act to amend the Acts for rendering effective the Service of the *Chelsea* and *Greenwich* Out-Pensioners, and to extend them to the Pensioners of the *East India* Company. [31st August 1848.]

WHEREAS under an Act passed in the Session held in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for rendering more effective the Services of such Out-Pensioners of Chelsea Hospital as shall be called out to assist in preserving the public Peace*, and an Act passed in the Session held in the Ninth and Tenth Years of the same Reign, for amending the said first-mentioned Act, Her Majesty was empowered, by Her Warrant under the Royal Sign Manual, to order that such and so many of the Out-Pensioners of *Chelsea* and such of the Out-Pensioners of *Greenwich* Hospitals as might have served in the Royal Marines as Her Majesty might think fit should be enrolled as a local Force for the Preservation of the Peace, under the Conditions specified in the said Acts, but that the whole Number so to be enrolled should not at any One Time exceed Twenty thousand Men: And whereas it is expedient that the Provisions of the said Acts should be extended to such Pensioners from the Land Forces of the *East India* Company as now are or may hereafter become resident in the United Kingdom,

10 X and

Recited Acts
to apply to
Pensioners
from such
Forces of
East India
Company as
may volun-
teer.

and who may volunteer to serve Her Majesty as enrolled Pensioners, upon the Terms and subject to the Provisions of the said Acts, and that Her Majesty should for that Purpose be empowered to increase the Number of Pensioners so to be enrolled: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts shall apply to such of the said Pensioners from the Land Forces of the *East India* Company as may volunteer as aforesaid, in the like Manner as if they were Out-Pensioners of *Chelsea* or *Greenwich* Hospitals; and that the whole Number of Pensioners of these Hospitals, and from the Land Forces of the said Company, so to be enrolled in the United Kingdom at any One Time, may be any Number not exceeding Thirty thousand Men.



ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

C A P. XLIII.

An Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and for regulating, in such Service the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in the Service. [28th July 1849.]

WHEREAS an Act was passed in the Third and Fourth Years of Her present Majesty, intituled *An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for providing for the Observance of Discipline in the Indian Navy, and to amend the Laws for regulating the Payment of Regimental Debts and the Distribution of the Effects of Officers and Soldiers dying in Service*: And whereas it is expedient that the said Act be amended; and it being requisite, for retaining the Forces of the *East India* Company in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert the said Company's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most
4 T Excellent

Mutiny and Desertion (India).

The Queen may make Articles of War, of which all Courts shall take judicial Notice, and Copies to be transmitted to Judges and Governors.

Trial of Native Officer or Soldier.

Persons subject to this Act.

Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to make Articles of War for the better Government of the *East India* Company's Forces, and from Time to Time to renew, alter, add to, or amend the same, as to Her Majesty shall appear fit, and all Articles of War to be so made shall be judicially taken notice of by all Judges and in all Courts whatsoever, and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War to the Judges of Her Majesty's Superior Courts at *Westminster, Dublin, Edinburgh,* and in *India* respectively, and also to the Governors of Her Majesty's Dominions abroad and of the Territories under the Government of the said Company; provided that no Person within the Territories which are or may be under the Government of the said Company, and within One hundred and twenty Miles Distance from the Presidencies of *Fort William, Fort Saint George, and Bombay* respectively, shall by such Articles of War be subject to be transported as a Felon, or be subject to any Punishment extending to Life or Limb, except for Crimes or Offences which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, nor shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act; provided also, that nothing in this Act contained shall in any Manner impeach or affect any Articles of War or other Matters made, enacted, or in force, or which hereafter may be made or enacted or in force, under the Authority of the Government of *India*, respecting Officers or Soldiers being Natives of the *East Indies* or other Places within the Limits of the said Company's Charter; and that on the Trial of all Offences committed by any Native Officer or Soldier, or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

II. And be it enacted, That the Provisions of this Act shall apply to all Persons belonging to any of the Forces of the *East India* Company who are or shall be commissioned or in Pay as Officers, or who are or shall be listed or in Pay as Non-commissioned Officers or Soldiers, or who are or shall be serving or hired to be employed in the Artillery or any of the Trains of Artillery, or as Master Gunners or Gunners, or as Conductors of Stores, or who are or shall be serving in the Department of Engineers, or in the Corps of Sappers and Miners or Pioneers, or as Military Surveyors or Draftsmen, or in the

Mutiny and Desertion (India).

the Ordnance and Commissariat Departments, and to all Storekeepers and other Civil Officers employed under the Ordnance, and to all Apothecaries, Veterinary Surgeons, Medical Storekeepers, Hospital Stewards, and others serving in the Medical Department of the said Forces, and to all licensed Sutlers and Followers in or of any of the said Forces, and that all such Persons shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act.

III. And be it enacted, That for the Purposes of this Act, and of any Articles of War to be made under the same the Presidency of *Fort William in Bengal* shall be deemed and taken to comprise under and within it all the Territories which by Law are divisible between the Presidencies of *Fort William in Bengal* and *Agra* respectively, and such Territories shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William in Bengal*.

For the Purposes of this Act, the Presidency of *Fort William* to comprise that of *Agra*.

IV. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of the Possessions or Territories which are or may be under the Government of the said Company, or in Places in possession of or occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company, and being under the Command of any Officer having a Commission immediately from the Government of any of the Presidencies of the said Company, shall be liable to Martial Law, in like Manner as the Company's other Forces are.

Officers, &c. raised or serving in Places occupied by Persons subject to the Government of the Company liable to the same Law as Company's other Forces.

V. And be it enacted, That all Officers and Soldiers who shall be enlisted in or transferred to the Service of the said Company, and all Officers in the said Company's Service who may proceed in charge of or be appointed to do Duty with such enlisted or transferred Officers and Soldiers, shall from and after their Embarkation to go abroad to such Place whereto they shall be sent in the Service of the said Company be during their Passage subject to all the Provisions and Regulations of this Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said Company shall from Time to Time be subject to at the Garrison or Place to which such Officers and Soldiers shall be sent; and in all Cases in which it may happen that Offences shall be committed by the said Officers and Soldiers after their Embarkation, and before their Arrival at their Place of Destination abroad, which cannot be tried and punished during their Passage in such Manner as such

After Embarkation all Officers and Soldiers subject to Provisions of this Act.

Offences committed during Passage cognizable after Arrival.

Offences

Mutiny and Desertion (India).

Offences ought to be tried and punished, every such Officer or Soldier may and shall after his Arrival at his Place of Destination abroad be tried and punished for every Offence committed after his Embarkation and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender might have been tried by Court-martial held under the Authority of this Act.

Commanders
in Chief at
the several
Presidencies
empowered
to convene
Courts-mar-
tial.

VI. And be it enacted, That for the Purpose of bringing Offenders to Justice it shall be lawful for the General or other Officer commanding in chief the Forces in *India*, or the Forces within the Presidency of *Fort William*, and also for each of the Generals or other Officers respectively commanding in chief the Forces within the Presidencies of *Fort Saint George* and *Bombay* respectively, from Time to Time, as Occasion may require, to convene Courts-martial for the Trial of any Officer or Soldier under his Command who is or shall be charged with any Offence liable to be tried by Court-martial, whether such Offence shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively to direct his Warrant to any Officer, not under the Degree of a Field Officer, having the Command of any Body of Forces, authorizing him to convene Courts-martial for the Trial of Offences committed by any Officer or Soldier under his Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively, when and as often as any Sentence is given and passed by a Court-martial, legally constituted, upon any Officer or Soldier under his Command, to confirm such Sentence, and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and it shall also be lawful for each of the said Officers commanding in chief respectively to give his Warrant to any Officer, not under the Degree of a Field Officer, having the Command of any Body of Forces, to confirm Sentences of Courts-martial passed upon Officers or Soldiers under the Command of the Officer to whom such Warrant shall be given (always excepting in any such Warrant the Confirmation of any Sentence of Death, Transportation, or Cashiering, upon any Commissioned Officer), and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and the said Officers commanding in chief respectively may (where they shall think fit) authorize any such Officer to confirm any such Classes of Sentences only, or Sentences passed for any such Class of Offences only, or on any such Classes of Persons only, as they may think fit; and

Mutiny and Desertion (India).

and it shall also be lawful for Her Majesty to grant Commissions or Warrants under the Royal Sign Manual to any General or other Officer having the Command of any Body of Forces, as well in the Possessions or Territories which are or may be under the Government of the *East India* Company as elsewhere, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Commands, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being, however, below the Degree of a Field Officer; and any Person subject to the Provisions of this Act who shall in any Part of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, or elsewhere, commit any Offence for which he may be liable to be tried by Court-martial, may be tried and punished for the same in any Part of the Territories which are or may be under the Government of the said Company, or elsewhere, where he may have come after the Commission of the Offence, in the same Manner as if the Offence had been committed where such Trial shall take place.

The Queen may grant Commissions or Warrants for convening of Courts-martial for trying Offences against Articles of War.

VII. And be it enacted, That all General Courts-martial held under the Authority of this Act shall consist of not less than Thirteen Commissioned Officers (except in Cases where the same shall be holden in any Place out of Her Majesty's Dominions and of the Territories which are or may be under the Government of the said Company, or where the same shall be holden in any *African* Colony, the *Australian* Colonies, the Settlements on the Coast of *China*, *Prince of Wales Island*, *Singapore*, or *Malacca*, in which Cases such General Courts-martial may consist of any Number not less than Five), and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

Composition and Constitution of General Courts-martial.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Five Commissioned Officers, and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act; provided that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Composition and Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found

Regimental and Detachment Courts-martial.

Mutiny and Desertion (India).

to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March or on board any Ship or Vessel the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Officers in command of Troops in Foreign Countries not in alliance with the East India Company may assemble Courts-martial.

XI. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of the said Company's Troops which may at any Time be serving in any Place out of Her Majesty's Dominions and of the Possessions or Territories which are or may be under the Government of the said Company, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to the Company's Army being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Proceedings on Mixed Courts-martial how to be regulated.

XII. And be it enacted, That, where necessary or expedient, Officers of Her Majesty's Land Forces, or Officers of Her Majesty's Royal Marines, or Officers of both such Services, may sit on Courts-martial together with Officers in the Service of the *East India* Company; and where the Person to be tried shall belong to Her Majesty's Land Forces, then the Proceedings of the Court shall be regulated to all Intents and Purposes as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of the Act which shall exist at the Time for the Punishment of Mutiny and Desertion in Her Majesty's Forces shall be applicable to the Proceedings of such Court; and where the Person to be tried shall be in the Service of the *East India* Company the Provisions of this Act

Mutiny and Desertion (India).

Act shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or any of Her Royal Predecessors; and where it shall happen that Officers in the Service of the said Company cannot conveniently be had to compose the whole or Part of a Court-martial, then any Officer or Soldier or Person subject to the Provisions of this Act may be tried by a Court-martial composed of Officers in Her Majesty's Service alone: Provided always, that the Officer convening such Court-martial shall specify in his Warrant or Order convening the Court that no Officer in the Service of the said Company could be conveniently had.

Courts-martial in some Cases may be wholly composed of Queen's Officers.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment, or Body of Troops composed of Detachments of different Regiments, to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless a Field Officer cannot be had, nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden in the Countries of Foreign Powers, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Ship or Vessel, or on any Foreign Station, where a Captain cannot be had; and it shall be lawful for any Officer by whom any Court-martial shall be convened (where it may be necessary so to do) to authorize some fit Person to execute the Office of Judge Advocate at and for the Purpose of such Court-martial.

President of Court-martial.

XIV. And be it enacted, That in all Trials by Courts-martial to be held by virtue of this Act, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President, or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers appointed to form the Court; and when the Place of the President or of any other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made and allowed, or if no Challenge shall have been made, or, if made, not allowed, the President and the other Officers composing the

Proceedings at Trial.

Mutiny and Desertion (India).

the Court shall take the Oath in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, or before the President of such Court, who are hereby respectively authorized to administer the same; and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but during seasonable and convenient Hours of the Day, to be appointed by the Officer commanding where the Court-martial is held, except in Cases which require an immediate Example.

Swearing
and summon-
ing Wit-
nesses.

XV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath, or, in case of Natives of *India*, an Oath or solemn Declaration, as Circumstances may require, to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by such Court-martial, or by any Court of Law, or Judge of any such Court, according as the Case shall require, upon its being made to appear to such Court-martial, Court of Law, or Judge, by Affidavit, in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending to be sworn, or being sworn, shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or refuse to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in any Court of Justice, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpoenaed, had neglected to attend on a Trial in any Proceeding in the Court in which Complaint shall be made.

XVI. And

Mutiny and Desertion (India).

XVI. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by any Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by any competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk or of such other Officer, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk or other Officer, shall be sufficient Evidence of such last-mentioned Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than

Previous
Convictions
to be put in
Evidence.

Mutiny and Desertion (India).

may by this Act and by the Articles of War for the Government of the *East India* Company's Forces be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial.

XVII. And be it enacted, That every Judge Advocate or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, shall transmit, with as much Expedition as the Opportunity of Time and Distance of Place will admit, the original Proceedings and the Sentence of such Court-martial to the Judge Advocate General of the Army in which such Court-martial shall be held, in whose Office they are to be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Three Months, if the Trial took place on the Continent of *India*, or Six Months if beyond Seas; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial to be had for the same Offence, and no Revision more than once.

XVIII. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. And be it enacted, That if any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in the Land or Marine Forces of Her Majesty or of the said Company, or shall not use his utmost Endeavours to suppress the same, or, coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer, or shall correspond with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty or of the *East India* Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever, or shall relieve with Money, Victuals, or Ammunition, or knowingly harbour or protect, any such Rebel or Enemy; or shall treat or enter into any Terms with such Rebel or Enemy without the Licence of the said Company or of the said Company's Governor General in Council, or of the Governor in Council at One of the Presidencies, or of the General or Chief Commander, or shall

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cast away his Arms or Ammunition or otherwise misbehave himself before the Enemy, or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend, or shall compel the Governor or Commanding Officer of any Garrison, Fortress, Post, or Guard to deliver up to the Enemy or to abandon the same, or shall speak Words or use any other Means to induce such Governor or Commanding Officer or others to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Gaard committed to their respective Charge, or which he or they shall be commanded to defend, or shall desert the said Company's Service, or shall leave his Commanding Officer, or his Post or Colours, to go in search of Plunder, or shall leave his Post before relieved, or shall be found sleeping on his Post, or shall treacherously make known the Watchword, or shall intentionally occasion false Alarms in Action, Camp, Garrison, or Quarters, or shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of the Forces, or shall force a Safeguard, or shall break or enter into any House or Store or Cellar, or other Place, for Plunder, or shall strike, or shall draw or offer to draw or lift up any Weapon, or use or offer any Violence, against his superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who, being confined in a Military Prison, shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within the Dominions of Her Majesty or the Territories which are or may be under the Government of the said Company, or in Foreign Parts, and whether upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

XX. And be it enacted, That no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein. Judgment of Death.

XXI. And be it enacted That whensoever any Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in the said Company's Forces, and in any Country or Place (such Country or Place being within the Limits of the said Company's Charter and under the said Company's Government) Commutation of Death for Transportation.

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ment) which the Officer commanding in chief the Forces with which the Offender may have been serving at or previously to the Time of the Offence shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps of the said Company's Forces which the Officer commanding in chief as aforesaid shall direct; provided, that in all Cases where a Capital Punishment shall have been awarded by a Court-martial it shall be lawful for the Commanding Officer having Authority to confirm the Sentence, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to such Officer.

Embezzle-
ment punish-
ed by Trans-
portation.

XXII. And be it enacted, That every Paymaster or other Commissioned Officer, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, damage, or be concerned in, or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to the *East India* Company, or for the Use of the *East India* Company's Forces or Her Majesty's Forces, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from the *East India* Company's Service, and Incapacity of serving the *East India* Company or Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature or Degree of the Offence, and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained which shall have been ascertained by such Court-martial, and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender, and the Loss and Damage, so ascertained as aforesaid, shall be a Debt to the *East India* Company, and may be recovered accordingly in any of the Courts of Law in the *East Indies*, or any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to the *East India* Company's Service, and forfeit any Commission held from Her Majesty, and for ever be incapable
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of serving the said Company or Her Majesty in any Military Capacity.

XXIII. And be it enacted, That Her Majesty may, by any Order or Orders to be by Her from Time to Time made with the Advice of Her Privy Council, appoint, or by any such Order or Orders in Council authorize the Governor General of *India* in Council and the Governor in Council of *Fort Saint George* and *Bombay* respectively to appoint, any Place or Places beyond the Seas within Her Majesty's Dominions to which Felons and other Offenders may be conveyed; and that when any such Offender shall be about to be transported from any of the said Presidencies to a Place of Transportation, the Governor of such Presidency shall give Orders for his intermediate Custody and Removal to the Ship to be employed for his Transportation, and shall empower some Person to make a Contract for the effectual Transportation of the Offender to the Place so appointed, and shall direct Security to be given for such Transportation.

Execution of Sentences of Transportation.

XXIV. And be it enacted, That every Offender who shall be transported as aforesaid shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he shall be removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with hard Labour during the Term of his Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Transports to be subject to the Convict Laws of the Place of Transportation.

XXV. And be it enacted, That any Court-martial may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, or without such Sentence, to award Imprisonment, with or without hard Labour.

Power to inflict Corporal Punishment and Imprisonment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the General or other Officer authorized to confirm the Sentences of Courts-martial to commute such Corporal Punishment to Imprisonment, either solitary or otherwise, and either with or without hard Labour, for any Period not exceeding

Power to commute Corporal Punishment.

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exceeding Forty-two Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of
Pay and
Pension by
Sentence
of Court-
martial.

XXVIII. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent to render himself or such other Soldier unfit for Service;

In tampering with his Eyes, with Intent thereby to render himself unfit for Service;

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating any Disease or Infirmity, or delaying his Cure;

In malingering or feigning Disease;

In stealing or embezzling Stores the Property of the *East India* Company or of the Crown, or in receiving them knowing them to have been stolen;

In stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen;

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent;

In stealing or embezzling or fraudulently misapplying Money intrusted to him belonging either to the *East India* Company or to the Crown;

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military;

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXIX. And

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XXIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony by any Court of ordinary Criminal Jurisdiction, or of any Crime or Offence by any Court of Criminal Jurisdiction in the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty or the *East India* Company, or by a Court-martial, which would if committed in the United Kingdom amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXX. And be it enacted, That if any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged; and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Arrest for Debt; and that when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining the Service due Inquiry shall be made by a Court-martial, and, unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under or in some Manner aided the Enemy, or that he had not returned as soon as possible to the Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and that any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days.

Forfeiture of Pay when in Confinement under Sentence, or during Absence or Commitment under a Charge;

or in Arrest for Debt; or when Prisoner of War;

or when convicted of Desertion or of Absence without Leave, or when absent without Leave not exceeding Five Days.

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exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order, that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, or ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture; provided also, that it shall be lawful for the Government under which any Soldier is serving to order or withhold the Payment of the whole or any Part of the Pay of any such Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture
of Pay for
Drunkenness
on Duty.

XXXI. And be it enacted, That any Court-martial may sentence any Soldier, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of One Penny or Eight Pice a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Forfeiture
of Pay and
Liquor for
habitual
Drunken-
ness.

XXXII. And be it enacted, That any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall, in addition to any other Punishment which such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct; and, in addition to any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a Soldier convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay or Allowance, for such

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such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct: Provided always, that a Soldier so sentenced to the Forfeiture of Pay who shall be quartered at or removed to a Station where Liquor forms Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny or Eight Pice of his daily Pay, for so long a Time as he shall remain at such Station and such Sentence of Forfeiture of Pay shall remain in force.

XXXIII. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good,

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified;

Any Loss or Destruction of or Damage or Injury to any Property whatsoever, occasioned by his wilful or negligent Misconduct;

Any Loss or Destruction of or Damage or Injury to his Horse, or to the Horse of any other Soldier, or to any Beast used in Indian Warfare, or any Loss or Destruction of or Damage or Injury to his Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any Loss or Destruction of or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries of any other Soldier, occasioned by his wilful or negligent Misconduct;

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court; provided also, that, after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny or Eight Pice a Day.

XXXIV. And be it enacted, That whenever any Soldier shall have been convicted of any such disgraceful Conduct as aforesaid, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such

Discharge
with Igno-
miny.

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Soldier, such Court may further recommend that he be discharged with Ignominy from the Service.

Marking
Deserters.

XXXV. And be it enacted, That on the First and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Armpit; with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of
Imprison-
ment by
different
Kinds of
Courts-
martial.

XXXVI. And be it enacted, That a General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District or Regimental, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Imprison-
ment of
Offenders
already
under Sen-
tence for
previous
Offence.

XXXVII. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

XXXVIII. And

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XXXVIII. And be it enacted, That, save as herein-before specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing of the Day on which the original Sentence and Proceedings shall have been signed by the President.

Term of
Imprison-
ment.

XXXIX. And be it enacted, That the Place of Imprisonment under the Sentence of General Courts-martial shall be appointed by the Officer commanding in the District, Garrison, or Place, and, under the Sentence of any other Court-martial, shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Place of Im-
prisonment.

XL. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, House of Correction, or other Place of Confinement in any Part of the Territory under the Government of the *East India* Company, or of Her Majesty's Dominions, shall receive into his Custody any Military Offender under the Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo; and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he shall be discharged, or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose.

Keepers of
Prisons to
receive
Military
Offenders.

XLI. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison or Gaol or House of Correction, or other Place of Confinement; it shall be lawful for the Officer who confirmed the Proceedings, or for the Officer commanding in the District or Garrison or Place, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial, either as a Witness or for Trial, or other Purpose, and

Orders as to
Removal of
Prisoners to
be obeyed.

such

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such Prisoner shall accordingly on the Production of such Order be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Diet of
Prisoners.

XLII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, House of Correction, or other Place of Confinement shall diet and provide every Soldier imprisoned by the Sentence of a Court-martial, or as a Deserter, with Fuel and other Necessaries, according to the Regulations of such Place of Confinement, the Expense of which shall be paid in the same Manner as the other Expenses of such Prison, or as may be provided by any Laws or Regulations to be made in that Behalf.

Notice to be
given of the
Expiration
of Imprison-
ment.

XLIII. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve the *East India* Company on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or, if there shall not be a sufficient Time for a Month's Notice, then the longest practicable Notice thereof to the Adjutant General of the Army, or to the nearest Military Authority to whom such Notice may conveniently be given.

Musters and
Punishment
for false
Musters.

XLIV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in the *East India* Company's Service at such Times as shall be appointed, and no Soldier shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Beast, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, or shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, upon Proof thereof, upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have

or

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or hold any Civil or Military Office or Employment within the Territories under the Government of the *East India* Company, or in the United Kingdom of *Great Britain* or *Ireland*, or in the Service of the said Company or of Her Majesty.

XLV. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from the *East India* Company's Service, although he may of right belong to some Corps from which he shall originally have deserted; and that whether such Soldier shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the Corps into which he may have subsequently enlisted, &c. for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Trials for
Desertion
after subse-
quent Enlist-
ment.

XLVI. And be it enacted, That every Person who shall voluntarily deliver himself up and confess himself to be a Deserter from the *East India* Company's Forces, or who while serving in any of the said Company's Forces shall, to any Officer or Non-commissioned Officer thereof, confess himself to be a Deserter as aforesaid; or who, upon being apprehended for any Offence, shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any such Corps of the said Company's Forces as the Officer commanding in chief at any of the said Presidencies shall appoint, whether such Person shall have been actually enlisted as a Soldier or not, and he shall be liable to Punishment in the same Manner as if he had actually enlisted and had afterwards deserted.

Apprehen-
sion of De-
serters.

XLVII. And be it enacted, That any Person who shall by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall, by Words or by any other Means whatsoever, attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Punishment
for inducing
or assisting
in Desertion.

XLVIII. And be it enacted, That it shall be lawful for any Justices of the Peace within the Territories under the Government of the *East India*

Enlisting
and attesting
Recruits.

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India Company, and for any Person holding the Office of *British* Resident, or performing the Duties of such Office, within the Territories of any Foreign State, to enlist and attest any Persons desirous of enlisting, or any Soldiers or others desirous of re-enlisting, into the Service of the said Company; and the said Justices of the Peace shall have the same Powers in that Behalf as by the Mutiny Act passed in the present Year for Her Majesty's Forces are given to Justices in the United Kingdom for the Purposes of Enlistment, and any Person so enlisted or re-enlisted shall be deemed to be an enlisted Soldier in the Service of the said Company.

Recruits
concealing
Infirmities
punishable.

XLIX. And be it enacted, That any Person who shall enlist into the *East India* Company's Forces, and who shall be discovered to be incapable of active Service, or unfit for the Service for which he shall have been enlisted, by reason of any Infirmity which shall have been concealed by such Person or not declared at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion or Company, or into any of the said Company's *European* Forces, or into Her Majesty's Land Forces or Marine Forces, notwithstanding he shall have enlisted for any particular Regiment or any particular Service, and shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by the said Company by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts or any Rules or Regulations relating to Soldiers to the contrary notwithstanding.

No Pay-
master to
receive Fees,
or to make
unusual De-
ductions out
of Pay, or to
detain Pay.
Punishment
for so doing.

L. And be it enacted, That no Paymaster or other Person shall receive any Fees or make any Deductions whatsoever out of the Pay or Allowance of any Officer or Soldier in the *East India* Company's Service, or from their Agents, other than the usual Deductions or such other necessary Deductions as shall from Time to Time be required to be made, according to the Regulations of the Service; and every Paymaster or other Person having received any Officer's or Soldier's Pay and Allowances, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the Regulations established by the Rules of the Service, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One thousand Company's Rupees, and be liable to such further Punishment as shall by the Court-martial be awarded, One Moiety of such Fine to be paid to the Informer; and should such Informer be a Soldier, he shall, if he demand it, be discharged from any further Service: Provided always, that it shall be lawful for the Governor General in Council or the Governor in Council at the said Presidencies respectively

Mutiny and Desertion (India).

respectively to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty.

LI. And be it enacted, That every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Five hundred Company's Rupees; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse or other Beast to be falsely mustered, shall, upon Oath made by Two Witnesses before some Magistrate residing near the Place where such Muster shall be made, forfeit the Sum of Two hundred Company's Rupees; and the Informer, if he belong to the Company's Service, shall, if he demand it, be forthwith discharged the said Service.

Penalty for
procuring
false Musters.

LII. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses or other Beasts belonging to or used in the *East India* Company's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Two hundred Company's Rupees, together with the Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person, having been so convicted, shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Two hundred Company's Rupees but not less than Fifty Company's Rupees, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture,

Penalty for
purchasing
Soldiers
Necessaries,
Stores, &c.

Mutiny and Desertion (India). •

feiture, be liable to be imprisoned only, or imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same, proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath or solemn Declaration before a Justice of the Peace, or Person exercising the like Authority, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, with respect to which any such Offence shall have been committed, the Justice, or Person exercising like Authority, may grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice or other Person, to be dealt with according to Law.

Soldiers
entitled to
Discharge
may claim to
be sent Home
free of Ex-
pense.

Punishment
of Offences
on the
Voyage.

LIII. And be it enacted, That every Soldier entitled to his Discharge, either upon the Expiration of any Period for which he shall have engaged to serve, or otherwise, shall be entitled to be sent to *Great Britain* or *Ireland* free of Expense, and be entitled on his Return to have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of Arrival in *Great Britain* or *Ireland* decide to take up his Residence, such Place not being at a greater Distance from the Place of his landing than the Place of his original Enlistment, such Marching Money being at the Rate and Reckoning *per Diem* fixed for victualling Soldiers in Her Majesty's Service on the March: Provided always, that every such Soldier entitled to and claiming his Discharge, and to be sent to *Great Britain* or *Ireland*, as aforesaid, as also any other Soldier in the Service of the *East India* Company entitled to be sent to *Great Britain* or *Ireland* shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provisions of this Act, and the Articles of War framed or to be framed by Her Majesty for the better Government of the Company's Forces; and Her Majesty may by such Articles of War provide for the Punishment of any such Soldier who in the Passage shall be guilty of Drunkenness, or of any dishonest, disorderly, cruel, indecent, or disgraceful Conduct, by Sentence of a Court-martial, to be held under the Mutiny Act and Articles of War for the Time being in force for Her Majesty's Forces, and may direct that

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that for the Purposes of such Court-martial and Punishment he shall be considered as belonging to any Regiment in Her Majesty's Service, and be punishable in the same or the like Manner as if the Offence had been committed whilst serving with such Regiment, and as if any Advantages he may be entitled to by Service were Advantages arising from Service in Her Majesty's Forces.

LIV. And be it enacted, That the Government of any of the said Indian Presidencies in *India* may suspend the Proceedings of any Court-martial which may at any Time be holden within such Presidencies respectively. Indian Government may suspend Proceedings.

LIV. And be it enacted, That any Officer or Soldier who shall be serving in the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island, Singapore, and Malacca*), in the Territories under the Government of the said Company, and situated above One hundred and twenty Miles from the Presidencies of *Fort William, Fort Saint George, and Bombay* respectively, and who shall be accused of having committed Treason or any other Crime which if committed in *England* would be Felony, or of having committed any Offence against the Person or Property of any Subject of Her Majesty, or any other Person entitled to the Protection of Her Majesty or of the Government of the *East India* Company, or of any State in alliance with the said Company, may be tried by a General Court-martial to be appointed by the General or other Officer commanding in chief in such Place for the Time being, and if found guilty shall suffer Death, or be liable to Transportation for Life or for a Term of Years, or other Punishment, according to the Nature and Degree of the Offence, as by the Sentence of any such General Court-martial shall be awarded: Provided always, that no Sentence of a General Court-martial for any such Offence shall be carried into execution until the same shall have been confirmed by the General or other Officer commanding in chief as aforesaid; and such Officer may, if he shall think fit, suspend, mitigate, or remit the Sentence, or, in the Case of a Sentence of Death, commute the same, by directing the Offender to be transported as a Felon for Life or for any certain Term of Years; provided also, that any Person who may have been so tried as aforesaid shall not be tried for the same Offence by any other Court whatsoever. Power to appoint General Courts-martial anywhere beyond 120 Miles from the Presidencies (except Prince of Wales Island, Singapore, and Malacca,) for the Trial of Capital and other Offenders.

LVI. Provided always, and be it enacted, That where any Officer or Soldier shall under the Clause lastly herein-before contained have been found guilty of any such Offence as therein mentioned, committed at any Place within the Territories under the Government of Proviso for Confirmation by the Governor in Council in certain Cases.

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the said Company situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and the Offender shall have been tried within such Territories, no Sentence of Death or Transportation in respect of such Offence, whether original, revised, or commuted, shall be carried into execution until such Sentence shall have been approved by the Governor General in Council, or Governor in Council of the Presidency in the Territories subordinate to which the Offender shall have been tried.

Such Offenders, if apprehended by Civil Authorities, to be delivered over for Trial by Court-martial.

LVII. And be it enacted, That if any Person liable under the Provisions herein-before mentioned to be tried by a Court-martial for any Crime or Offence alleged to have been committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, or *Malacca*,) in the Territories under the Government of the said Company, situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, or upon the High Seas, and for which no Proceeding shall have been commenced in any Court of competent Jurisdiction, shall be apprehended by the Authority of or brought before any Magistrate for any such Offence, such Magistrate shall deliver over such accused Person to the Commanding Officer of the Regiment, Corps, or Detachment to which such accused Person shall belong, or to the Commanding Officer of the nearest Military Station, for the Purpose of his being tried by a Court-martial for such Offence as is herein-before provided in that Behalf.

The ordinary Course of Law not to be interfered with.

LVIII. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command accused of any Crime or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, or any other Person entitled to the Protection of Her Majesty or of the respective Governments of the *East India* Company or of any State in alliance with the said Company, which is punishable by the ordinary Course of Law, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command so accused as aforesaid, such Officer shall, upon Conviction thereof on any Prosecution in any of Her Majesty's Courts of Record in the United Kingdom or in *India*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military

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Military Office or Employment in the said Company's Service in the *East Indies*; and a Copy of the Record of such Conviction, subscribed and attested by the Clerk of the Crown or other proper Officer of the Court in which such Conviction shall take place, shall within Two Months from the Time of such Conviction be transmitted to the Judge Advocate General of the Army to which such Offender shall belong; provided, that nothing herein contained shall extend to require the Delivery over to the Civil Magistrate of any such Person accused of any Offence who shall have been tried for such Offence by any Court-martial under the Provisions herein-before, in that Behalf contained, or against whom any effectual Proceeding shall have been taken or ordered to be taken for the Purpose of bringing such Person to Trial by Court-martial under the Provisions herein-before in that Behalf contained; provided also, that no Person or Persons being acquitted or convicted of any Crime, Violence, or Offence by the Civil Magistrate or the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of One Company's Rupee and Eight Annas; and every such Certificate, containing the Substance and Effect of the Indictment and Conviction, and purporting to be signed as aforesaid, shall be sufficient Evidence before a Court-martial of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender.

LIX. And be it enacted, That no Person whatever enlisted into the *East India* Company's Service as a Soldier shall be liable to be arrested or taken therefrom by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, (for which no Fee shall be taken,) before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit a Memorandum without Fee shall be endorsed upon the Back of such Process, that

Soldier not
to be arrested
for Debt
unless
amounting
to 300
Company's
Rupees.

the

Mutiny and Desertion (India).

the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Three hundred Company's Rupees at the least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Party by whom the Action shall have been brought or Execution sued as aforesaid: Provided always, that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Persons employed under Articles of War to collect Effects of Officers dying in Service abroad may do so without Probate or Letters of Administration.

LX. And be it enacted, That it shall be lawful for all Officers or other Persons who by or under the Authority of any Articles of War in force for the Time being for the *European* Officers or Soldiers in the Service of the said Company may be authorized or required to take care of or collect or superintend, or direct the Collection, of the Effects or any Part of the Effects of any Officers or Soldiers dying in the Service of the said Company out of the United Kingdom to ask, demand, and receive any such Effects to which his Authority shall extend, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of or otherwise deal with the same, without taking out any Letters of Administration, either with any Will annexed or otherwise, in every respect as if such Officers or Persons employed or required as aforesaid had been appointed Executors, and had proved the Will, or had taken out Administration of such Effects; and no Registrar of any Court in the *East Indies*, or any Person acting under the Appointment or Authority of such Court *ad colligenda* or otherwise, shall in any Manner interpose in relation to any such Effects, unless required and authorized so to do by any such Officer or Person so authorized or required as aforesaid, any Act or Acts, Law, Statute, or Usage, to the contrary notwithstanding.

What Debts to be deemed Regimental Debts, and to have Priority accordingly.

LXI. And be it enacted, That all Sums of Money due by deceased Officers and Soldiers in respect of any Military Clothing, Appointments, and Equipments, Servants Wages due, and Household Expenses, during the current Month, or in respect of any Quarters, or
of

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of any Mess or Band or Regimental Accounts, and all Sums of Money due to any Agent or Paymaster or Quartermaster, or any other Officer, upon any such Account, or on account of any Advance made for any such Purpose, and also any Charges or Expenses attending or relating to the Illness or Funeral of any such Officer or Soldier, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, Chattels, and Effects of any Officer or Soldier dying out of the United Kingdom while in the Service of the said Company, in preference to any other Debts, Claims, or Demands whatsoever upon the Estate and Effects of such Officer or Soldier; and if Doubt shall arise as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, or whether such Charges or Expenses attending or relating to the Illness or Funeral of such Officer or Soldier are proper to be allowed, or whether any such Regimental Debts remain due, such Question shall be decided and concluded by any Order or Certificate to be made either by the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged, or, in case where, for Convenience, such last-mentioned Military Secretary shall authorize or request the Military Secretary to the Government of any other Presidency to act on his Behalf, then by such last-named Military Secretary; and all such Payments shall be good and valid in Law, and every Person who shall make any such Payment out of any such Arrears of Pay, Effects, or Proceeds as aforesaid, under the Provisions of this Act, or in pursuance of any such Order or Certificate of such Military Secretary, or into whose Hands any such Money shall come, shall be and are hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things done in pursuance of the Provisions of this Act, or of the Order or Certificate of the said Military Secretary in relation to the Distribution of such Assets, anything in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

LXII. And be it enacted, That all such Regimental Debts shall and may be paid without Probate of any Will being obtained, or any Letters of Administration, or any Confirmation of Testament, or Letters Testamentary or Dative, being taken out by any Person, and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods and Chattels, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased for the Payment of any Duty which may be claimable in respect of the same; and it shall be lawful for the said Military Secretary to the Government of the Presidency to which the Deceased shall have belonged to order and direct the Payment or Distribution of any such Surplus, to any Amount not exceeding One thousand Company's Rupees, without any Probate or Letters of Administration, or Confirmation of

Regimental Debts to be paid without Probate or Letters of Administration, and the Surplus only to be deemed the Personal Estate to be administered. Military Secretary to administer such Surplus, when not exceeding 1,000

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Company's
Rupees,
without Pro-
bate or Ad-
ministration,
and Duty-
free.

Testament, or Letters Testamentary or Dative, or Payment of any Duty; and it shall also be lawful for any Paymaster or other Person to issue any Sum, not exceeding the Value of One thousand Company's Rupees, which may be due to any deceased Officer or Soldier, unto the Widow or Relative of any Officer or Soldier deceased, or unto the Representative or Representatives of any such Officer's Widow, or Relative in *India*, in like Manner, without any Probate or Letters of Administration, or Confirmation of Testament, or Letters Testamentary or Dative, or Payment of any Duty, the same to be paid to the Person who shall be notified by the said Military Secretary as aforesaid as being entitled thereto, or as being a proper Person to receive the same; and all such Payments respectively shall be as valid and effectual to all Intents and Purposes as if the same had been made by or to any Executor or Administrator, or under the Authority of any Probate or Letters of Administration, or Confirmation of Testament, Letters Testamentary or Dative, anything in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Effects re-
mitted not to
be deemed
Assets in the
Place to
which remit-
ted, so as to
render Ad-
ministration
necessary.

LXIII. And be it enacted, That any Effects, or the Proceeds or Surplus of any Effects, which shall be collected or received under the Authority of any Articles of War as aforesaid, when remitted to any Person, under any Order of the Military Secretary to the Government of any of the said Company's Presidencies, or to such Military Secretary, shall not, by reason of coming to the Hands of such Person or Military Secretary, be taken to be Assets or Effects in the Place to which such Proceeds or Surplus may be remitted so as to render it necessary that Administration should be taken out in respect thereof; and it shall be lawful for the Military Secretary to the Government of the Presidency to which the deceased Officer or Soldier shall have belonged to order that such Effects, or the Proceeds or Surplus of any such Effects, shall be remitted to any other Place in *India*, Person or Persons, by whom the same can more conveniently be paid over to the Person or Persons entitled thereto; and the Obedience to the Orders of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds, or Surplus of such Effects shall be a sufficient Discharge from all Actions, Suits, and Demands in respect thereof, to all Persons to whose Hands any such Effects, Proceeds, or Surplus shall have come, and by whom the same shall have been paid and disposed of under the Order of such Military Secretary.

Military
Secretary
authorized to
order Remit-
tance of
Effects to any
other Place
in *India*.

Mode of ad-
ministering
Surplus pre-
scribed.

LXIV. And be it enacted; That the Effects, or the Proceeds or Surplus of the Effects, collected or received under the Authority of any Articles of War as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, and subject to such Payment or Distribution

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Distribution as is herein-before authorized, shall with all convenient Speed be transmitted to such Military Secretary as aforesaid by the Officer or Person employed or required to take care of, collect, and receive the same; and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and subject to such Payment and Distribution as aforesaid, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier, or if there shall be no such Executor or legal Representative in *India*, or no such Executor or legal Representative shall within Twelve Months from the Death of such Officer or Soldier claim such Surplus, then and in that Case such Military Secretary shall remit the said Surplus to the Court of Directors of the *East India* Company in London, to be by them paid to the Executor or legal Representative of such Officer or Soldier so deceased; and such Remittance at the End of Twelve Months as aforesaid shall be a Discharge to such Military Secretary from all Actions, Suits, and Demands in respect of such Surplus: Provided always, that the Registrar of Her Majesty's several Supreme Courts in *India* shall not be required or entitled to take out Letters of Administration with the Will annexed, or otherwise, in respect of such Surplus, nor in any Manner to interpose in relation thereto, unless expressly authorized so to do by the said Military Secretary; and in all Cases in which the Surplus so to be remitted by the said Military Secretary to the said Court of Directors in London shall not exceed One hundred Pounds, it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to the Parties entitled thereto, without any Probate, Letters Testamentary or Dative, or Payment of any Duty.

Registrar of
Supreme
Courts to
take out Ad-
ministration
to Surplus.

LXV. And be it enacted, That it shall be lawful for Her Majesty, by any Articles of War to be made by Her as aforesaid, to make Provision for collecting any Effects of Deserters, and for Payment out of the same of any Regimental Debts and Quarters of the Deserters, and for carrying the Balance to the Credit of the *East India* Company, for the Use of the said Company; and that all Questions respecting any such Regimental Debts may be determined and concluded in such Manner as herein-before is provided.

The Queen
may make
Provision for
the Col-
lection and
Administra-
tion of the
Effects of
Deserters.

LXVI. And be it enacted, That in all Places where the said Company's Forces now are or may be employed, or where any Body of Her Majesty's Forces may be serving with the Forces of the said Company, situate beyond the Jurisdiction of any Courts of Requests or other Courts for enforcing small Demands established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, Actions of Debt, and all personal Actions against Officers, all Persons licensed to act as Sutlers to any Corps or Detachments or at any Station or Cantonment, Persons resident within the Limits of a Military Cantonment, or other

Where
Troops are
serving
beyond the
Jurisdiction
of the Court
of Requests,
Actions of
Debt not ex-
ceeding 400
Company's
Rupees to be
cognizable

Persons

Mutiny and Desertion (India).

by a Military
Court.

Composition
and Consti-
tution of the
Court pre-
scribed;

Persons amenable to the Provisions of this Act, not being Soldiers, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere, provided the Value in question shall not exceed Four hundred Company's Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose, which Court the Commanding Officer of any Camp, Garrison, or Cantonment is hereby authorized and empowered to convene; and the said Court shall in all practicable Cases consist of Five Commissioned Officers, and in no instance of less than Three; and the President thereof shall in all practicable Cases be a Field Officer, and in no Case be under the Rank of a Captain; and every Member shall have served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings be had before it, shall take the following Oath, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath; (that is to say,)

‘ I swear, That I will duly administer Justice according to
‘ the Evidence in the Matters that shall be brought before me.
‘ So help me GOD.’

and its Pow-
ers defined.

And all Witnesses before any such Court shall be examined in the same Manner as in the Case of a Trial by Court-martial; and it shall be competent for such Court, upon finding or awarding any Debt or Damage, either to award Execution thereof generally, or to direct specially that the whole or any Part thereof shall be stopped, and paid over to the Plaintiff, out of any Part not exceeding One Half of any Pay or Allowance, or out of any other public Money which may respectively be coming to the Defendant in the current or any future Month or Months, or to direct the same to be so paid by Instalments; and in all Cases where the Execution shall be awarded generally, the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Defendant's Goods and Property as may be found within the Camp, Garrison, or Cantonment, under a written Order of the Commanding Officer, grounded on the Judgment of the Court; and all Orders of such Commanding Officer as to the Manner of such Sale, or the Person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any Goods and Property of the Defendant found within the Limits of the Camp, Garrison, or Cantonment to which the Defendant shall belong at any subsequent Time shall be liable to be seized and sold in like Manner, in satisfaction of any Remainder of such Debt or Damages; and if any Question shall arise whether any such Effects or Property are liable to be taken in Execution as aforesaid, the Decision and Order of the said Commanding Officer shall be final and conclusive with respect to the same; and if sufficient Goods shall not be found within
the

Mutiny and Desertion (India).

the Limits of the Camp, Garrison, or Cantonment, then any public Money, or any Part, not exceeding One Half, of the Pay or Allowances accruing to the Defendant, shall be stopped, in liquidation of such Debt or Damage; and if such Defendant shall not receive Pay as an Officer or from any public Department, but be a Sutler, Servant, or Follower, he may be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries for any Period not exceeding Two Months, unless the Debt be sooner paid; and the said Commanding Officer shall not, nor shall any Person acting on his Orders in respect of the Matters aforesaid, incur any Liability to any Person or Persons whomsoever for any Act done by him in pursuance of the Provisions aforesaid; and in Cases where the said Court shall direct specially that the whole or any Part of the Debt or Damages shall be stopped and paid out of Part of any Pay or Allowances, or out of any public Money, the same shall be stopped and paid accordingly, in conformity with such Direction: Provided always, that nothing herein-before contained shall enable any such Action as aforesaid to be brought in the said Court by any Officer or Soldier against any Officer.

LXVII. And be it enacted, That any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months; and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are given to Defendants; and every Action against any Person for anything to be done in pursuance of this Act, or against any Member of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at the Presidencies in *India*, or in the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

LXVIII. And be it enacted, That all Penalties and Forfeitures by this Act imposed may and shall be sued for and be recoverable in any Court of Record at the said Presidencies, or in any other Court in *India* in which under any Laws made or to be made in *India* the Penalty would be recoverable if the same had been incurred by the Offender in breach of any other Law: Provided always, that no Action shall be brought or Prosecution carried on by virtue of this Act for any such Penalties or Forfeitures as aforesaid unless the same be commenced within Six Months after the Offence is committed.

Mutiny and Desertion (India).

One Moiety
to Informer;
Remainder
to Military
Secretary of
the Presi-
dency.

LXIX. And be it enacted, That One Moiety of any Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same; and the Remainder of the Penalty, together with the Treble Value of any Article, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the Military Secretary of the Government of the Presidency to which the Court by whom the Penalty shall be adjudicated shall be subject, and shall abide the Disposal of such Military Secretary; and the Court which shall adjudge any Penalty under this Act shall immediately report the same to the said Secretary.

Punishment
for giving
false Testi-
mony.

LXX. And be it enacted, That in all Cases where any Oath is hereby required to be taken, or any Person is hereby required to be sworn, a solemn Declaration or Affirmation may be substituted, if by the Laws for the Time being in force in *India* such Declaration or Affirmation would be allowed to be substituted in the Place of an Oath in case the Party were about to depose as a Witness in a Civil Action in any of the Supreme Courts at the Presidencies; and that any Persons wilfully and knowingly giving false Testimony on Oath, or solemn Declaration or Affirmation in any Case wherein such Oath or solemn Declaration or Affirmation shall have been made for the Purpose of this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Law in force in *England*, or by any Law in force in *India*, any Persons convicted of wilful and corrupt Perjury are subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered; and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof shall be punished at the Discretion of a General or other Court-martial.

Offences
against
former Mu-
tiny Acts and
Articles of
War, and
all existing
Proceedings,
continued.

LXXI. And be it enacted, That all Crimes and Offences which have been committed against the said Act of the Third and Fourth Years of the Reign of Her present Majesty, herein-before mentioned, or against any of the Articles of War made and established by virtue of the same, may be inquired of and punished in like Manner as if they had been committed against this Act, and every Warrant for holding any Court-martial under the said Act shall remain in full Force notwithstanding the Repeal of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Repeal of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts or either of them, which shall appear to have been committed more
than

Mutiny and Desertion (India).

than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

LXXII. And be it enacted, That nothing in this Act contained shall in any Manner affect Her Majesty's Royal Prerogative of Mercy. Act not to affect Queen's Prerogative.

LXXIII. And be it enacted, That nothing herein contained shall affect the Provisions of an Act passed in the Seventh and Eighth Years of Her Majesty, intituled *An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the East Indies*, and that all the Provisions thereof shall after the passing of this Act apply and be in full Force and Effect, unless and except so far as the Provisions thereof may in any respect be inapplicable. Not to affect Provisions of 7 & 8 Vict. c. 18.

LXXIV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and fifty, and that from and after such Day all Powers and Provisions contained in the said Act of the Third and Fourth Years of Her present Majesty, except as herein-after is particularly provided, shall cease and determine, and that from and after the same Day the Articles of War made by Her Majesty in pursuance of the said Act shall cease and determine: Provided nevertheless, that full Effect shall be given to the Provisions herein-before contained respecting the Punishment of Offences against the said former Act, and otherwise, as herein-before is mentioned; and that, so far as may be necessary to give full Effect to such Provisions, the said Act of the Third and Fourth Years of Her Majesty, and the Articles of War made in pursuance of the same, shall be deemed to be in full Force; and provided also, that all the Powers and Provisions contained in the said Act of the Third and Fourth Years of Her Majesty concerning or in any way relating to the *Indian Navy* shall be and remain in full Force and Effect, in the same Manner as if this Act had not passed; and provided also, that the Repeal of the same Act shall not operate to revive any former Act. Commencement of this Act, and Repeal of former Act.

LXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended or repealed.

Mutiny and Desertion (India).

SCHEDULE to which this Act refers.

FORM of OATH to be taken by the PRESIDENT and MEMBERS of
COURTS-MARTIAL.

You shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I *A. B.* do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of the Forces of the East India Company, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion of the said Forces, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases; and I further swear, that I will not divulge the Sentence of the Court until it shall be duly approved, neither will I, upon any account, at any Time whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

FORM of OATH to be taken by the JUDGE ADVOCATE (or Person officiating as such).

I do swear, That I will not, upon any account whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law, and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

C A P. XL.

An Act for Marriages in *India*. [24th July 1851.]

WHEREAS it is expedient to amend the Law of Marriages in *India*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. In every Case of Marriage intended to be solemnized in *India* after the Commencement of this Act, where One or both of the Parties is or are a Person or Persons professing the Christian Religion, such Marriage may be solemnized under the Provisions of this Act ; and where such Marriage is intended to be so solemnized, One of the Parties shall give Notice in Writing to the Marriage Registrar to be appointed under the Provisions of this Act for the District within which the Parties shall have dwelt for such Period then next preceding as by such Laws or Regulations as herein-after mentioned may be required, or, if the Parties dwell in the Districts of different Marriage Registrars shall give the like Notice to the Marriage Registrar for each District ; and every such Notice shall be in such Form and contain such Particulars as may be prescribed by such Laws or Regulations, and shall be open for Inspection and published as by such Laws or Regulations may be provided.

Marriage of Christians in India may be solemnized under this Act.

Notice of intended Marriage to be given to the Marriage Registrar for the District.

Marriages (India).

Certificate of Notice to be issued on Request. II. The Marriage Registrar, upon being requested so to do by or on behalf of the Party by whom the Notice was given, and One of the Parties intending Marriage having made Oath or Declaration as herein-after required, shall issue under his Hand a Certificate of such Notice having been given, and of such Oath or Declaration having been made; provided no lawful Impediment according to the Law of *England* be shown to the Satisfaction of the Marriage Registrar why such Certificate should not issue, and the Issue of such Certificate have not been sooner forbidden, in manner herein-after mentioned, by any Person or Persons by this Act authorized in that

Proviso. Behalf: Provided always, that where by such Oath or Declaration it appears that One of the Parties intending Marriage (not being a Widower or Widow) is under Twenty-one Years of Age, the Marriage Registrar shall not issue such Certificate until the Expiration of such Period after the giving of such Notice as may be in this Behalf provided by such Laws or Regulations as herein-after mentioned.

Who to give Consent if Parties under Age. III. The Father, if living, of any Party under Twenty-one Years of Age, such Party not being a Widower or Widow, or, if the Father be dead, the Guardian or Guardians of the Person of the Party so under Age lawfully appointed, or One of them, and in case there be no such Guardian, then the Mother of such Party, if unmarried, shall have Authority to give Consent to the Marriage of such Party; and such Consent is hereby required for the Marriage of such Party so under Age, unless there be no Person authorized to give such Consent resident in India.

Issue of Registrar's Certificate may be forbidden. IV. Every Person whose Consent to a Marriage is required as aforesaid is hereby authorized to forbid, in such Manner as may be provided by such Laws or Regulations as herein-after mentioned, the Issue of the Marriage Registrar's Certificate; and in case the Issue of any such Certificate be so forbidden the Notice and all Proceedings thereupon shall be utterly void: Provided always, that (subject to such Laws and Regulations) if either of the Parties intending Marriage allege that the Person forbidding the Issue of such Certificate is not authorized by Law so to do, the Marriage Registrar shall examine into such Allegation, and if he be satisfied that such Person is not authorized as aforesaid shall act in like Manner, and the like Proceedings may be had under this Act in relation to such Marriage, as if the Issue of such Certificate had not been forbidden by such Person.

Supreme Court or Judge of the Zillah or V. If any Person whose Consent is necessary to any Marriage under this Act shall be *non compos mentis*, or if any such Person (other than the Father) shall, without just Cause, withhold his or her Consent to

Marriages (India).

to a Marriage, the Parties intending Marriage may apply by Petition, where the Person whose Consent is necessary is resident within any of the Towns of *Calcutta*, *Madras*, and *Bombay*, to the Supreme Court of Judicature established by Royal Charter in the Presidency or Place in which such Person is resident, or if such Person be not resident within any of the said Towns, then to the Judge of the Zillah or like District within which such Person is resident, or to such other Person as may for this Purpose be appointed under the Laws or Regulations hereinafter mentioned; and the said Supreme Court or any Judge thereof or such Judge of the Zillah or District, or such other Person, shall be empowered to examine the Allegations of the Petition in a summary Way; and if upon such Examination such Marriage appear proper, such Supreme Court or any Judge thereof, or such Judge of the Zillah or District, or such other Person, shall declare the same to be so, and such Declaration shall be as good and effectual as if the Person whose Consent was needed had consented to the Marriage; and in case such Person has forbidden the Issue of the Marriage Registrar's Certificate, such Certificate shall be issued, and the like Proceedings may be had under this Act in relation to the Marriage, as if the Issue of such Certificate had not been forbidden by such Person, anything herein-before contained to the contrary notwithstanding.

District may
relieve where
Consent
improperly
withheld.

VI. Before any such Certificate as aforesaid shall be issued by any Marriage Registrar, One of the Parties intending Marriage shall appear personally before such Marriage Registrar, and shall make Oath, or shall make his or her solemn Declaration instead of an Oath, that he or she believeth that there is not any Impediment of Kindred or Affinity or other lawful Hindrance to the said Marriage, and that both the Parties to the intended Marriage have, or (where the Parties have dwelt in the Districts of different Marriage Registrars) that the Party making such Oath or Declaration hath, for the Period required by such Laws or Regulations as are herein-after mentioned, had their, his, or her usual Place of Abode within the District of such Marriage Registrar, and where either or each of the Parties, not being a Widower or Widow, is under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is required by Law has been obtained thereto, or that there is no Person resident within the Territories under the Government of the *East India* Company having Authority to give such Consent, as the Case may be: Provided always, that where under the foregoing Provision the said Supreme Court or a Judge thereof, or such Judge of the Zillah or like District, or such other Person as aforesaid, declares the Marriage to be proper, it shall not be necessary to make Oath or declare that such Consent has been obtained to such Marriage.

Oath or
Declaration
to be made
before Issue
of Certificate.

VII. Any

Marriages (India).

Protest
against Issue
of Certificate
may be
entered.

VII. Any Person may, in manner provided by such Laws or Regulations, enter a Protest with the Marriage Registrar against the Issue of a Certificate for the Marriage of any Person named therein; and if any Protest be so entered, no Certificate shall issue until the Marriage Registrar shall have examined into the Matter of the Protest, and is satisfied that it ought not to obstruct the Issue of the Certificate for the said Marriage, or until the Protest be withdrawn by the Party who entered the same.

Appeal where
Registrar
refuses Cer-
tificate.

VIII. In all Cases whatsoever where the Marriage Registrar has refused such Certificate as aforesaid, it shall be lawful for either of the Parties intending Marriage to apply by Petition, where the District of such Registrar is within any of the Towns of *Calcutta*, *Madras*, and *Bombay*, to the Supreme Court of Judicature established by Royal Charter in the Presidency or Place within which such District is comprised, or if such District be not within any of the said Towns then to the Judge of the Zillah or like District within which the same is comprised, or to such other Person as may for this Purpose be appointed by the Laws or Regulations herein-after mentioned; and the said Supreme Court or any Judge thereof, or such Judge of the Zillah or like District, or such other Person, shall be empowered to examine the Allegations of the Petition in a summary Way, and shall decide thereon; and the Decision of such Supreme Court or a Judge thereof, or of such Judge of the Zillah or like District, or of such other Person, shall be final, and the Marriage Registrar to whom the Application was originally made shall proceed in accordance therewith, anything herein-before contained notwithstanding.

After Issue
of Certificate,
Marriage
may be so-
lemnized in
the Presence
of Marriage
Registrar and
Two Wit-
nesses.

IX. After the Issue of the Certificate of the Marriage Registrar, or, where Notice is required to be given under this Act to the Marriage Registrars for different Districts, after the Issue of the Certificates of the Marriage Registrars for such Districts, Marriage may be solemnized between and by the Parties described in such Certificate or Certificates, according to such Form and Ceremony as they may see fit to adopt; provided nevertheless, that every such Marriage shall be solemnized between such Hours as shall be fixed by the Laws or Regulations herein-after mentioned, in the Presence of some Marriage Registrar, to whom shall be delivered such Certificate or Certificates as aforesaid, and of Two or more Witnesses; provided also, that in some Part of the Ceremony each of the Parties shall declare,

‘ I do solemnly declare, That I know not of any lawful
‘ Impediment why I, *A.B.*, may not be joined in Matrimony
‘ to *C.D.*;’ or shall declare to the like Effect.

And

Marriages (India).

And each of the Parties shall say to the other,

‘ I call upon these Persons here present to witness, That I,
‘ *A.B.*, do take thee, *C.D.*, to be my lawful wedded Wife [or
‘ Husband];’ or Words to the like Effect.

Provided also, that there be no lawful Impediment to the Marriage of such Parties.

X. Whenever a Marriage is not had within Three Calendar Months after the Notice shall have been so entered by the Marriage Registrar, the Notice and the Certificate which may have been issued thereupon, and all other Proceedings thereupon, shall be utterly void; and no Person shall proceed to solemnize the Marriage, nor shall any Marriage Registrar register the same, until new Notice shall have been given, and Entry made, and Certificate thereof given, at the Time and in the Manner aforesaid.

When Marriage is not had within Three Months after Notice, a new Notice required.

XI. After the Solemnization of any Marriage under this Act the Marriage Registrar present at the Solemnization thereof shall forthwith register such Marriage in duplicate; that is to say, in a Marriage Register Book according to the Form of Schedule to this Act annexed, and also in a Certificate attached to the Marriage Register Book, as a Counterfoil; and the Entry of such Marriage in both the Certificate and the Marriage Register Book shall be signed by the Person by or before whom the Marriage has been solemnized, if there be any such Person, and by the Marriage Registrar present at such Marriage, whether or not the Marriage is solemnized by him, and also by the Parties married, and attested by Two Witnesses; and every such Entry shall be made in Order from the Beginning to the End of the Book, and the Number of the Certificate shall correspond with that of the Entry in the Marriage Register Book.

Marriages to be registered.

XII. The Marriage Registrar shall forthwith separate the Certificate from the Marriage Register Book, and transmit it, at the End of every Month, to the Secretary to the Government of the Presidency or Place within which he resides, or to such other Officer as may for this Purpose be appointed under the Laws or Regulations herein-after mentioned; and if no Marriage have been registered during such Month, the Marriage Registrar shall certify such Fact under his Hand, and such Certificate shall be transmitted as aforesaid; and the Marriage Registrar shall keep safely the said Register Book until it be filled, and shall then transmit the same to the Secretary to the Government, or to such other Officer as aforesaid, to be kept by him with the Records of his Office; provided that with regard to those Marriages so certified, of which it may appear to the Governor General in Council desirable

Certificates of Marriages to be transmitted periodically to the Secretary of the Government, &c.

Marriages (India).

that Evidence should be transmitted to *England*, the Secretary to the Government, or such other Officer as aforesaid, shall, at the End of every Three Calendar Months in each Year, send all the Certificates of Marriage sent to him as aforesaid during such Three Months, signed by him, to the Secretary of the *East India* Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in *England*.

Proof of Residence of Parties or Consent not necessary to establish Marriage. XIII. After any Marriage has been solemnized under this Act, it shall not be necessary, in support of such Marriage, to give any Proof in respect of the Dwelling of the Parties, or of the Consent of any Person whose Consent thereunto is required by Law, nor shall any Evidence be given to prove the contrary, in any Suit touching the Validity of such Marriage.

Registrar may ask certain Particulars of Parties. XIV. It shall be lawful for the Marriage Registrar before whom any Marriage is solemnized according to the Provisions of this Act to ask of the Parties to be married the several Particulars required to be registered touching such Marriage.

Persons vexatiously entering Protests liable to Costs and Damages. XV. Every Person who shall enter a Protest with the Marriage Registrar, against the Issue of any Certificate on Grounds which such Marriage Registrar, or the Supreme Court of the Presidency or Place, or any Judge thereof, or the Judge of the Zillah or like District, or other Person, to whom upon the Refusal of such Certificate an Application is authorized by this Act, declares to be frivolous, and such as ought not to obstruct the Issue of the Certificate, shall be liable for the Costs of all Proceedings in relation thereto, and for Damages, to be recovered by Suit by the Party against whose Marriage such Protest was entered.

Punishment of Persons making false Oath or Declaration. XVI. Every Person who shall knowingly and wilfully make any false Oath or false Declaration, or sign any false Notice or Certificate, required by this Act, or by any such Laws or Regulations as herein-after mentioned, for the Purpose of procuring any Marriage, and every Person who shall forbid the Issue of any Marriage Registrar's Certificate by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall, on Conviction, be liable to be punished in such Manner as by such Laws or Regulations may be provided.

Limitation of Prosecution. XVII. Every Prosecution under this Act shall be commenced within such Time after the Offence committed as by such Laws or Regulations may be provided.

XVIII. The

Marriages (India).

XVIII. The Government of each Presidency or Place in *India* may appoint Marriage Registrars for the Purposes of this Act, and may assign Districts to the Registrars so to be appointed; and in respect of any Places within the Territories of any Native Prince or State in alliance with the *East India* Company, the Governor General of *India* in Council may appoint such Marriage Registrars and assign to them Districts.

Government of each Presidency may appoint Marriage Registrars, &c. Governor General may appoint in certain Cases.

XIX. The Government of each such Presidency and Place may from Time to Time appoint reasonable Fees to be taken of the Parties intending Marriage, for receiving and publishing Notices of Marriage, and for issuing Certificates, entering Protests, and registering Marriages under this Act; and all such Fees shall be accounted for and paid over by the Marriage Registrars to the Government Treasury, and the Government shall provide all necessary Books and Papers for giving Effect to the Provisions of this Act.

Government of each Presidency may appoint Fees to be taken under this Act, to be accounted for by Marriage Registrars.

XX. It shall be lawful for the Governor General of *India* in Council from Time to Time, by Laws and Regulations (not inconsistent with the Provisions of this Act) to be made in the Manner and subject to the Provisions by Law required in respect of Laws and Regulations made by the said Governor General in Council, to provide for the Inspection and Publication of Notices of Marriage given under this Act, for the Custody and Protection from Injury of Marriage Register Books, for Appeals from and References in Cases of Doubt by the Marriage Registrars in relation to Marriages forbidden or Protests entered under this Act, for fixing the Hours between which Marriages may be solemnized under this Act, for appointing the Officers to whom Certificates are to be transmitted by the Marriage Registrars, and generally for giving Effect to the Provisions of this Act.

Governor General in Council empowered to make Laws and Regulations for the Purposes of this Act.

XXI. Nothing herein contained shall invalidate or affect any Marriage which may be solemnized in *India* by Persons in Holy Orders, or any Marriages which may be solemnized under the Provisions of the Act of the Fifty-eighth Year of King *George* the Third, Chapter Eighty-four, or any other Marriages which under the Laws for the Time being in force in *India* might have been there solemnized in case this Act had not been passed: Provided that it shall be lawful for the Governor General of *India* in Council, from Time to Time by Laws and Regulations to be made as aforesaid, to provide for the Registration of any Marriages solemnized in *India* by Persons in Holy Orders, or of any Marriages there solemnized under the Provisions of the said Act of the Fifty-eighth Year of King *George* the Third, Chapter Eighty-four, or of any other Marriages there solemnized,

Marriages may continue to be solemnized as heretofore.

Power to Governor General in Council to make Laws for the Registration of Marriages not solemnized under this Act.

Marriages (India).

that Evidence should be transmitted to *England*, the Secretary to the Government, or such other Officer as aforesaid, shall, at the End of every Three Calendar Months in each Year, send all the Certificates of Marriage sent to him as aforesaid during such Three Months, signed by him, to the Secretary of the *East India* Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in *England*.

Proof of Residence of Parties or Consent not necessary to establish Marriage. XIII. After any Marriage has been solemnized under this Act, it shall not be necessary, in support of such Marriage, to give any Proof in respect of the Dwelling of the Parties, or of the Consent of any Person whose Consent thereunto is required by Law, nor shall any Evidence be given to prove the contrary, in any Suit touching the Validity of such Marriage.

Registrar may ask certain Particulars of Parties. XIV. It shall be lawful for the Marriage Registrar before whom any Marriage is solemnized according to the Provisions of this Act to ask of the Parties to be married the several Particulars required to be registered touching such Marriage.

Persons vexatiously entering Protests liable to Costs and Damages. XV. Every Person who shall enter a Protest with the Marriage Registrar, against the Issue of any Certificate on Grounds which such Marriage Registrar, or the Supreme Court of the Presidency or Place, or any Judge thereof, or the Judge of the Zillah or like District, or other Person, to whom upon the Refusal of such Certificate an Application is authorized by this Act, declares to be frivolous, and such as ought not to obstruct the Issue of the Certificate, shall be liable for the Costs of all Proceedings in relation thereto, and for Damages, to be recovered by Suit by the Party against whose Marriage such Protest was entered.

Punishment of Persons making false Oath or Declaration. XVI. Every Person who shall knowingly and wilfully make any false Oath or false Declaration, or sign any false Notice or Certificate, required by this Act, or by any such Laws or Regulations as herein-after mentioned, for the Purpose of procuring any Marriage, and every Person who shall forbid the Issue of any Marriage Registrar's Certificate by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall, on Conviction, be liable to be punished in such Manner as by such Laws or Regulations may be provided.

Limitation of Prosecution. XVII. Every Prosecution under this Act shall be commenced within such Time after the Offence committed as by such Laws or Regulations may be provided.

XVIII. The

Marriages (India).

XVIII. The Government of each Presidency or Place in *India* may appoint Marriage Registrars for the Purposes of this Act, and may assign Districts to the Registrars so to be appointed; and in respect of any Places within the Territories of any Native Prince or State in alliance with the *East India* Company, the Governor General of *India* in Council may appoint such Marriage Registrars and assign to them Districts.

Government of each Presidency may appoint Marriage Registrars, &c. Governor General may appoint in certain Cases.

XIX. The Government of each such Presidency and Place may from Time to Time appoint reasonable Fees to be taken of the Parties intending Marriage, for receiving and publishing Notices of Marriage, and for issuing Certificates, entering Protests, and registering Marriages under this Act; and all such Fees shall be accounted for and paid over by the Marriage Registrars to the Government Treasury, and the Government shall provide all necessary Books and Papers for giving Effect to the Provisions of this Act.

Government of each Presidency may appoint Fees to be taken under this Act, to be accounted for by Marriage Registrars.

XX. It shall be lawful for the Governor General of *India* in Council from Time to Time, by Laws and Regulations (not inconsistent with the Provisions of this Act) to be made in the Manner and subject to the Provisions by Law required in respect of Laws and Regulations made by the said Governor General in Council, to provide for the Inspection and Publication of Notices of Marriage given under this Act, for the Custody and Protection from Injury of Marriage Register Books, for Appeals from and References in Cases of Doubt by the Marriage Registrars in relation to Marriages forbidden or Protests entered under this Act, for fixing the Hours between which Marriages may be solemnized under this Act, for appointing the Officers to whom Certificates are to be transmitted by the Marriage Registrars, and generally for giving Effect to the Provisions of this Act.

Governor General in Council empowered to make Laws and Regulations for the Purposes of this Act.

XXI. Nothing herein contained shall invalidate or affect any Marriage which may be solemnized in *India* by Persons in Holy Orders, or any Marriages which may be solemnized under the Provisions of the Act of the Fifty-eighth Year of King *George* the Third, Chapter Eighty-four, or any other Marriages which under the Laws for the Time being in force in *India* might have been there solemnized in case this Act had not been passed: Provided that it shall be lawful for the Governor General of *India* in Council, from Time to Time by Laws and Regulations to be made as aforesaid, to provide for the Registration of any Marriages solemnized in *India* by Persons in Holy Orders, or of any Marriages there solemnized under the Provisions of the said Act of the Fifty-eighth Year of King *George* the Third, Chapter Eighty-four, or of any other Marriages there solemnized,

Marriages may continue to be solemnized as heretofore.

Power to Governor General in Council to make Laws for the Registration of Marriages not solemnized under this Act.

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solemnized, of which it may appear to the said Governor General in Council desirable that Evidence should be transmitted to *England*, and to provide for the Care and Custody of the Registers of such Marriages, and for the Transmission of Certificates thereof to the Secretaries of the Governments of the respective Presidencies, or to other Officers, and for their sending the same to the Secretary of the *East India* Company, for the Purpose of being delivered to the Registrar General of Births, Deaths, and Marriages in *England*, and also to provide for the Authentication of such Certificates.

Certificates delivered to Registrar General under this Act, or under any Laws or Regulations made thereunder, to be subject to the Provisions of 6 & 7 W. 4. c. 86.

XXII. The Certificates which shall be delivered to the Registrar General of Births, Deaths, and Marriages in *England*, under this Act, or under any Laws or Regulations to be made thereunder, shall be kept in the General Register Office, in the same Manner, and Indexes thereof shall be made and Searches permitted, and Copies thereof, sealed or stamped with the Seal of the General Register Office, shall be given, in the like Manner as by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, is provided concerning the certified Copies (kept in such Office under the said Act) of the Registers of Births, Deaths, and Marriages in *England*; and every certified Copy, purporting to be sealed or stamped with the Seal of the said General Register Office, of any such Certificate delivered to the said Registrar General under this Act, or under such Laws or Regulations, shall be received as Evidence of the Marriage to which the same relates, without further Proof of such Certificate, or of any Entry therein.

Marriages under this Act valid.

XXIII. All Marriages solemnized under this Act shall be good and valid in Law to all Intents and Purposes.

Certain Marriages in India confirmed.

XXIV. And whereas it is expedient to remove all Doubt concerning the Validity of Marriages heretofore solemnized in *India* by Persons not in Holy Orders: All such Marriages, if not otherwise invalid, shall be deemed and held to be valid in Law to all Intents and Purposes.

Interpretation of "India."

XXV. In the Construction of this Act the Word "*India*" shall include all Territories for the Time being under the Government of the *East India* Company, and all Territories of any Native Princes or States in alliance with the said Company.

Commencement of Act.

XXVI. This Act shall, so far as respects the Authority to make such Appointments, Laws, and Regulations as are herein authorized to be made, commence and take effect from and after the passing thereof, and as to all other Matters and Things commence and take effect

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effect from and after the First Day of *January* One thousand eight hundred and fifty-two, or such other Day as the Governor General of *India* shall direct.

XXVII. The Governor General of *India*, and the Governors of the several Presidencies in *India*, shall cause this Act to be published Three Times in each of the Government Gazettes of the several Presidencies, the first of such Publications to be made within Six Weeks after this Act shall have been received in such respective Presidencies.



ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

C A P. LXXXI.

An Act to authorize the Removal from *India* of Insane Persons charged with Offences, and to give better Effect to Inquisitions of Lunacy taken in *India*. [7th August 1851.]

WHEREAS it is expedient to make Provision for the several Purposes herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That if any Person shall have been or shall hereafter be indicted for or charged with any Crime or Offence in any Court in *India*, and shall have been or shall hereafter be acquitted or not be tried for such Crime or Offence on the Ground of his being found to be of unsound Mind, and shall by reason of the Premises be lawfully in Custody in *India*, it shall be lawful for the Person or Persons administering the Government of the Presidency in which such Person shall be so in Custody to order such Person to be removed from *India* to any Part of the United Kingdom, there to abide the Order of Her Majesty concerning his or her safe Custody, Power to remove from India to the United Kingdom Persons of European Birth found guilty of Crimes and Offences, and acquitted on the Ground of Insanity.

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and to give such Directions for enabling such Order to be carried into effect as may be deemed fit and proper.

Order of Government of India to be a sufficient Warrant and Authority for the Purpose of Removal.

II. That the Orders and Directions of the said Government of any of the said Presidencies for the Removal of any Person under the Provisions of this Act shall be a sufficient Warrant and Authority to all Commanders of Vessels, and others, to whom the Care and Custody of any such Person shall be committed, for the Removal of such Person from *India* to the United Kingdom in conformity with such Directions, and for his Detention in Custody there until an Order shall be made by Her Majesty as herein-after is mentioned; and that upon the Arrival of any such Person in the United Kingdom it shall be lawful for Her Majesty to give such Order for the safe Custody of such Person during Her Pleasure in such Place and in such Manner as to Her Majesty shall seem fit, in like Manner as if such Person had been indicted for an Offence and found insane, and were thereby subject to the Provisions of the Act passed in the Thirty-ninth and Fortieth Year of His late Majesty King *George the Third*, intituled *An Act for the safe Custody of Insane Persons charged with Offences*.

Expenses of Removal to be defrayed by East India Company, and charged upon the Revenues of India.

III. That all Expenses attending the Removal from *India* and the safe Custody and Maintenance in *Great Britain* or *Ireland* of all such Persons as aforesaid shall be borne and defrayed by the *East India Company*, who are hereby authorized to charge the Amount of such Expenses upon the Revenues of the Government of *India*.

The Amount of all Expenses incurred by the East India Company to be a Debt due from the Lunatic, and be secured by a Judgment in England and Ireland, and by Decree of Registration in Scotland.

IV. That the Amount of all Expenses incurred by the *East India Company* in respect of the Removal and Custody of any such Person as aforesaid shall be a Debt from such Person to the *East India Company*; and that for securing the Payment thereof the *East India Company* shall be entitled to enter up against such Person as of the Date of the Order for Removal from *India* any Judgment in *England* or *Ireland* in an Amount sufficient to secure the Payment of all Expenses incurred and to be incurred in respect of the Matters aforesaid, and the Costs of ascertaining the same as after mentioned; and on Production at the Office in *Edinburgh* for the Registration of Writs in the Books of Council and Session of a Copy of any Order of the Court of Directors directing such Judgment to be entered up, certified by the Secretary of the said Company, such Order shall be registered in the said Books in like Manner as a Bond executed according to the Law of *Scotland* with a Clause of Registration, and Decree shall be interponed thereon which shall have the like Effect as if such Person had executed such Bond, but without Prejudice to the Provisions herein contained for ascertaining the Sum actually due;

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due; and that upon Application to be from Time to Time made to the Lord Chancellor of *Great Britain* in *England* or Chancellor in *Ireland*, being intrusted with the Care of Persons of unsound Mind, or the Court of Session in *Scotland*, the Amount of such Expenses reasonably and properly incurred shall be ascertained by a Reference to One of the Masters of the Court of Chancery, or by a Remit to the Accountant of the Court of Session, or otherwise, in such Manner as the Person or Persons to whom such Application shall be made shall direct; and the *East India* Company shall be entitled from Time to Time to recover Payment of the Amount so ascertained, and the Costs of ascertaining the same, by proceeding on the Judgment in *England* or *Ireland*, and Registered Order and Decree in *Scotland*, and enforcing the same against the Property but not against the Person of the Debtor, in the same Manner as if such Judgment had at the Date of the said Order of Removal been recovered against the Debtor when of sound Mind, and had been entered up at the Date of such Order, or as if such Bond had been granted by the Debtor when of sound Mind at the Date of such Order, and had been duly registered in the Books of Council and Session, and a Decree of the Court of Session interponed thereto.

V. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by the Supreme Court of Judicature at any of the Presidencies of *India*, it shall be lawful for such Supreme Court to declare that such Person ought to be removed from *India* to any Part of the United Kingdom, and thereupon to make such further or other Order or Orders authorizing or directing his Removal, and touching his safe Custody and Maintenance, as to such Supreme Court shall seem fit and proper: Provided always, that in every such Case a Transcript of the Proceedings in the Matter of the Idiocy or Lunacy of such Person shall, under the Provisions herein-after contained, be transmitted to that Part of the United Kingdom to which such Person shall be removed.

Lunatics and Idiots may be removed from India by Orders of the Supreme Courts at the several Presidencies.

VI. That in all Cases where a Guardian, Keeper, or Curator of the Person and Estate of any Idiot, Lunatic, or Person of unsound Mind shall have been or shall be appointed by any of the Supreme Courts in *India* as aforesaid, it shall be lawful for the proper Officer of the said Supreme Court by the Order of such Court to transmit a Transcript, under the Hand and Seal of the Chief Justice or Senior Judge of such Supreme Court, of the Proceedings by which the Idiocy, Lunacy, or Unsoundness of Mind shall have been found, and by which such Guardian, Keeper, or Curator shall have been appointed, to the Chancery in *England* and the Court of Session in *Scotland*.

Transcript of all Inquisitions and Orders to be transmitted and entered of Record, and to be acted upon in the United Kingdom as if the Inquisitions had been taken in the United Kingdom.

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Scotland and the Chancery of *Ireland* respectively, as the Case may require, and that such Transcript, when so received, shall be entered as of Record in the Court or Courts to which the same shall be transmitted; and that in the Case of any Supersedeas of any such Proceedings the same shall be certified and transmitted and recorded in like Manner; and that the Record of any such Proceedings or of any such Supersedeas as aforesaid shall, in case and so long and so far as the Lord Chancellor of *Great Britain* or other Persons intrusted as aforesaid, or the Court of Session in *Scotland*, or the Chancellor of *Ireland* intrusted as aforesaid, (as the Case may require,) shall respectively see fit, be acted upon by him and them respectively, and be of the same Force and Validity, and have the same Force and Effect, as if such Proceedings or Supersedeas, or Proceedings or a Supersedeas to the like Effect, had taken place in *England*, *Scotland*, or *Ireland* respectively; and it shall be lawful for the Lord Chancellor or other Persons intrusted as aforesaid, the Court of Session in *Scotland*, and the Chancellor of *Ireland* intrusted as aforesaid respectively, from Time to Time to make and give all such Orders or Directions by appointing any Committee or Committees, Curator or Curators, or otherwise, as may appear necessary or proper for securing proper Care and Protection to the Person and Estate of such Idiot, Lunatic, or Person of unsound Mind.

Powers given to the Lord Chancellor to extend to Lord Keeper and Commissioners of the Great Seal.

VII. That the Powers and Authorities given by this Act to the Lord Chancellor of *Great Britain* or other Persons intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or any other Person or Persons for the Time being intrusted as aforesaid, and the Powers and Authorities given by this Act to the Lord Chancellor of *Ireland* intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Ireland*, or any other Person or Persons for the Time being intrusted as aforesaid.

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VII. That the Powers and Authorities given by this Act to the Lord Chancellor, of *Great Britain* or other Persons intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Great Britain*, or any other Person or Persons for the Time being intrusted as aforesaid, and the Powers and Authorities given by this Act to the Lord Chancellor of *Ireland* intrusted as aforesaid shall and may be exercised in like Manner by and are hereby given to the Lord Keeper or Commissioners of the Great Seal of *Ireland*, or any other Person or Persons for the Time being intrusted as aforesaid.

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