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I N D E X

TO THE

A C T S   F O R   1 8 4 3.

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„ On consideration of the proceedings Government will pass such decision as may appear consistent with its power, and if necessary instruct its Law Officers to prosecute the accused before a Court of Law. Aggrieved parties may at all times seek redress by Law against the accused, .....	”	XX.	

Jail

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
J.			
Jail—Zillah—in the Madras Presidency shall be placed under the Session Judge under what circumstances,.....	VII.	XLVIII.	
„ to be placed under the charge of the Judge of the Subordinate Criminal Court under what circumstances, .....	„	XLIX.	
Judicial system of the Madras Presidency modified—See Courts.			
Justice—administration of Civil and Criminal—in the Districts of Kurnool and Bunganapilly in the Madras Presidency —See Kurnool.			
Justice of the Peace in the Mofussil—Law concerning appeals from—amended, See Appeals.	IV.		
K.			
Kurnool and Bunganapilly in the Madras Presidency—administration of Civil and Criminal Justice and Police and Superintendence of all Revenue affairs in the Districts of—may be vested in an Agent and his Assistants, .....	X.	I.	
„ Government may prescribe rules for guidance of Agent and his subordinates and fix the limit of the agent's final civil jurisdiction, and of appeals to the Sudr Udalut, and may define his authority in criminal trials, and what cases shall be submitted to the Foujdaree Udalut, .....	„	II.	

Kurnool



	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Kurnool and Bunganapilly in the Madras Presidency—On trials referred Foujdaree Udalt shall pass judgment or order as in cases from a Judge of Circuit, ...	X.	III.	
„ Civil appeals to be decided by Sudr Udalt as appeals from Provincial Courts,	„	IV.	
„ Government may alter the limits of the Agent's jurisdiction, .....	„	V.	
L.			
Lands in the Mofussils of Bengal, Madras and Bombay—registration of the conveyances of—regulated, .....	I.		
See Conveyances.			
Language in which decisions of Company's Courts of Justice shall be recorded—			
See decisions.			
Law Officers to the Zillah Courts in the Madras Presidency, .....	VII.	LL	
See Courts.			
M.			
Magistrates—Law concerning appeals from			
— acting under Statute 53, Geo. III.			
Chapter 155 amended.			
See Appeals.			
Magistrates and their Assistants in the Madras Presidency may be prosecuted under Section XLIII. Regulation IX. 1816, in the Zillah Courts, .....	„	XXXVIII.	
„ to be reported to the Foujdaree Udalt by the Session Judge for any neglect or delay on their part by which the course of justice has been impeded, ...	„	XLI.	

Magistrates

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Magistrates in the Madras Presidency—the powers of—under Regulation IX. of 1816, extended, .....	VII.	LIV.	1st.
„ may exercise the powers of Criminal Judges as under Section VII. Regulation X. of 1816, .....	„	„	
„ What shall be the form of their procedure in such case, .....	„	„	2d.
„ Appeals from the sentence or orders of—may be preferred to Session Judges in such cases, .....	„	LV.	
Mauritius—Emigrants to—See Emigration.			
Moonsiffs—such parts of Regulation XXIII. 1814, Bengal Code, as prohibit—from requiring security from defendants attaching their property or realizing fines, repealed, .....	VI.	III.	
„ may demand security from the defendants under Sections 4 and 5, Regulation II. 1806, and realize fines imposed by them, .....	„	IV.	
„ shall execute decrees of the Judges or Principal Sudder Ameens, in appeals from their decisions. Applications for such executions where to be made. Judge’s decision in appeals from the orders of Moonsiffs in such cases to be final, .....	„	V.	
„ No person by reason of place of birth or descent shall be exempted in civil proceedings from the jurisdiction of, ...	„	VII.	
„ may receive and try suits of every description under the restrictions as in Clauses 1, 2, and 3, Section 5,			

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Regulation V. 1831, except in cases mentioned, .....	VI.	VIII.	
Moonsiffs may receive and forward to the Judge cases which it may be objectionable for him to try for reasons stated in order that the Judge may refer them to another Moonsiff, .....	„	IX.	
„ in the Madras Presidency, may be employed by Subordinate Judges, Principal Sudder Ameens and Judges of Zillah Courts, for purposes mentioned in Sections LX. and LXI. Regulation VI. 1816, .....	VII.	XVII.	2d.
„ Cases pending before—may be called up under Section LIV. Regulation VI. 1816, by the Zillah Judge, and referred to other Courts as mentioned, .....	„	XVIII.	
„ Suits forwarded to the Zillah Judge by—Clause 2d, Section III. Regulation I. 1829, in which they may be interested, how to be disposed of,...	„	XIX.	
„ Civil actions and Criminal prosecutions under Clause 1. and Section VIII. Regulation VI. 1816, with respect to District—shall be brought before the Zillah Courts,.....	„	XXIII.	
N.			
Nawaub Vizier—Law relating to the jurisdiction over Residents of the Town of Calcutta, of the Zillah Courts in the Provinces ceded to the Company by the—amended,.....	XXIII.		

Officers

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
O.			
Officers—European—and others within the Madras Presidency, not removeable without the sanction of Government, inquiries into the public conduct of— See Inquiries.			
P.			
Police—dismissal of Native Officers of—by the Foujdaree Udalt for misconduct, „ Superintendence of—in the Districts of Kurnool and Bunganapilly in the Madras Presidency—See Kurnool.	VII.	XXXIX.	1st.
Principal Sudder Ameens shall be guided in the decision of original suits by the rules of the Judges' Courts,..... ..	VI.	I.	
„ Section 4, Act XXV. 1837, shall extend to interlocutory orders in cases appealed from the decision of, .....	„	II.	
„ In the Madras Presidency how to act in cases where he has to call upon Collectors or other European Officers in matters before their Courts,..... ..	VII.	VII.	1st.
„ shall take what course if such Officers do not comply with their requisitions,	„	„	2d.
„ may confirm the decision of inferior Courts if there be no sufficient ground for impugning its correctness without reference to the order of the file or requiring the attendance of the opposite party, or may refer it back for revision			

to

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
to the Court whose order is appealed against, .....	VII.	XI.	
Principal Sudder Ameens may commit to the Session Judge, prisoners brought before them charged with crimes subject to his jurisdiction, .....	„	XXIX.	
See Session Judges.			
„ may communicate directly with the District Police Officers, for obtaining evidence in cases of prisoners forwarded by them, .....	„	XLII.	
„ trial of Europeans and Americans— for offences committed within the jurisdiction of, .....	„	XLIII.	
See Session Judges.			
„ European—at Cochin may exercise all the powers of a Criminal Court constituted under Regulation II. 1827, and of a Joint Magistrate, .....	„	XLVII.	
Processes of the Sudr Udalt in the Madras Presidency, described in Sections 13 and 14 of Regulation V. of 1802, to be directed to the Zillah Courts, .....	„	XIII.	
—all other—of the said Court by whom to be served, .....	„	XV.	
Property subject to any Trust vested in Registrar of the Supreme Court, when Trustees to such property are incapable of acting as such—See Trustee.			
Provinces ceded by the Nawaub Vizier— Law relating to the jurisdiction of Zillah Courts in the—and other Zillah Courts over persons residing in Calcutta, amended, .....	XXIII.		

Provincial

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Provincial Courts of Appeal and Circuit in the Madras Presidency abolished, and new Zillah Courts established instead, See Courts.	VII.	I.	
„ Criminal cases pending before—at the time of their abolition how to be disposed of, .....	„	LVI.	
Provincial Courts of Appeal in the Madras Presidency—disposal of cases pending before—on the date of their abolition, See Appeals and Suits.	VIII.		
Punchayets—applications for the execution of decisions of District—may be referred by Zillah Judges to Subordinate Judges and Principal Sudder Ameens,	„	XX.	
R.			
Registrar of Supreme Court vested with the administration of trust property when the Trustee of such property is incapable of acting—See Trustee.			
Registration* of Conveyances of Lands within the Mofussils of Bengal, Madras and Bombay, regulated, .....	I.		
Registration of Deeds of Sale, Gift or Mortgage—Law respecting—amended for removing doubts as to their authenticity,.....	XIX.	II.	
„ Confined to particular conveyances or instruments affecting title to land,.....	„	III.	
Regulations of the Bengal, Madras or Bombay Codes, touching the invalidity			

\* Repealed by Act XIX. of 1843.

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
of conveyances affecting titles to Lands owing to the knowledge by parties registering such conveyances of the existence of an unregistered conveyance of the same, repealed—See Conveyances.			
Regulation XXV. 1814, Bengal Code—Section 16 of—modified, .....	II.		
See Appeals.			
„ V. 1831, Bengal Code, Clause 4, Section 18 of—modified, .....	VI.	I.	
„ XXIII. 1814, Bengal Code—parts of—repealed,.....	„	III.	
„ II. 1806, Bengal Code, Sections 4 and 5 of—extended to Sudder Ameens and Moonsiffs, .....	„	IV.	
„ V. 1831, Bengal Code—Section 22 of—modified,.....	„	V.	
„ XXIII. 1814, Bengal Code, Clause 2, Section 13 of—repealed, .....	„	VI.	
„ V. 1831, same Code, Clause 4, Section 5 of—repealed, .....	„	„	
„ VII. 1827, Madras Code—Section 7 of—rescinded, .....	VII.	V.	
„ Ditto ditto ditto, Section 9 of—modified,.....	„	VII.	
„ of the Madras Code requiring inferior Courts to furnish the Sudr Udalt with translations of papers, rescinded, .....	„	XII.	
„ V. of 1802, Madras Code—Sections 13 and 14 of—modified, .....	„	XIII.	
„ III. 1833, same Code—Section VI. of—modified,.....	„	XVI.	
„ VI. and VII. of 1816—all parts of—in which Zillah Judge is mentioned shall			

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
be applicable to Zillah Courts excepting Section LVI. Regulation VI. 1816, which shall be applicable to Subordinate Judges and Principol Sudder Ameens as extended by Section V., Regulation III. of 1833, of the same Code, Regulation VI. of 1816—same Code—all parts of—in which Provincial Court is mentioned shall be applicable to Sudr Udalt,.....	VII.	XVII.	1st.
„ VIII., 1816, same Code, Section III. of—rescinded, .....	„	„	
„ VIII. 1816, same Code, Section XIV. of—modified, .....	„	XXIV.	
„ XIII. 1832, same Code, Section II. of—rescinded, .....	„	XXV.	
„ X. 1816, same Code, Clauses 1st and 3d, Section IX. of—modified, .....	„	XXVIII.	
„ III. 1833, of the same Code—Section II. of—modified,.....	„	XXIX.	
„ Section 26, Regulation X. 1816, Clauses 2 and 3, Section 4, Regulation II. 1822, Clause 2, Section 5, and Clauses 2 and 4, Section VIII., Regulation VI. 1827, Madras Code, made applicable to Session Judges, ....	„	XXXVI.	
„ IX. 1816, Madras Code, Section 43 of—modified,.....	„	XXXVII.	
„ XIII. 1832, same Code, Section III. of—modified, .....	„	XXXVIII.	
„ XVI. 1827, Bombay Code—Sections 17 and 18 of—rescinded, .....	„	XXXIX.	
„ III. 1809, II. 1810, VI. 1818 and VIII. 1822, Madras Code—repealed,.....	XI.	I.	
	XIII.	I.	

Regulation



	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and other Regulations and Acts as affect Customs Duties or Manufacture of Salt in the North Western Provinces of the Bengal Presidency, repealed, ...	XIV.	I.	
„ IX. 1808, Bengal Code, Sections 2 and 3 of—and Regulation XVI. 1810, Sections XVI. and XVII. of—respecting the offering of Rewards for the apprehension of offenders—repealed,...	XVI.	I.	
„ III. 1793, part of Section XVII. of—as relates to the jurisdiction of Zillah 24-Pergunnahs, repealed—See Twenty-four Pergunnahs,.....	XXII.		
„ II. 1803, Bengal Code, Section XII. of—as regards the jurisdiction of Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Company over residents in Calcutta, and other Regulations extending the same to other Provinces, Zillahs and Pergunnahs, repealed,.....	XXIII.		
Revenue—Collection and Superintendence of—in the Districts of Kurnool and Bunganapilly—See Kurnool.			
Rewards—Rules respecting the offering of—for the apprehension of offenders, amended,.....	XVI.		
S.			
Salt—Rates of duty on import of—in the North Western Provinces,.....	XIV.	II.	

Salt

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Salt—manufacture of alimentary—throughout the N. W. Provinces of Bengal, without sanction of Government prohibited under penalty, .....	XIV.	IV.	
„ Collector of Customs and Land Revenue may destroy all works for the manufacture of Salt, seize the Salt and commit the persons concerned to the Magistrate, .....	„	V.	
Session Judges in the Madras Presidency shall proceed in what manner in trying prisoners committed before them, .....	VII.	XXX.	
„ to be associated by the Mahomedan Law Officer of their Courts in the trial of prisoners subject to the Regulations applicable to Law Officers sitting with the Courts of Circuit, .....	„	XXXI.	
„ may avail of the assistance of Native Assessors or Members of their Courts and in what manner, .....	„	XXXII.	1st.
„ The Law Officer to be one of the Assessors or Jury, .....	„	„	2d.
„ shall pass the decision according to their own opinion whether they agree with the Assessors or not—if they differ the case to be referred to the Foujdaree Udalut for confirmation, .....	„	„	3d.
„ may overrule judgments passed by Sudder Améens in criminal cases, .....	„	XXXVI.	
„ Section XXIV. Regulation X. 1816, Clause 2 and 3, Section IV. Regulation II. 1822, Clause 2, Section V., and Clauses 2 and 4, Section VIII. Regulation VI. 1827, made applicable to, .....	„	XXXVII.	

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Session Judges—Prosecutions against Magistrates and their Assistants under Section 43, Regulation IX. 1816, shall be instituted in the Court of,.....	VII.	XXXVIII.	
„ shall notify to the Foujdaree Udalt the misconduct of Native Police Officers noticed by them in a case investigated by themselves or by Subordinate Judges or Principal Sudder Ameens, .....	„	XXXIX.	1st.
„ shall furnish a copy of their Report to the Magistrate, and the Foujdaree Udalt shall pass a final order on receipt of the Magistrate's answer,.....	„	„	2d.
„ shall notify to the Magistrate any minor offences of the Subordinate Officers of Police, and record such notifications in the periodical returns to the Foujdaree Udalt, .....	„	XL.	
„ shall notify to the Foujdary Udalt any neglect of the Magistrate or his Subordinate Officers, by which the course of justice has been impeded, .....	„	XLI.	
„ may communicate directly with the District Officers of Police for obtaining evidence in cases of prisoners forwarded by them, .....	„	XLII.	
„ may try Europeans and Americans for offences committed within the jurisdiction of the Principal Sudder Ameen, and not punishable by the Magistrate, .....	„	XLIII.	
„ may take cognizance of criminal cases subject to the jurisdiction of the Subor-			

dinate

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
dinate Courts and their own and sent by the Magistrate,.....	VII.	XLIV.	
Session Judges may exercise the criminal jurisdiction of Subordinate Courts constituted under Regulations I. and II. or VII. and VIII. 1827,.....	„	XLV.	
Single Judge of the Foujdaree Udalt—Power of—in the reversal of the decisions of inferior Courts—See Foujdaree Udalt.			
Slavery—Sale of persons in execution of decrees or on account of demand of Revenue, and the right to the compulsory labor of persons on the ground of —prohibited,.....	V.	I.	
„ Right of property in the person and services of another as a slave not to be enforced by any Civil or Criminal Court, .....	„	II.	
„ Property acquired by slaves protected, .....	„	III.	
„ Penal offences done to slaves how cognizable,.. ..	„	IV.	
Special Appeals—See Appeals.			
„ Commissioners to be appointed for the disposal of cases pending before the late Provincial Courts in the Madras Presidency—See Appeals and Suits.			
Stolen property—persons accused of receiving from others concerned in Dacoitees committed within or without the Company's Territories, how punishable—See Dacoits.			
Subordinate Judges in the Madras Presidency may confirm the decision of			

lower

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
lower Courts, or refer it back to the Court whose order is appealed against, Subordinate Judges in the Madras Presidency may employ District Moonsiffs for the purposes specified in Sections 60 and 61, Regulation VI. 1816, .....	VII.	XI.	
„ may commit to the Session Judge prisoners brought before them charged with crimes subject to his jurisdiction,	„	XVII.	2d.
„ may communicate directly with District Police Officers for obtaining evidence in cases of prisoners forwarded by them,	„	XXIX.	
„ Officers appointed to Zillah Courts— See Courts.	„	XLII.	
Sudder Ameens—parts of Regulation XXIII. 1814, Bengal Code, which prohibit from requiring security from defendents, or attaching their property or realizing fines—repealed, .....	VI.	III.	
„ may demand security from defendents under Sections 4 and 5, Regulation II. 1806, and realize fines imposed by them,	„	IV.	
„ shall execute decrees of the Judges or Principal Sudder Ameens in appeals from their decisions, applications for such executions where to be made— Judge's decision in appeals from the orders of the Moonsiffs in such cases to be final, .....	„	V.	
„ the power of suspending—vested in Zillah Courts in the Madras Presidency,	VII.	XVI.	
„ in the Madras Presidency—Civil and Criminal actions under Clauses 1 and 2, Section VIII. Regulation VI. 1816			

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
as extended by Section XIII., Regulation VIII. 1816 with respect to Sudder Ameens shall be brought before the Zillah Courts, .....	VII.	XXIII.	
Sudder Ameens may order execution of decisions passed by them, and issue all process relative to proceedings before them, and may realize fines, .....	”	XXV.	
„ at detached Stations may receive and dispose of Civil Suits within his jurisdiction without the intervention of the Zillah Judge, as also criminal cases sent by the Police, .....	”	XLVI.	
„ the Zillah Jail shall be under the—when the Subordinate Criminal Court is constituted according to Regulation VIII. of 1827, .....	”	XLVIII.	
„ When placed under Subordinate Criminal Court the Jail to be visited by, .....	”	XLIX.	
Sudder Dewanny Adawlut—How shall a single Judge of—act when of opinion that the decision appealed from should be reversed or altered—See Appeals.			
Sudr Udalut at Madras—appeals from orders of Zillah Courts to lie to, .....	”	IX.	
„ a single Judge of—competent to hold sittings and pass orders on all matters, .....	”	X.	1st.
„ He may confirm the decision of any inferior Court or refer it back to the Court the order of which is appealed against,.....	”	”	2d.
„ He may call for proceedings or explanations of the Lower Courts before deciding a case of appeal,.....	”	”	3d.

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Sudr Udalt at Madras—He may stay the execution of the order of any inferior Court until the passing of a final decision,	VII.	X.	4th.
„ shall no longer be furnished by inferior Courts with translations of papers in cases of appeals, .....	„	XII.	
„ processes issued from the—under Sections 13 and 14, Regulation V. of 1802 to be directed to the Zillah Courts,...	„	XIII.	
„ Execution of the decrees of—may be referred by the Zillah Courts to the Subordinate Judges or Principal Sudder Ameens, .....	„	XIV.	
„ Processes issued by—by whom to be served, .....	„	XV.	
„ All parts of Regulation VI. of 1816, Madras Code, in which Provincial Court is mentioned, shall be applicable to, .....	„	XVII.	1st.
Sugar—refined and unrefined—rates of duty on—exported from the North Western Provinces of Bengal, .....	XIV.	II.	
„ imported into the said Provinces to be seized and confiscated,.....	„	VI.	
Suits—original—Principal Sudder Ameens shall be guided by what rules in the decision of, .....	VI.	I.	
„ original—pending before Provincial Courts of Appeal in the Madras Presidency on the date of their abolition, how to be disposed of,.....	VIII.		
Supreme Court may appoint the Registrar or any other Officer of such Court, to act as Trustee of any property subject			

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
to Trust, when the Trustee of such property is incapable of acting as such—See Trustee.			
T.			
Thuggee—persons sentenced to imprisonment or transportation for—or Dacoity—by Courts within the Territories of Native States in alliance with the Company may be kept in custody within the Company's Territories—a Covenanted Officer of the Company to be one of the presiding Judges at the trial of such offenders, ..... See Dacoity.	XVIII.		
Translations of papers in the Vernacular languages not required to be furnished by the inferior Courts in the Madras Presidency to the Sudr Udalt in appeal and other cases, .....	VII.	XII.	
Trustee—Supreme Court may appoint the Registrar or other Officer of such Court to act as official—in cases of trust property, when the Trustee is incapable of acting as such, .....	XVII.	I.	
„ the property how to be invested, and the Officer entitled to what commission,	„	II	
„ Supreme Court may make orders on petitions respecting such property or the interest thereof, .....	„	III.	
„ property may be re-transferred to the original or subsequently appointed Trustees, .....	„	IV.	

Trustee



	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
Trustee—Parties may pay to the official Trustee Gifts and Legacies due to Infants or Lunatics, .....	XVII.	V.	
„ Provisions of this Act except as regards the rate of commission, shall extend to any property of Infants or Lunatics in the hands of the Ecclesiastical Registrar,.....		VI.	
Twenty-four Pergunnahs—Law relating to the jurisdiction of Zillah—as regards persons residing in Calcutta, against whom suits have been instituted there, amended,.....	XXII.		
U.			
Uncovenanted Deputy Magistrates—Govern- ment of Bengal and North Western Provinces may appoint in any district one or more, .....	XV.	I.	
„ shall make a declaration before taking charge of office,.....	„	II.	
„ definition of duties and powers of, .....	„	III.	
„ Uncovenanted Officers in the Revenue and Judicial Department may hold the office of—with any other, .....	„	IV.	
„ not dismissible without the sanction of Government—Magistrates shall report to Government when a Deputy Magis- trate is found disqualified, and the Government shall suspend or dismiss him as may be proper,.....	„	V.	
„ No native or natural born subject of Her Majesty within the Company's			

Territories

	<i>Act.</i>	<i>Section.</i>	<i>Clause.</i>
<p>Territories, by reason of religion, place of birth, descent or color disabled from serving as Deputy Collector under Regulation IX. of 1833, .....</p> <p style="text-align: center;">V.</p> <p>Vakeels in the Zillah Court in the Madras Presidency—See Courts.</p> <p>Vernacular language of the presiding Officer of the Company's Courts of Justice shall be used in writing his decisions—See decisions.</p> <p style="text-align: center;">Z.</p> <p>Zillah Courts—See Courts.</p>	XV.	VI.	

## ACT No. I. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council on the 27th January 1843, with the assent of the Right Hon'ble the Governor General of India.*

*An Act for amending the Law concerning the Registration of written Conveyances and other instruments affecting Titles and other interests to Land.*

**W**HEREAS the Registry Laws now in force in the respective Mofussils of Bengal, Madras and Bombay, provide that registered conveyances and other instruments affecting Titles to land and other interests therein shall not take precedence of unregistered conveyances and instruments in cases where the party registering shall have known of the existence of such unregistered conveyances or other instruments. And whereas a complicated system of law has arisen out of the construction which is to be given to the provisions regarding the knowledge of parties, or notice had by them in such cases. And whereas much perjury has been committed in investigations touching the fact of such notice or knowledge, and much of the time of the Courts has been occupied with such investigations. And whereas in consequence of forgeries, perjuries, fraudulent concealments, and other practices, no person purchasing or advancing money on the Security of Land, can safely rely on the conveyances or other instruments affecting the title to such land or other interest therein affording, by means of their being registered, a Security against conveyances

ACT No. I. OF 1843.

conveyances or instruments being set up, as of previous date, by unregistered claimants :

It is hereby enacted, that all provisions contained in any Regulation or Regulations of the Bengal, Madras or Bombay Codes, touching such knowledge or notice as aforesaid, of previous unregistered conveyances, or instruments affecting titles to land or other interests therein, shall be repealed from the first day of May next; and every conveyance or other instrument affecting title to land, or any interest in the same authorized by those Codes respectively, to be registered, shall so far as regards any lands to which the same relate, be void as against any person claiming under any subsequent conveyance or other instrument duly registered, unless the prior conveyance or instrument shall have been duly registered before the registration of the subsequent conveyance or instrument; any alleged notice or knowledge of such prior conveyance or instrument notwithstanding. Provided always that this Act shall not be construed to extend to any conveyance or other instrument made before the first day of May next.

## ACT No. II. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 1st of February 1843, with the assent of the Right Hon'ble the Governor General of India.*

*An Act to regulate the Sittings of the Courts of Sudder Dewanny Adawlut.*

I. **I**T is hereby enacted, in modification of Section 16, Regulation XXV. 1814, that when a single Judge of the Sudder Dewanny Adawlut, trying a case in Appeal, regular or special, from any Subordinate Court, shall be of opinion that the decision appealed from ought to be reversed or altered, he shall always call in two other Judges of the Court to sit with him, and that the Appeal shall be then heard by the three Judges sitting together, and be decided by them without any additional voices. In such cases the decree or final order shall be signed by the three Judges, if they agree together; but, if one of them dissent from the view taken by the majority, by the two Judges who agree together, and the signature of the third Judge shall not be considered requisite, but his opinion shall be recited in the decree or final order.

II. Provided, that the above rule shall not be applicable to summary appeals, or to appeals in miscellaneous cases, nor shall it be held to interfere with the powers of a single Judge of the Sudder Dewanny Adawlut, under Clause 2, Section 2, Regulation IX. 1831.

## ACT No. III. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 1st of February 1843, with the assent of the Right Hon'ble the Governor General of India.*

*An Act for amending the Rules of Special Appeals.*

I. **I**T is hereby enacted, that from and after the 1st day of May next, a Special Appeal shall lie to the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad respectively, to the Court of Sudder Adawlut at Madras, and to the Court of Sudder Dewanny Adawlut at Bombay, from all decisions passed on regular Appeals in the Civil Courts subordinate to them respectively, which shall appear to be inconsistent with some law, or usage having the force of law, or some practice of the Courts, or shall involve some question of law, usage, or practice, upon which there may be reasonable doubts.

II. And it is hereby enacted, that applications for Special Appeals shall not be admitted unless they are presented to the proper Court as aforesaid within the period limited for the presentation of regular Appeals.

III. And it is hereby enacted, that every application for a Special Appeal shall be accompanied by copies of the several decrees previously passed on the case.

IV.

ACT No. III. OF 1843.

IV. And it is hereby enacted, that every application for a Special Appeal duly presented to the proper Court as aforesaid shall be heard by a single Judge of the Court in the presence of the Special Appellant, or his Vakeel, or Agent, and it shall be competent to the Judge at his discretion, to call for and peruse any document forming a part of the record of the cause, and to summon the opposite party to answer the application.

V. And it is hereby enacted, that if it shall appear to the Judge that a Special Appeal is admissible under this Act he shall pass an order accordingly, and shall at the same time reduce the point or points to be determined to writing in English in the form of a Certificate which shall be translated into the vernacular language in use in the Court and the Special Appeal shall then be brought on the file of the Court to be heard and determined in due course. Provided that it shall not be necessary to call for or refer to any part of the proceedings the reading of which is not required for deciding the point or points of law stated in the Certificate.

VI. And it is hereby enacted, that if it shall appear to the Judge that a Special Appeal is not admissible under this Act he shall reject the petition, and his order so rejecting a petition for a Special Appeal shall be final.

VII. And it is hereby enacted, that in every case of Special Appeal admitted as aforesaid the Court of Sudder Dewanny Adawlut shall determine the point or points, certified as above enacted, and no other point or part of the case whatever.

VIII. Provided that when the special ground of Appeal may have been incorrectly or incompletely certified, it shall be competent to the Court to amend the Certificate. Provided that such amendment shall relate only to  
the

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the point or points originally stated in the Certificate, and it shall not be lawful for the Court to receive or add any new point or points.

IX. And it is hereby declared, that the existing Laws and Regulations of the Presidencies of Bengal, Madras and Bombay relating to Special Appeals, shall continue in force so far as they are not inconsistent with the provisions of this Act.

X. And it is hereby enacted, that nothing contained in this Act shall affect the hearing of second or Special Appeals which shall have been admitted and be pending in Appeal before the said 1st day of May next, and that all such second or Special Appeals shall be heard and decided in the same manner as if this Act had not passed.



## ACT No. IV. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 24th of March 1843, with the assent of the Right Hon'ble the Governor General of India.*

*An Act for amending the Law concerning Appeals from Justices of the Peace, and from Magistrates acting under the Statute 53 Geo. III. Ch. 155.*

**W**HEREAS, in many cases provided by law, offences may be prosecuted before Magistrates not acting within local limits of the jurisdiction of Her Majesty's Supreme Courts, and which such Magistrates may take cognizance of either in their Magisterial capacity under the Regulations, or as Justices of the Peace. And whereas the Appeal from convictions before Magistrates acting in their Magisterial capacities, and from the like convictions before Justices of the Peace are subject to different rules. And whereas in all cases of convictions before Justices of the Peace in the Mofussil and before Magistrates exercising jurisdiction under the provisions of Statute 53 Geo. III. C. 155, in cases of assaults, forcible entries, or other injuries accompanied with force committed by British subjects, the law as to Appeals requires amendment;—

I. It is hereby enacted, that an Appeal shall lie from all sentences passed by any Justice of the Peace acting without the local limits of any of Her Majesty's Supreme Courts upon convictions had before him for any offence, and from all sentences passed by any Magistrate upon convictions had before him exercising such jurisdiction as aforesaid to the same authority and subject to the same rules as are provided by the Regulations and Acts of the Government

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ment in the case of sentences passed by Magistrates in the exercise of their ordinary jurisdiction. And cases so made the subject of Appeal shall not be afterwards liable to revision by means of a Writ of Certiorari.

II. And it is hereby provided that nothing in this Act contained shall be held to take away the power of quashing any conviction by means of a Writ of Certiorari, in any other case than where there has been such Appeal as aforesaid.

## ACT No. V. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 7th of April 1843, with the assent of the Right Hon'ble the Governor General of India.*

*An Act for declaring and amending the Law regarding the condition of Slavery within the Territories of the East India Company.*

I. **I**T is hereby enacted and declared, that no public Officer shall in execution of any decree or order of Court, or for the enforcement of any demand of Rent or Revenue sell or cause to be sold any person, or the right to the compulsory labor or services of any person on the ground that such person is in a state of slavery.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the Territories of the East India Company.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest shall be dispossessed of such property or prevented from taking possession thereof on the ground that such person or that the person from whom the property may have been derived was a slave.

IV. And

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IV. And it is hereby enacted, that any act which would be a penal offence if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

## ACT No. VI. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 21st of April 1843, with the assent of the Right Hon'ble the Governor General of India.*

*An Act for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.*

I. **I**N modification of Clause 4, Section 18, Regulation V. of 1831, Bengal Code, it is hereby enacted, that in the trial and decision of all original Suits referred to them by the Judge, the Principal Sudder Ameens shall be guided by the rules established for the conduct of business in the Courts of the Zillah and City Judges.

II.—And it is hereby enacted, that the provisions of Section 4, Act No. XXV. of 1837, in respect to appeals from decisions passed by Principal Sudder Ameens, in Suits of the nature specified therein, be extended to all interlocutory orders passed by those Officers in such Suits.

III.—And it is hereby enacted, that such parts of Regulation XXII. 1814, as prohibit the Sudder Ameens and Moonsiffs from requiring security from defendants; or from attaching their property in cases pending before them; or from realizing fines imposed by them without first obtaining the sanction of the Zillah Judge, be repealed.

IV.—And

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IV.—And it is hereby enacted, that it shall be competent to the Sudder Ameens and Moonsiffs to demand security from the defendant, under the provisions of Sections 4 and 5, Regulation II. 1806, in cases pending before them ; and also to proceed, without reference to the Zillah Judge, to the realization of fines imposed by them, provided that all orders passed by the Sudder Ameens and Moonsiffs under this Section, be subject to an appeal to the Zillah Judge.

V.—And it is hereby enacted, in modification of Section 22, Regulation V. of 1831, that decrees passed in the Courts of the Judges or Principal Sudder Ameens, in cases of appeal from the decisions of the Sudder Ameens or Moonsiffs, shall be executed by the Courts in which the original decisions were passed, under the general rules prescribed for the execution of decrees passed by those Courts—applications for the execution of such decrees shall be presented, together with a certified copy of the decree of the Judge or Principal Sudder Ameen to the Court of original jurisdiction. In appeals from the orders of the Moonsiff or Sudder Ameen in such cases the decision of the Zillah or City Judge shall be final.

VI.—And it is hereby enacted, that Clause 2, Section 13, Regulation XXIII. 1814, and Clause 4, Section 5, Regulation V. 1831, be repealed.

VII.—And it is hereby enacted, that no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever, exempted from the jurisdiction of the Courts of the Moonsiffs, in the Territories subject to the Presidency of Fort William in Bengal.

VIII.—And it is hereby enacted, that persons invested with the powers of Moonsiff shall be competent to receive, try, and determine suits of every description under the restrictions as to local jurisdiction and value of property mentioned in Clauses 1, 2 and 3, Section 5, Regulation V. 1831. Provided, however,  
that

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that no Moonsiff shall try any suit, in which he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court shall be a party.

IX.—And it is hereby enacted, that in cases, where by reason of the above Section, a Moonsiff cannot try a suit because he himself, or any of his relatives, or dependants, or any of the Vakeels or Officers of his Court is a party to the suit, it shall nevertheless be competent to the Moonsiff to receive the suit, and forward it to the Judge of the Zillah to which he is subordinate, who may thereupon refer the same for trial and decision to any other Moonsiff of the District.

## ACT No. VII. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 28th of April 1843, with the assent of the Right Hon'ble the Governor General of India.*

*An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II., and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil Jurisdiction of such Courts.*

I. **I**T is hereby enacted, that the Governor in Council of Fort Saint George be empowered by an Order in Council to abolish the Provincial Courts of Appeal and Circuit, and the Civil and Criminal Zillah Courts, now existing in that Presidency, and to establish new Zillah Courts to perform the Civil and Criminal functions now performed by the said Provincial Courts, and to replace the existing Civil and Criminal Zillah Courts, by Courts constituted according to Regulations I. and II. of 1827, or Regulations VII. and VIII. of 1827, at his discretion.

II. And it is hereby enacted, that every Zillah Court established under this Act, shall be superintended by one Judge, who shall be styled Civil and Session Judge of the Zillah.

III. And



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III. And it is hereby enacted, that the Zillah Courts established *Civil Jurisdiction.* under this Act, shall exercise within the limits assigned to them, respectively, by the Order in Council by which they are constituted, the same Civil jurisdiction as is now exercised by the Provincial Courts of Appeal, except the Original jurisdiction vested in those Courts in suits for an amount or value less than 10,000 Company's Rupees, and shall be vested with the same authority, and shall be subject to the same rules and restrictions as such Provincial Courts of Appeal, except as hereinafter mentioned.

IV. And it is hereby enacted, that the Original jurisdiction vested in the Provincial Courts of Appeal in suits for an amount or value less than 10,000 Co.'s Rs., shall be transferred to the subordinate Zillah Courts constituted according to Regulations I. and VII. of 1827.

V. And it is hereby enacted, that Section VII. Regulation VII. of 1827, be rescinded.

VI. And it is hereby enacted, that in every Zillah in which there is a subordinate Court constituted according to Regulation VII. of 1827, the Zillah Court shall take cognizance of the Appeals which by Section VIII. of that Regulation are reserved from the jurisdiction of such Court.

VII. *First.*—And it is hereby enacted, in modification of Section IX. Regulation VII. of 1827, that in all cases, in which a Principal Sudder Ameen has occasion to call upon a Collector, Subordinate Collector, or Assistant Collector, or other European Officer of Government, to do any thing in any matter before his Court, he shall transmit to such Officer an Extract from the Proceedings of the Court containing a brief Abstract of the case, and specifying what is required to be done by him, with a request that he will  
comply

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comply therewith, and that he will return an answer stating what he has done within a certain time, and such Officer shall comply with the requisition so conveyed to him, in the same manner as if it had been accompanied by a precept from the Zillah Judge.

*Second.*—Provided, that if such Officer does not comply with such requisition the Principal Sudder Ameen shall report the case to the Zillah Judge, who shall proceed thereon as if the requisition had been made by a precept from himself.

VIII. *First.*—And it is hereby enacted, that Appeals shall lie to the Zillah Court from all decrees or orders of Subordinate Civil Courts constituted according to Regulations I. and VII. of 1827, and of Sudder Ameen and District Moonsiffs in cases in which Appeals are now allowable, but such Appeals must be preferred within the period of 30 days, to be calculated as prescribed in the existing Regulations.

*Second.*—Provided, that whenever a Court constituted according to Regulation I. of 1827, or according to Regulation VII. of 1827, is established in any Zillah at a place remote from the station of the Zillah Court, the Sudr Udalt, with the sanction of the Governor in Council, may order Appeals from the decisions and orders of District Moonsiffs stationed within the limits assigned to such Court, to be preferred to such Court. But it shall be competent to the Zillah Judge, at his discretion, to call up to his own Court, from time to time, Appeals received by any such Court, and to dispose of them himself.

*Third.*—Provided also, that the Judge of any Zillah Court may refer to any Subordinate Judge or Principal Sudder Ameen in the Zillah, any Appeals from District Moonsiffs which may be filed in the Zillah Court.

*Fourth.*—Provided

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*Fourth.*—Provided also, that if any such Appeal from a decision or order of a District Moonsiff, which may have been under this Section referred for decision, or preferred in the first instance, to a Subordinate Judge or Principal Sudder Ameen, be dismissed without any decision being come to on its merits, it shall be competent to the party aggrieved by such order of dismissal to prefer a Summary Appeal from it to the Judge of the Zillah, and it shall be the duty of the said Zillah Judge to hold such proceeding on such Summary Appeal as he may consider proper; and, having satisfied himself that the order dismissing the Appeal has been passed without sufficient cause being shewn for such dismissal, it shall be competent for such Zillah Judge to issue his precept to the Court by which the Appeal may have been dismissed, requiring that the Appeal shall be again admitted on the file, and a decision passed upon it after mature consideration of its merits.

IX. And it is hereby enacted, that Appeals, Regular and Summary, from decisions and orders of the Zillah Courts, shall lie to the Sudr Udalut, under the same rules and restrictions as are applicable to similar Appeals to the Sudr Udalut from the Provincial Courts of Appeal.

X. *First.*—And it is hereby enacted, that it shall be competent to a single Judge of the Sudr Udalut to hold a sitting of Court on all matters within the cognizance of that Court, and to pass orders or judgments in conformity to the Regulations, subject to the following provisions.

*Second.*—On the hearing of any Appeal from the decision or order of any Court of inferior jurisdiction, in any case, regular or miscellaneous, if a single Judge of the Sudr Udalut shall be of opinion that no sufficient ground has been shewn to impugn the correctness or justness of such decision or order, it shall be competent to such single Judge, without reference

to

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to the order of the file, to confirm the same without requiring the attendance of the opposite party, and with or without a revision of the whole proceedings, as the nature of the case may appear to require, and to communicate the order of confirmation, through the Court from whose judgment the Appeal was made, to the opposite party, with a view to enable such party to take immediate measures for the execution of the decree. On the other hand, if a single Judge shall be of opinion that the decision or order appealed against ought to be altered, or reversed, as being manifestly unjust or at variance with some Regulation in force, or in opposition to the Hindoo or Mahomedan Law or other Law applicable to the case, or as having been passed without sufficient investigation of the merits, or as grounded on an assumption obviously erroneous, or irrelevant with reference to the points at issue, it shall likewise be competent to a single Judge to issue an injunction pointing out the irregularity, illegality, or other defect, apparent in the proceedings, decision, or order, appealed against, and requiring that the Court by which the same may have been held, or passed, shall revise the case, and proceed thereon in such manner as may appear conformable to justice and to the Regulations.

*Third.*—A single Judge of the Sudr Udalut may exercise his discretion in calling for the proceedings of the Lower Courts, or such parts of them as may appear necessary, and may further order a report in English, or in the Vernacular language commonly used in the Court, as the occasion may render advisable, on any points requiring explanation, prior to passing a determination on the case or matter in Appeal.

*Fourth.*—It shall further be competent to a single Judge to direct, that the execution of any judgment or order passed by any inferior Court, in all cases in which that measure may appear to him expedient, may be stayed until a final decision has been passed thereon.

XI. And

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XI. And it is hereby enacted, that the provisions of Clause 2d of the foregoing Section, shall be applicable to the Judges of Zillah Courts, and to Subordinate Judges and Principal Sudder Ameens.

XII. And it is hereby enacted, that any provisions of the existing Regulations which require inferior Courts to furnish the Sudr Udalut with translations of papers written in the Vernacular languages of the country, which they may transmit to that Court in Appeals and other cases, be rescinded.

XIII. And it is hereby enacted, in modification of Sections XIII. and XIV. Regulation V. of 1802, that all processes and orders therein described which may issue from the Sudr Udalut, shall be directed to the Zillah Courts established under this Act.

XIV. And it is hereby enacted, that it shall be competent to the Judges of the Zillah Courts to refer the execution of decrees of the Sudr Udalut, and of their own Courts, to the Subordinate Judges, or Principal Sudder Ameens of their Zillahs, respectively, who shall proceed therein under the rules prescribed in the general Regulations applicable to such cases, provided that an Appeal shall lie from any order passed by a Subordinate Judge, or Principal Sudder Ameen, under such reference, to the Zillah Court in the first instance, and secondly a Special Appeal to the Sudr Udalut.

XV. And it is hereby enacted, that all other processes issued by the Sudr Udalut and directed to the Zillah Court, or originating in the Zillah Court, shall be served under the orders of the Zillah Judge by the proper Officers of the Court.

XVI. And it is hereby enacted, in modification of Section VI. Regulation III. 1833, that the power of suspending Sudder Ameens from Office, thereby

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thereby vested in the Zillah, Assistant, and Native Judges, shall for the future be invested in the Judges of Zillah Courts established under this Act.

XVII. *First.*—And it is hereby enacted, that all parts of Regulation VI. and VII. 1816, in which the Zillah Judge is mentioned, shall be understood as applicable to the Judges of the Zillah Courts established under this Act, excepting Section LVI. Regulation VI. 1816, which shall be applicable to the Subordinate Judges and Principal Sudder Ameen, as extended by Section V. Regulation III. of 1833. And all parts of Regulation VI. of 1816 in which the Provincial Court is mentioned, shall be understood as applicable to the Sudder Udalt.

*Second.*—Provided, that District Moonsiffs may be employed by Subordinate Judges and Principal Sudder Ameen, as well as by Judges of Zillah Courts, in the manner and for the purposes specified in Sections LX. and LXI. Regulation VI. 1816.

XVIII. And it is hereby enacted, that when a Zillah Judge sees reasons for calling up under Section LIV. Regulation VI. 1816, any cause that may be depending before a District Moonsiff, he may refer it for trial to the Subordinate Judge, or Principal Sudder Ameen, of the Zillah, or to a Sudder Ameen, or another District Moonsiff.

XIX. And it is hereby enacted, that when a District Moonsiff shall forward to a Zillah Judge under Clause 2d, Section III. Regulation I. 1829, a Suit instituted in his Court, in which he is directly or indirectly a party, or otherwise personally interested, the Judge may refer it for trial either to a Sudder Ameen, or another District Moonsiff.

XX. And

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XX. And it is hereby enacted, that the Judges of Zillah Courts may refer to the Subordinate Judges, and Principal Sudder Ameens, applications for the executions of decisions of District Punchayets preferred under Section XVII. Regulation VII. 1816.

XXI. And it is hereby enacted, that it shall be competent to Judges of Zillah Courts to pass orders of their own authority on complaints preferred under Section XI. Regulation VII. 1816, according to Clause 4 thereof.

XXII. And it is hereby enacted, that the Zillah Judge shall be competent to receive and pass orders of his own authority on complaints preferred under Section XXVII. Regulation VII. 1832.

XXIII. And it is hereby enacted, that Civil Actions and Criminal prosecutions under Clauses 1 and 2, Section VIII. Regulation VI. 1816, with respect to District Moonsiffs, and as extended by Section XIII. Regulation VIII. 1816, with respect to Sudder Ameens, shall be brought before the Zillah Courts established under this Act.

XXIV. And it is hereby enacted, that Section III. Regulation VIII. 1816, be rescinded.

XXV. And it is hereby enacted, in modification of Section XIV. Regulation VIII. 1816, that Sudder Ameens shall have authority to order execution of the decisions passed by them, according to the rules for the execution of decrees applicable to the Courts to which they are attached, and to issue all process relative to the causes and proceedings before them under their own official seal and signature, and to realize fines imposed by them without reference to any Superior Officer.

XXVI. And

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XXVI. And it is hereby enacted, that the Judges of the Zillah *Criminal Jurisdiction*. Courts established under this Act shall exercise within the limits assigned to those Courts respectively, the same Criminal jurisdiction as is now exercised by the Judges of the Courts of Circuit; and shall be vested with the same authority, and subject to the same rules and restrictions, as far as they are applicable and consistent with this Act.

XXVII. And it is hereby enacted, that the said Judges shall hold permanent Sessions in the said Zillah Courts for the trial of all persons accused of crimes and offences now cognizable by the Courts of Circuit, who shall be committed for trial by the Subordinate Judges, or Principal Sudder Ameen, of the Zillahs respectively.

XXVIII. And it is hereby enacted, that Section II. Regulation XIII. 1832, be rescinded.

XXIX. And it is hereby enacted, in modifications of Clauses 1st and 3d, Section IX. Regulation X. of 1816, that if upon a perusal of the depositions given before the Magistrate, or any competent Officer of Police, it shall appear to the Subordinate Judge, or Principal Sudder Ameen, before whom a prisoner is brought charged with a crime or misdemeanor subject to the jurisdiction of the Judge of the Zillah Court of Session, that there is evidence of the prisoner being concerned in the perpetration of the crime or misdemeanor with which he is charged, and if the deponents confirm their depositions on oath before him, it shall be competent to the Subordinate Judge, or Principal Sudder Ameen, without further investigation, to commit the prisoner to take his trial before the Session Judge.

XXX. And



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XXX. And it is hereby enacted, that the Session Judge shall commence the trial immediately, and shall take the examination of the prosecutor and of the witnesses for the prosecution, and the defence of the prisoner, and the examinations of the witnesses for the defence, and if more witnesses have been previously summoned and are expected to attend, or if the Session Judge thinks it necessary after the commencement of the trial to call for further evidence, he shall adjourn the proceedings, permitting the prosecutor and witnesses to return to their houses, unless he shall see special cause to detain them in order to their being confronted with the other witnesses whose attendance is expected.

XXXI. And it is hereby enacted, that except in cases in which the Session Judge thinks proper to proceed as authorized in Section XXXII. of this Act, the Mahomedan Law Officer attached to the Zillah Court shall sit with the Session Judge for the trial of persons charged with crimes now cognizable by Courts of Circuit, in like manner and subject to the like Regulations as are now applicable to Law Officers sitting with the Courts of Circuit.

XXXII. *First.*—And it is hereby enacted, that it shall be competent to Session Judges in the trial of Criminal cases, to avail themselves at their discretion of the assistance of respectable Natives, or other persons, in either of the two following ways,

*Viz.*—By constituting two or more such persons Assessors, or Members of the Court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses. The opinion of each of the Assessors shall be given separately and discussed, and if any of the Assessors, or the authority presiding in the Court, desire it, the opinions of the Assessors shall be recorded in writing.

Or

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Or by employing them more nearly as a Jury. They will then attend during the trial, will suggest, as it proceeds, such points of enquiry as occur to them, (the Court, if no objection exists, using every endeavour to procure the required information,) and after consultation will deliver in their verdict. The mode of selecting the Jurors, the number to be employed, and the manner in which their verdict shall be delivered, are left to the discretion of the Judge who presides.

*Second.*—Provided, that the Law Officer may be one of the Assessors or Jury.

*Third.*—Provided also, that the decision shall be passed by the Judge according to his own opinion, whether he agrees with the Assessors or Jury, or not, if the case be one which under the existing Regulations it is competent to him to dispose of finally. But if he differs from the Assessors or Jury, his decision shall not be carried into effect unless confirmed by the Court of Fouzdaree Udalut to which the case shall be immediately referred.

XXXIII. And it is hereby enacted, that it shall be competent to a single Judge of the Foujdaree Udalut on a revision of the proceedings held on any Criminal trial by any Court of inferior jurisdiction, to reverse or alter the sentence or order passed thereon, provided such reversal or alteration be in favor of the accused, whether for acquittal, mitigation of punishment, or otherwise.

XXXIV. And it is hereby enacted, that if a single Judge of the Foujdaree Udalut on a revision of the proceedings in a trial held by a Session Judge, concur in opinion with the Session Judge, whether for conviction or acquittal, it shall be competent to such single Judge to pass a final sentence, except for capital punishment, which as heretofore shall in all cases require the concurrent opinion of two Judges of the Court.

XXXV. And

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XXXV. And it is hereby enacted, that it shall be competent to the Court of Foujdaree Udalut on a review of the Abstract Statements of Prisoners punished without reference, to mitigate the sentence passed on any prisoner when such sentence may appear on the Session Judge's own shewing of the facts, manifestly illegal or too severe, and it shall not be necessary for the Court to call for the proceedings in such cases, unless they shall see special reasons for so doing. It shall further be competent to the Court in like manner to annul the sentence passed in any case when such sentence may be in opposition to any Law or Regulation in force, and to require the Session Judge to pass a new sentence according to Law.

XXXVI. And it is hereby enacted, in modification of Section II. Regulation III. 1833, that the authority to over-rule judgments passed by Sudder Ameens in Criminal cases shall be vested in the Session Judges.

XXXVII. And it is hereby enacted, that Section XXIV. Regulation X. 1816, Clauses 2 and 3, Section IV. Regulation II. 1822, Clause 2, Section V., and Clauses 2 and 4, Section VIII. Regulation VI. 1827, shall be applicable to Session Judges instead of Judges of Circuit.

XXXVIII. And it is hereby enacted, that prosecutions against Magistrates and their Assistants under Section XLIII. Regulation IX. 1816, shall be instituted in the Zillah Courts established under this Act.

XXXIX. *First.*— And it is hereby enacted, in modification of Section III. Regulation XIII. 1832, that it shall be the duty of the Session Judge to bring to the notice of the Foujdaree Udalut any gross misconduct of any Native Officer of Police which may have come under his observation in a case investigated by himself, or which may have been reported to him by a Subordinate  
Judge

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Judge, or Principal Sudder Ameen, and which appears to him to deserve the penalty of dismissal, and it shall be competent to the Foujdaree Udalut to order the dismissal of such Officer.

*Second.*—Provided, that the Session Judge shall furnish a copy of his Report upon the case to the Magistrate, and the Foujdaree Udalut shall not pass a final order upon it until the answer of the Magistrate, which shall be addressed to that Court, has been received and considered.

XL. And it is hereby enacted, that it shall be the duty of the Sessions Judge to bring to the notice of the Magistrate any minor neglects, or omissions, or transgressions, of the Subordinate Officers of Police which have come under his own observations, or have been reported to him by a Subordinate Judge, or Principal Sudder Ameen, and such notifications shall be recorded in the periodical returns to the Foujdaree Udalut.

XLI. And it is hereby enacted, that it shall be competent to the Session Judge to report to the Foujdaree Udalut any neglect or delay on the part of the Magistrate, or the Subordinate Officers of the Magistracy, by which the course of justice has been seriously impeded in cases before himself, or which have been reported to him by a Subordinate Judge, or Principal Sudder Ameen.

XLII. And it is hereby enacted, that it shall be competent to the Session Judges, Subordinate Judges, and Principal Sudder Ameen, to communicate directly with the District Officers of Police for the purpose of obtaining all the evidence that appears to be forthcoming in cases in which prisoners have been forwarded by them charged with crimes and misdemeanors, Section LV. Regulation XI, 1816 notwithstanding.

XLIII. And

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XLIII. And it is hereby enacted, that except as provided in Section XLVII. of this Act, Europeans and Americans charged with offences not punishable by the Magistrate, committed within the local jurisdiction of a Principal Sudder Ameen, shall be sent for trial to the Session Judge, who shall proceed thereon in conformity with the rules applicable to his own Court, or to Courts constituted according to Regulation II. of 1827, as the case may require.

XLIV. And it is hereby enacted, that in any Zillah, in which the Governor in Council of Fort St. George deems it expedient to establish the Zillah Court, and the Court or Courts under Subordinate Judges, or Principal Sudder Ameen, at separate stations, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the Session Judge to take cognizance of all Criminal cases subject ordinarily to the jurisdiction of the Subordinate Courts, as well as cases subject to his own jurisdiction, which shall be sent to him by the Magistrate or Officers of Police of such Talooks as shall be therein indicated, and to dispose of such cases according to the rules applicable to them respectively.

XLV. And it is hereby enacted, that in any Zillah in which the Governor in Council of Fort St. George deems it unnecessary to establish a Subordinate Civil and Criminal Court, constituted according to Regulations I. and II. or Regulations VII. and VIII. 1827, it shall be competent to the said Governor in Council, by an Order in Council, to authorize the Civil and Session Judge to exercise the Civil and Criminal jurisdiction assigned to such Courts, besides the proper Civil and Criminal jurisdiction of the Zillah Court, and to take cognizance immediately of Criminal cases, within his proper jurisdiction as Session Judge, as they are sent up by the Police and Magistracy.

XLVI. And

ACT No. VII. OF 1843.

XLVI. And it is hereby enacted, that when the said Governor in Council deems it proper to establish in any such Zillah a Court under a Sudder Ameen at a detached station, it shall be competent to the Governor in Council to authorise the Sudder Ameen to receive and dispose of Civil Suits arising in the portion of the Zillah over which jurisdiction shall be assigned to him, without the intervention of the Zillah Judge, under the limitation as to amount or value prescribed by the existing Regulations: and also to receive and dispose of Criminal cases sent to him by the Police and Magistracy of the Division subject to his jurisdiction, for which the punishment prescribed shall not exceed the limitation specified in Section VII. Regulation X. of 1816.

XLVII. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise within the jurisdiction assigned to him all the powers of a Criminal Court constituted according to Regulation II. of 1827, and also all the powers of a Joint Magistrate.

XLVIII. And it is hereby enacted, that when the Subordinate Criminal Court at the Station of a Zillah Court is constituted according to Regulation VIII. of 1827, the Zillah Jail shall be under the charge of the Session Judge.

XLIX. And it is hereby enacted, that when the Subordinate Criminal Court at the Station of the Zillah Court is constituted according to Regulation II. of 1827, the Zillah Jail shall be under the charge of the Judge of the Subordinate Criminal Court, and the Session Judge shall be vested with authority to visit the Jail, and to pass orders according to Section XXXII. Regulation VII. of 1802, and Section VII. Regulation X. 1832.

L. And

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L. And it is hereby enacted, that the Subordinate Officers and Vakeels, who shall be appointed to the Zillah Courts established under this Act, shall be subject to the same rules as are applicable to the Subordinate Officers and Vakeels of the Provincial Courts of Appeal.

LI. And it is hereby enacted, that the Governor in Council of Fort St. George shall direct what Law Officers shall be appointed to the Zillah Courts established under this Act, and shall order the manner of their appointment, and such Officers shall be subject to the same rules as the Law Officers of the Provincial Courts of Appeal.

LII. And it is hereby enacted, that the Governor in Council of Fort St. George may appoint an Assistant Judge to any Zillah Court, to whom the Judge shall have authority to refer any Appeals which may be depending before him, excepting appeals from the Subordinate Courts constituted according to Regulation I. or Regulation VII. of 1827, and such Assistant Judge shall be empowered to try and dispose of cases so referred to him under the rules applicable to the Judge.

LIII. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to authorize the Governor in Council of Fort St. George at any time to change the Stations of Zillah Courts and the limits of their local jurisdiction, and to abolish any of the Zillah Courts which shall be first established under this Act, and to establish new Zillah Courts in any parts of the Presidency of Fort Saint George.

LIV. *First.*—And whereas it is deemed expedient to extend the powers vested in Magistrates by Regulation IX. of 1816.

ACT No. VII. OF 1843.

It is hereby enacted, that the Magistrates be authorized to exercise the powers vested in Criminal Judges by Section VII. Regulation X. of 1816, concurrently with the Subordinate Criminal Courts.

*Second.*—Provided that in all cases in which Magistrates shall exercise the additional powers hereby vested in them, the form of procedure shall be the same as is required to be observed in the Subordinate Criminal Courts in similar cases, and the same record shall be kept of the trial.

LV. And it is hereby enacted, that in every case in which a Magistrate shall exercise such additional powers an Appeal from his sentence or order may be preferred to the Session Judge within one month, and it shall be competent to the Session Judge upon such an Appeal to annul or alter the sentence or order, provided that he shall not increase the punishment awarded by the Magistrate.

LVI. And it is hereby enacted, that all criminal cases which may be depending at the time of the abolition of the Zillah and Provincial Courts, shall be disposed of by the Courts acquiring jurisdiction over the same in virtue of this Act:—provided, however, that prisoners who may have been committed for trial by the Session Judge in his former Office of Criminal Judge, or Joint Criminal Judge, and who may object to be tried by that Officer, shall be tried by the Session Judge of another Court, or by the Special Commissioner of the Division, or by an Officer specially appointed by Government.



## ACT No. VIII. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 28th of April 1843, with the assent of the Right Hon'ble the Governor General of India.*

*An Act for disposing of the Original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.*

**W**HEREAS it is necessary that provision should be made for the disposal of Original Suits and Appeals depending before the Provincial Courts of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843.

I. It is hereby enacted, that the Governor in Council of Fort St. George be empowered to appoint a Single Judge to hold a Court in place of each of the said Provincial Courts at the Station of such Provincial Court, with a Special Commission to dispose of all Original Suits and Appeals which may be depending before such Court, on the date on which the said Governor in Council shall order the functions of the Provincial Courts to cease.

II. And

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II. And it is hereby enacted, that the Judges, who shall be appointed for this purpose, shall be styled respectively, viz.

Special Commissioner for disposing of the causes depending before the late Provincial Court for the (Northern, Southern, Centre or Western) Division.

III. And it is hereby enacted, that every Special Commissioner so appointed, previously to entering upon the execution of the duties of his office, shall take and subscribe the oath prescribed to be taken by Judges of the Provincial Courts of Appeal, before any person who shall be commissioned by the Governor in Council of Fort Saint George to administer it.

IV. And it is hereby enacted, that the Special Commissioners shall transfer the Original Suits on the files of Provincial Courts, in which no proceedings have been held beyond the filing of the pleadings, and exhibits, to the Zillah Courts within whose jurisdiction they would fall respectively if they were commenced *de novo*, and such suits shall be tried and decided by the Judges of such Zillah Courts subject to Appeal to the Sudr Udalut.

V. *First.*—And it is hereby enacted, that all other Original Suits, and all Appeals on the file of the Provincial Courts, shall be tried and decided by the Special Commissioners, who shall have the same power as heretofore have been vested in two or more Judges of such Courts sitting together, subject to the same rules and restrictions, and under the same provisions for Appeals to the Sudr Udalut.

*Second.*

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*Second.*—Provided, that in a case of Special Appeal from a Lower Court, if a Special Commissioner differs from the Court from whose decision the Appeal is preferred, he shall not pass a final judgment reversing the decision, but shall record his opinion and transmit the record of the case to the Sudr Udalut, to be laid before a Single Judge of that Court, whose judgment, confirming or reversing the decree appealed against, shall be final,

VI. And it is hereby enacted, that the execution of Decrees of the Special Commissioners, and also of the Provincial Courts for which process was not issued previously to their abolition, shall be committed to the Judge of the Zillah in which the Suit was instituted, or if the Suit was instituted in the Provincial Court, to the Judge to whose jurisdiction the Suit would fall if it were commenced *de novo*. The records of the cases shall be transmitted, together with the Decrees, to the respective Zillah Judges, who shall proceed in the execution of the Decrees in the same manner as if they were passed by themselves, and appeals from their orders shall lie to the Sudr Udalut.

VII. And it is hereby enacted, that the Judges of the Zillah Courts shall proceed in like manner to complete the execution of Decrees of the Provincial Courts under process previously issued, subject to appeal to the Sudr Udalut.

VIII. And it is hereby enacted, that from decisions passed by Zillah Judges, Assistant Judges, and Principal Sudder Ameens, previously to the abolition of the Provincial Courts, in cases appealable to those Courts, in which the time allowed for appealing shall not have expired at the date of their abolition, an appeal shall lie to the Sudr Udalut, provided that the  
petition

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petition of appeal be presented to the **Sudr Udalut** or to the **Civil Judge** of the **Zillah** in which the original suit was decided, within one month from the expiration of the period within which it ought to have been presented under the **Rules** applicable to appeals to the **Provincial Courts**.

**IX.** And it is hereby enacted, that it shall be competent to the **Governor in Council of Fort Saint George** to authorize the appointment of **Ministerial Officers**, and **Vakeels** of the **Courts of the Special Commissioners**, who shall be subject to the same **Rules** as are applicable to the **Ministerial Officers** and **Vakeels** of the **Provincial Courts**.

ACT No. IX. OF 1843.

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*Passed by the Hon'ble the President of the Council of India in Council, on the 14th June 1843, with the assent of the Right Hon'ble the Governor General of India.*

*For the Incorporation of a Bank at Madras.*

**W**HEREAS the Hon'ble Court of Directors of the East India Company by and with the approbation of the Board of Commissioners for the Affairs of India, has directed the abolition of the present Government Bank at Madras, and in lieu thereof has sanctioned the establishment of a Bank at Madras on the principles hereinafter set forth, and has required the Government of India to pass an Act of Incorporation for the same ;

I. It is therefore hereby enacted, that from the 1st day of July next ensuing, in the year of our Lord 1843, the persons whose names are included in the Schedule hereunto annexed, having severally subscribed and signed their acceptance of the terms of incorporation specified in this Act, and with the Government of Madras on the part of the East India Company having paid into the Government Treasury the amount of Capital Stock subscribed by them respectively and taken receipts for the same from the Sub-Treasurer to the Government of Fort Saint George shall, together with the Governor in Council for the time being of the Presidency of Madras, be a Corporation Body Corporate and Politic by name of the Bank of Madras, with

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with perpetual succession to them and their successors as Proprietors for the time being of the said Bank as hereinafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided however that it shall be lawful to the Governor General of India in Council at any time before the 1st of September next, to rectify any errors in the Schedule of the said Proprietors by notice in the Official Gazettes of Calcutta and Madras, so that no alteration be made in the principles upon which such Schedule has been framed.

II. And it is hereby declared and provided, that if any of the persons whose names are in the said Schedule shall have failed to make good their subscriptions on or before the 1st day of May last past, the Shares to which such names are attached were claimable and might be taken by the persons who having made applications for Shares which were received after the prescribed amount of Capital had been taken and subscribed for by the parties in the said Schedule, had been permitted to have their said applications registered as received: and the Shares which shall have so lapsed having been tendered to such applicants in the order of such registry according to the list given in to the Governor in Council at Fort Saint George, shall be and are the property of such persons provided they shall have in the manner heretofore mentioned paid up their subscriptions on or before the 20th day of May last past. And in the event of there having remained any unpaid Shares after the parties whose names had been so registered had thus had the option of completing the payments due on such Shares, then such remaining unpaid Shares are declared to have been at the disposal of a General Meeting of the Proprietors convened for that purpose: And it is hereby enacted, that the persons who shall have become the Proprietors of the lapsed Shares in the manner above provided or under an appropriation made at such General Meeting of Proprietors by payment of the amount subscribed shall be considered to belong, and shall to all intents and purposes belong

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belong to the Corporation Body Corporate and Politic by name of the Bank of Madras, and shall possess and enjoy all the rights, privileges and immunities the same as the persons according to the Original Schedule who shall have paid up their Subscriptions on or before the 1st day of May last past. AND it is hereby declared and required that as soon after the promulgation of this Act, as may be practicable, the Governor in Council at Fort Saint George shall publish in the Official Gazette of that Presidency a Schedule of the Proprietors of the Bank of Madras as incorporated under the provisions of this Act, and that the same shall be transmitted to be re-published in the Official Gazette of Calcutta.

III. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be Thirty Lakhs of Rupees, whereof Three Lakhs shall be the property of the Governor in Council of Madras, for the time being on behalf of the East India Company, and the persons whose names are in the Schedule hereunto annexed, or in any Schedule corrected in the manner provided for in the 1st Section of this Act, or whose names shall be in the Schedule published by order of the Governor in Council at Fort St. George in the Official Gazette of that Presidency as required in Section II. of this Act, shall be Proprietors of the Shares of the said Capital Stock set against their names respectively.

IV. And it is hereby enacted, that it shall be in the power of the Governor General of India in Council, from time to time, by an Order duly published in the Official Gazettes of Calcutta and of Madras, to authorize the said Capital Stock to be increased, and to make such order and direction for the opening of Subscriptions towards such increase of Capital as to him may seem fit, giving due notice thereof to the Proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such Subscription themselves, and likewise to prescribe in what manner and form the Proprietors shall subscribe and pay into the said Bank the proportion of New Stock to which they may respectively be entitled,

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entitled, and also to make such order and direction as to him the said Governor General in Council may seem fit for the disposal of the amount of New Stock that may not be subscribed for, and paid up by the Proprietors in the manner and form that may be so prescribed.

V. And it is hereby enacted, that the Capital Stock of the Bank of Madras shall be divided into Shares of One Thousand Rupees each, which shall be numbered accordingly, and Three Hundred of the said Shares numbered from No. 1 to 300 shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the remainder shall be the property of the Proprietors who shall have paid up the same, and no separate interest or Share in the Stock of the said Bank of less amount than 1,000 Rupees shall be created or held by any Proprietors, and if at any time the Capital of the said Bank shall be increased, the new Stock added thereto shall in like manner be divided into Shares of 1,000 Rupees each, and no Proprietor shall be entitled to claim a share of such new Stock of less amount than 1,000 Rupees.

VI. And it is hereby enacted, that on the said 1st day of July 1843, or on some early day after that date, provided the Subscriptions have been paid up as above prescribed, the Governor in Council of Madras shall notify in the Official Gazette of that Presidency that the Bank of Madras being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized by this Act, and the said Bank shall and may sue and be sued by its Corporate name, and shall and may use such common Seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

VII. And it is hereby enacted, that immediately on the opening of the said Bank of Madras the business of the present Government Bank of Madras shall



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shall cease, and it shall proceed to wind up its affairs as soon as possible, and all Cash Notes of the Government Bank of Madras which shall be then outstanding shall be payable thenceforth at the Bank of Madras which shall pay them on being verified by such Officers as the Governor in Council of Fort St. George may appoint for the purpose, on presentment, as if they had been issued by the Bank of Madras.

VIII. And it is hereby enacted, that on Monday of every week, so long as there are any Notes of the Government Bank outstanding, the Bank of Madras shall cause to be made up a Statement of the Notes of the Government Bank paid by them in the course of the preceding week, and transmit the same to the Governor in Council of Madras with the Notes, who shall thereupon cause the amount, with all reasonable expedition, to be repaid to the Bank of Madras.

IX. And it is hereby enacted, that after the delivery by the Sub-Treasurer at Madras, to whom all Subscriptions on account of the Capital of this Bank will have been paid, as above provided, of the amount of Capital Stock to the Directors of the Bank, the receipt which may be granted by the Sub-Treasurer to the Subscribers respectively shall be cancelled, and a Certificate signed by three Directors of the Bank of Madras shall be delivered to each Proprietor, and any person who is a Proprietor of more than one Share of the Capital Stock, may at his option demand a Certificate for each of his Shares, or one Certificate for all his Shares, or several Certificates, each of which may be for any number of his Shares.

X. And it is hereby enacted, that no Proprietor shall be allowed to increase his share in the Capital Stock of the said Bank beyond the Amount of Fifty Thousand Rupees, excepting on occasion of any increase being made to the Capital Stock of the said Bank under the Authority of the Governor General in Council, in the manner prescribed in Section IV. of this Act, in which case any Proprietor holding Stock to the full Amount of Fifty  
Thousand

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Thousand Rupees shall, notwithstanding, be entitled to subscribe to the increased Capital Stock in a rateable proportion; and excepting any addition to his interest in the said Capital Stock arises from Succession, Bequest, or Marriage.

XI. And it is hereby enacted, that the said Share or Shares of the Capital Stock of the said Bank shall be of the nature of personal Estate of the Proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the Certificates thereof, respectively, under the hand of the Proprietor or Proprietors, or his or their Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, but no such endorsement shall be effectual to transfer any such Share or Shares, until such endorsement shall have been registered at the Bank of Madras, and such registration shall have been noted on such endorsement under the hand of an Officer appointed for that purpose, by the Directors of the said Bank.

XII. And it is hereby enacted, that the said Corporate body of the Bank of Madras shall consist and be composed of the Registered Proprietors for the time being of the said Shares of the Capital Stock of the said Bank, and of no other person or persons whatsoever.

XIII. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and be removeable by the Governor in Council of Madras, and the remaining six shall be elected by the General Meeting of the Proprietors of the said Bank, and shall be removeable by vote of the majority of a General Meeting of the said Proprietors.

XIV. And it is hereby enacted, that the first Directors of the said Bank shall be such three persons as may be appointed by the Governor in Council of Madras to be Directors of the Bank, together with six persons of those  
whose

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whose names are inserted in the Schedule of Proprietors published in the Official Gazette of Fort St. George, in the manner prescribed by Section II. of this Act, and who being entitled to not less than six Shares or 6,000 Rupees of the Capital Stock of the said Bank shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule to be held at such time and place as the Governor in Council of Madras may fix by public notification in the Official Gazette of that Presidency, and the election shall be made by the persons who according to the said Schedule of Proprietors may be entitled to Shares of the Capital Stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of Stock respectively held by them, and the Directors so appointed shall appoint Officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation, and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes; the two Directors elected by the fewest votes first vacating and the next two in the year following, and so in succession in the third year.

XV. And it is hereby enacted, that two of the six Directors elected as provided in Section XIV. and to be elected by the Proprietors, shall in rotation go out of Office on the Second Monday in the Month of December in every year, on which day in every year a General Meeting of Proprietors shall be held for the election of two Directors in their stead; but no Director going out by rotation as aforesaid shall be re-elected at the election which takes place thereupon though he shall be eligible for a future election.

XVI. And it is hereby enacted, that in case of the death, resignation or absence from Madras for more than three months, or disqualification under Section XVII., or removal as aforesaid of any Director elected as provided in Section XIV., or to be elected by the Proprietors after the incorporation of the Bank of Madras, the Directors shall call a General Meeting of the Proprietors, to be held within fifteen days of the day of notice, for the purpose

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purpose of choosing a successor, and such successor shall come into the place in rotation above mentioned of the late Director.

XVII. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the Proprietors who shall not be Proprietor in his own right unincumbered of six Shares or Six Thousand Rupees of the Capital Stock of the Bank of Madras, or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Suburbs of Madras.

XVIII. And it is hereby enacted, that at a General Meeting of the Proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such Meeting in respect of any Share of the said Capital Stock acquired by transfer, or purchase, or otherwise than by Act of Law, unless such transfer shall have been completed Six Months at the least before the time of tendering such vote.

XIX. And it is hereby enacted, that at all such General Meetings the Proprietors shall vote according to the following scale :

The Proprietors of

2 Shares shall be entitled to.....	1 Vote.
6 .....	2 „
12 .....	3 „
25 .....	4 „

and no Proprietor shall be entitled to more than four votes.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of Madras to give a proxy in writing, signed by one of the Secretaries to Government, to any person whom the Governor of Madras may appoint to attend any General Meeting of the Proprietors, and that the holder  
of

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of such proxy shall be entitled to give four votes upon all matters or questions that may be submitted to such Meeting, except upon the election or removal of such Directors as are elected by the said Proprietors.

XXI. And it is hereby enacted, that any Proprietor or Proprietors entitled to vote at any General Meeting may give a proxy in writing, either General or Special, under his, her or their hand, or the hand of his, her, or their Attorney duly authorized to any other Proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given, to vote, on such matter or matters, as shall be authorized by the tenor of such proxy.

XXII. And it is hereby enacted, that at the first Meeting of the Directors, after their election, in every year, they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next Meeting choose a successor for the remainder of the Current year, and that during any vacancy, or in the absence of the President, the Senior Director shall be Vice President for the time being, and that such President, or Vice President shall have the casting vote in all cases of an equal division of votes at Meetings, either of Directors or Proprietors.

XXIII. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every Meeting of Directors, provided always that nothing herein contained shall be held to preclude any Director from attending any Meeting of Directors.

XXIV. And it is hereby enacted, that all Accounts of the said Bank, and all instruments not under Seal whereby the said Bank can in any manner be bound, except the Cash Notes of the said Bank shall be signed by three Directors, and shall be of no validity unless so signed, and that the Seal  
of

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of the said Bank shall not be affixed to any instrument except in the presence of three Directors who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXV. And it is hereby enacted, that the said Directors shall have power to appoint such Officers as may be necessary to conduct the business of the said Bank and to remove any Officer of the said Bank and to fix the Salaries of such Officers, provided that the whole expense of the Establishment of the said Bank shall not, in any one year exceed 50,000 Rupees, without previous authority from the General Meeting of the Proprietors.

XXVI. And it is hereby enacted, that no person who shall hold the Office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Madras, shall engage in any other Commercial business, either on his own account, or as Agent for any other person or persons, or act as a Broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said Offices shall give security to the Directors for the faithful discharge of his duty in the sum of 50,000 Rupees.

XXVII. And it is hereby enacted, that the said Bank of Madras shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say—

1st. The discounting of Negotiable Securities.

2d. The keeping of Cash Accounts, including the realization of Dividends and Interest on Government Securities to the Credit of Constituents of the Bank.

3d. Buying

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- 3d. Buying and Selling of Bills of Exchange payable in India.
- 4th. The lending of Money on short Loans.
- 5th. The Buying and Selling of Bullions.
- 6th. The receiving of Deposits.
- 7th. The issuing and circulating of Cash Notes and Bank Post Bills.
- 8th. The selling of Property or Securities deposited in the Bank as Security for Loans and not redeemed, or of Property or Securities recovered by the Bank in satisfaction of Debts and Claims.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall discount no Negotiable Security, and make no Loan, unless the amount of Cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

XXIX. And it is hereby enacted, that the Directors of the said Bank of Madras shall not discount any Negotiable Securities which shall have a longer period to run than three months, or lend any money for a longer period than three months, and that they shall make no loan or advance on any Bank Share or Certificate of Shares, nor on Mortgage, or in any other manner on the Security of any Lands, Houses or immovable Property, nor on any Negotiable Security of any Individual or Partnership Firm, which shall not carry on it the several responsibilities of at least two persons or Firms unconnected with each other in general Partnership, nor be in advance at one and the same time, to any Individual or Partnership Firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities, or Goods not perishable as hereinafter mentioned)

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mentioned) beyond the Amount of Three Lakhs of Company's Rupees—  
Provided always that the advances upon Bills of Exchange accepted by the  
Government or upon other Government Obligations, shall not be considered  
as an advance within the meaning of this restriction.

XXX. And it is hereby enacted, that the Directors of the said Bank  
shall make no loan other than such loans as are described in the clause next  
preceding except on deposit of Public Securities in the full amount of the  
loan, and which Public Securities shall be so endorsed or otherwise trans-  
ferred as to put them at the absolute disposal of the said Bank of Madras, or  
on deposit of Goods not of a perishable nature, and of an estimated value  
exceeding the amount of the loan by at least one-fourth.

XXXI. And it is hereby enacted, that the said Bank shall not be at  
any time in advance to the Government more than Seven Lakhs and a Half  
of Company's Rupees, provided always that the holding of Government  
Securities, or of Bills of Exchange drawn upon the Government or of other  
Government Acceptances or Obligations derived to the said Bank from Indi-  
viduals and not overdue, or subscribed and paid for by the Bank, shall not be  
construed as being in advance to the Government within the meaning of this  
Clause.

XXXII. And it is hereby enacted, that the Directors of the said Bank  
of Madras shall not suffer any person or persons or body corporate keeping  
cash with the said Bank of Madras to overdraw his, her, or their account.

XXXIII. And it is hereby enacted, that the said Bank of Madras may  
issue Promissory Notes payable either on demand, or at a date not exceeding  
thirty days after sight, which Notes shall and may be signed on behalf of  
the said Bank by such person as the Directors of the said Bank may appoint or  
authorize in that behalf, provided always that the total amount of such Notes  
in circulation at any one time shall not exceed One Crore of Rupees, and  
provided



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provided also that no such Note shall be for a smaller amount than Ten Rupees.

XXXIV. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any Note, Bill, or other instrument containing any promise, undertaking, or order for the payment of Money elsewhere than within the limits of India.

XXXV. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Madras to receive in deposit Goods not of a perishable kind, and to contract for the safe keeping of the same.

XXXVI. And it is hereby enacted, that the Directors of the said Bank shall cause the Books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a Statement of the Balance on every such day signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Madras, and that the Governor in Council of Madras shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

XXXVII. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the 1st day of January and the 1st day of July in every year, and that a Dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such Dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the Six Calendar Months preceding the day up to which such Half Yearly Account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation, shall, upon being audited and admitted by the said Directors be paid out of the Funds of the Bank as soon  
as

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as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors, and provided that the said Directors, subject to the control and sanction of the Proprietors at the General Meetings, shall have power, when they see fit, to set apart from such profits, a sum not exceeding Five per Cent. on the Capital Stock of the Bank as a reserve against Contingencies.

XXXVIII. And it is hereby enacted, that on the first Monday of the Month of March in every year a General Meeting of the Proprietors of the Capital Stock of the said Bank shall be held at which the Directors of the said Bank shall submit to the said Proprietors a Statement of the affairs of the said Bank made up to the preceding 31st of December, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank which shall be binding on the Directors and Officers of the Bank and on the Proprietors thereof until rescinded or modified respectively by any subsequent General Meeting.

XXXIX. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the Capital Stock of the said Bank may at any time convene a General Meeting of the Proprietors, upon giving fifteen days previous notice of such Meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being as also by public Advertisement in the Official Gazette of Madras. And any General Meeting so convened shall have the same powers and authorities as prescribed in the preceding Section of this Act for the Annual General Meeting to be held in the month of March.

XL. And it is hereby enacted, that it shall be lawful for the Bank of Madras, with the sanction of the Governor in Council of Madras, and with the approbation of the Court of Directors of the East India Company, to establish Branch Banks at such places, and under such rules and restrictions

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as shall be determined by the Proprietors at their General Meetings. Provided however that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Madras, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of Notes payable on demand, and the retention of Cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Madras by this Act.

XLI. And it is further enacted, that if any of the Proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the Dividends on the Share or Shares of such Proprietor registered as his, or her own property, and not as held in trust, or as Executor or Administrator, until payment of such debt, and to apply such Dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such Proprietor, or his or her Constituted Agent, or by Public Advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such Share or Shares of such Proprietor until payment of such debt, and if the same shall remain unpaid for the space of Six Months after such notice, to advertise for public sale and to sell such Share or Shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of Six per Cent. per Annum, paying over the surplus if any to such Proprietor, or his, or her lawful representative.

XLII. And it is further enacted, that the said Bank shall continue as hereby constituted until the 1st day of July, which will be in the year of our Lord 1850, and shall thereafter continue in like manner until duly dissolved or modified; provided however that after the said 1st day of July 1850, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank be dissolved, or any wise modified with-  
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out previous notice of twelve months at the least being given by the Governor General of India in Council, or by the Government of the Presidency of Fort Saint George to the Directors of the said Bank for the time being of such intended dissolution or modification. Provided also that in the event of the said Bank at any time suspending any Cash Payments the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE.

NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Joseph Pugh,.....	Forty,	40	40000
David Pugh, .....	Twenty,	20	20000
John Utlay Ellis, .....	Twenty,	20	20000
Joseph Goolden, .....	Six,	6	6000
John Pugh, .....	Six,	6	6000
Major George Hutchinson, 24th Regiment Native Infantry,.....	Twelve,	12	12000
Surgeon Ramsay Sladen,.....	Twenty,	20	20000
Peter John Phillipsz, .....	Twelve,	12	12000
Nathaniel Brindley Acworth, .....	Fifty,	50	50000
John Line,.....	Twenty,	20	20000
James Thomson, .....	Twenty,	20	20000
Surgeon Robert Baikie, M. D., .....	Ten,	10	10000
Lieut. Col. Frederick Larkins Doveton, 5th Regt. Lt. Cavy., .....	Ten,	10	10000
William Haylett, .....	Twenty,	20	20000
James Cuddy, .....	Five,	5	5000
James Scott, .....	Twenty,	20	20000
John Binny Key, .....	Twenty,	20	20000
William Scott Binny, .....	Ten,	10	10000
Henry V. Conolly, .....	Ten,	10	10000
Surgeon John Wylie, M. D., .....	Twelve,	12	12000
Donald Mackenzie, .....	Twenty,	20	20000
William Liddell, .....	Ten,	10	10000
Colin C. Dunhill, .....	Four,	4	4000

Mathew

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NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Mathew Dunhill, .....	Four,	4	4000
Mark Dunhill, .....	Four,	4	4000
Reverend George William Mahon, .....	Twenty,	20	20000
John Carnac Morris,.....	Fifty,	50	50000
Major James Macdonald, 45th Regiment Native Infantry, .....	Fifteen,	15	15000
James Ouchterlony, .....	Forty,	40	40000
Lieut. Col. Alexander Tulloch, C. B., .....	Twenty-five,	25	25000
John Murray, M. D., .....	Ten,	10	10000
Andrew Barrie,.....	Ten,	10	10000
Edmund Marsden,.....	One,	1	1000
Chocapah Chetty,.....	Four,	4	4000
Surgeon George Harding, .....	Twenty,	20	20000
John Dent, .....	Ten,	10	10000
Robert Grant, .....	Forty,	40	40000
Claud Currie, .....	Twenty,	20	20000
Surgeon James Smith, .....	Five,	5	5000
George Gahan, .....	Twenty,	20	20000
Thomas Kennedy Mac Fadzen, .....	Ten,	10	10000
Eleazar Seth Sam,.....	Six,	6	6000
Andrew Seth Sam, .....	Sixteen,	16	16000
Varden Seth Sam,.....	Six,	6	6000
Alexander Maclean, .....	Fifteen,	15	15000
Captain Isaac Campbell Coffin, 12th Regiment Native Infantry, .....	One,	1	1000
Robert Clerk, .....	Fifteen,	15	15000
William Hamilton Hart, .....	Twelve,	12	12000
James Webster, .....	Ten,	10	10000
William Scott, .....	Five,	5	5000
John Scott, .....	Five,	5	5000
Peter Bell, .....	Five,	5	5000
Thomas Arthur Chamier, .....	Twelve,	12	12000
Michael McDowell, .....	Twelve,	12	12000
Lieut. Arthur Frederick Beavan, 39th Regiment Native Infantry, ...	Five,	5	5000
Captain James Victor Hughes, 39th Regiment Native Infantry, .....	Seven,	7	7000
Edward Penton Thompson, .....	Thirty-five,	35	35000

G. P. Thompson,

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NAMES.	Number of Shares of 1000 Rs. each.	Amount in Rupees.
G. P. Thompson, .....	Thirty-five,	35 35000
Archibald Francis Arbuthnot,.....	Twelve,	12 12000
William McTaggart,.....	Twelve,	12 12000
Alexander Mackenzie,.....	Twelve,	12 12000
James Liddell, .....	Ten,	10 10000
Major General Robert Brice Fearon, C. B.,.....	Six,	6 6000
Joseph Bainbridge, .....	Forty,	40 40000
R. P. Wheeler, .....	Five,	5 5000
William Wheeler, .....	Five,	5 5000
Lieut. Herbert William Wood, 4th Regiment Native Infantry,.....	Ten,	10 10000
Charles William Eaton, .....	Twelve,	12 12000
Robert Stephenson, .....	Five,	5 5000
Peter Carstairs,.....	Five,	5 5000
The Hon'ble John Sullivan,.....	Forty,	40 40000
Colla Venkatachella Chetty,.....	Twelve,	12 12000
Alexander Inglis Cherry,.....	Twelve,	12 12000
Alexander Fairlie Bruce,.....	Twenty,	20 20000
Nicholas Barambeg,.....	One,	1 1000
Captain James Smith, 1st N. V. Battalion,.....	One,	1 1000
Surgeon Thomas O'Neill, .....	Ten,	10 10000
Lieut. Col. Scudamore Winde Steel, .....	Twenty,	20 20000
Lieut. Col. John Ogilvie, .....	Five,	5 5000
Robert Franck, .....	Five,	5 5000
James Minchin,.....	Twenty,	20 20000
Lieut. Col. George Sandys, 3d Regt. Light Cavalry,.....	Twenty,	20 20000
Henry Dickenson,.....	Twenty,	20 20000
William Johnson, .....	Twenty,	20 20000
Rathnal Veerasawmy Naidoo, .....	Four,	4 4000
Thomas Parker Waller, .....	Twelve,	12 12000
John Kickwick,.....	Four,	4 4000
Charles Kennett, .....	One,	1 1000
John Jordan, .....	Two,	2 2000
The Right Hon'ble John Lord Elphinstone, .....	Fifty,	50 50000
Thomas Moore Lang Surgeon, .....	Twelve,	12 12000

Joseph

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NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Joseph Browning Pharoah, .....	Two,	2	2000
John Goldingham, .....	Twenty,	20	20000
Henry Fox, .....	Four,	4	4000
William Miller,.....	Five,	5	5000
Leander Miller,.....	Five,	5	5000
Captain John Henry Cramer, 2d M. E. Regt. Light Infantry, .....	Five,	5	5000
Francis Rencontre, .....	Four,	4	4000
Walter Elliot, .....	Forty,	40	40000
E. Brennen, .....	Twelve,	12	12000
Wheeler Hood George Mason, .....	Four,	4	4000
Montague Robert Taynton,.....	Four,	4	4000
Theodore Rencontre, .....	Two,	2	2000
George Gilbert Richardson,.....	Ten,	10	10000
Malcolm Lewin, ...	Fifty,	50	50000
James William Burnside, .....	Two,	2	2000
John D'Vaz, .....	Two,	2	2000
Coopala Ramanjaloo Naidoo, .....	Five,	5	5000
Kenneth Macaulay, .....	Fifteen,	15	15000
George Monro Aiskell Storey, .....	One,	1	1000
James Lacey Dighton, .....	Twenty,	20	20000
Lieut. Col. Peter Edmonstone Craigie, H. M.'s 55th, .....	Twenty,	20	20000
Lieut. Stafford Vardon, Engineers,.....	Five,	5	5000
Antoine Francois DeColons,.....	Ten,	10	10000
Surgeon Archibald Shanks, M. D.,.....	Fifteen,	15	15000
Mrs. K. Chambers, .....	Ten,	10	10000
William Done Davis, .....	Thirty,	30	30000
Captain John James McMurdo, 45th Regt. Native Infantry,.....	Two,	2	2000
Captain Walter William Ross, 17th Regt. Native Infantry, .....	Fifteen,	15	15000
Captain John Thomas Smith, Engineers, .....	Five,	5	5000
Apothecary Henry Eason, .....	One,	1	1000
Lieut. Col. Robert Alexander,.....	Five,	5	5000
Lieut. Col. George E. Jones, K. H., H. M.'s 57th Regiment, .....	Thirty,	30	30000
Robert Dean Parker, .....	Five,	5	5000
Reverend M. Bowie,.....	Four,	4	4000
			Lieut.

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NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Lieut. Col. Joseph Leggett, 3d Regt. Light Infantry, .....	Five,	5	5000
Sir Henry C. Montgomery, Bart, .....	Ten,	10	10000
Captain Charles Edward Faber, Engineers, .....	Four,	4	4000
Noothalapauty Bashacarloo Naick, .....	Five,	5	5000
Captain George Augustus Underwood, Engineers, .....	Twenty,	20	20000
George Bird, .....	Eight,	8	8000
Thomas William Nailer, .....	Ten,	10	10000
Lieut. Col. John Hill Winbolt, 2d Regt. Native Infantry,.....	Ten,	10	10000
John Horsley, .....	Five,	5	5000
Captain James FitzGerald, 42d Regt. Native Infantry,.....	Three,	3	3000
Assistant Surgeon William Rose, .....	Four,	4	4000
Major Duncan Montgomerie, 7th Regt. Light Cavalry,.....	Five,	5	5000
Stewart Forbes,.....	Five,	5	5000
Henry Kennett,.....	Five,	5	5000
Major John Ward, 39th Regt. Native Infantry,.....	Two,	2	2000
Captain Archibald Douglas, 49th Regt. Native Infantry, .....	Twenty-five,	25	25000
F. E. A. Chamier, .....	Five,	5	5000
Frederick Mortimer Lewin,.....	Ten,	10	10000
Captain George Logan, 41st Regt. Native Infantry, .....	Five,	5	5000
Captain Augustus DeButts, Engineers, .....	Two,	2	2000
Captain Richard Budd, 32d Regt. Native Infantry, .....	Ten,	10	10000
John Trebeck Conran, Surgeon, .....	Five,	5	5000
Captain Daniel Duff, 37th Regt. Native Infantry, .....	Five,	5	5000
Major William Taylor, 39th Regt. Native Infantry, .....	Ten,	10	10000
Lieut. Col. James Perry, 31st Regt. Light Infantry, .....	Five,	5	5000
Captain Archibald Woodburn, 40th Regt. Native Infantry,.....	Five,	5	5000
Captain Francis Gresley, H. H. Nizam's Army, .....	Five,	5	5000
Major Alexander Lawe, Engineers,.....	Five,	5	5000
The Venerable Henry Harper, A. M., Archdeacon, .....	Five,	5	5000
John Charles Starkenburgh,.....	One,	1	1000
Robert Orr Campbell, .....	Four,	4	4000
Lieut. Col. John James Underwood, Engineers, .....	Ten,	10	10000
C. C. Vencatachellum Moodelly,.....	Two,	2	2000
C. Colenda Moodelly, .....	One,	1	1000

Stewart



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NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Stewart Johnson Young, .....	Four,	4	4000
John Frederick Jennings, Veterinary Surgeon, .....	Five,	5	5000
Major General Francis Whish Wilson, .....	Twenty-five,	25	25000
Major Edward Archdale McCurdy, 27th Regt. Native Infantry,.....	Ten,	10	10000
Assistant Surgeon James Supple, .....	Ten,	10	10000
Henry Martin Blair, .....	Ten,	10	10000
Assistant Surgeon James Eaton, M. D., .....	Twelve,	12	12000
Thomas W. Goodwyn,.....	Ten,	10	10000
Assistant Surgeon Alexander Braithwaite Morgan, H. M.'s 55th, ...	Five,	5	5000
T. Soolochenum Moodelly, .....	Twenty,	20	20000
Joseph Roberts, .....	Twelve,	12	12000
Brigadier James Wahab, C. B., .....	Ten,	10	10000
Mrs. Gertrude E. Williams, .....	Ten,	10	10000
Surgeon John Brown, M. D., .....	Five,	5	5000
Thomas Turner, .....	Ten,	10	10000
David Rous Limond, .....	Ten,	10	10000
George S. Britain, .....	Twenty-five,	25	25000
Richard Taylor, .....	Fifteen,	15	15000
Conoor Arnachellum, .....	Seven,	7	7000
William Bensley Anderson,.....	Ten,	10	10000
Dr. Alexander Smith, of Bengal, .....	Forty,	40	40000
Major Westrop Watkins, 36th Regiment N. Infantry, .....	Ten,	10	10000
William Anderson, .....	Eight,	8	8000
Colonel William Cullen, .....	Twenty,	20	20000
John Rosmal Cocy, .....	Six,	6	6000
Captain Thomas Larkins, .....	Forty,	40	40000
George James Casamajor, .....	Thirty,	30	30000
Patrick Grant, .....	Twenty,	20	20000
Surgeon Cornelius Desormeux, .....	Two,	2	2000
Captain John Charles Hawes, 1st M. E. Regiment,.....	Twenty,	20	20000
Captain George Leacock, 51st Regiment N. Infantry,.....	Six,	6	6000
Gundavady Vencataram Chetty,.....	One,	1	1000
Rungamah, .....	One,	1	1000
Major John Wynch, Artillery,.....	Five,	5	5000

Lieutenant

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NAMES.	Number of Shares of 1000 Rs. each.		Amount in Rupees.
Lieutenant John Ouchterlony, Engineers,.....	Four,	4	4000
Vurdarajooloo Naicker, .....	Two,	2	2000
Edward Samuel Atkinson, .....	Ten,	10	10000
Miss Charlotte Eliza Anne Gardner,.....	Five,	5	5000
Miss Martha Mary Louisa Gardner, .....	Five,	5	5000
Henry James Gardner, .....	Five,	5	5000
Captain C. J. Westley, Bombay Army, .....	Ten,	10	10000
Andrew Robertson, .....	Twenty,	20	20000
Edward Peters,.....	Twelve,	12	12000
Lieut. Col. Charles Dennis Dun, 44th Regiment Native Infantry, ...	Fifteen,	15	15000
William Elphinstone Underwood, .....	Fifteen,	15	15000
William Waddell,.....	Twenty,	20	20000
Edward Vincent, .....	Two,	2	2000
Mrs. Hosanna Arathoon Kerakoose, .....	Fifty,	50	50000
Nathaniel William Kindersley, .....	Ten,	10	10000
Captain William Henry Simpson, 36th Native Infantry, .....	Seven,	7	7000
Joseph Barrow, .....	Fifteen,	15	15000
Benjamin Cardozo, .....	Five,	5	5000
Felix Phillips, .....	Five,	5	5000
Hew Drummond Elphinstone Dalrymple, .....	Twenty,	20	20000
Narrain Doss Gopaul Doss, .....	Twelve,	12	12000
Jevaram Davy, .....	Four,	4	4000
Captain James Palmer Woodward, 9th Regt. N. I., .....	Five,	5	5000
Gurderdoss Govindoss, .....	Twelve,	12	12000
P. Dasekah Charloo, .....	Two,	2	2000
Vembaukum Nursingiah, Braminy,.....	Two,	2	2000
Vembaukum Ragavah Charrier, .....	Two,	2	2000
Major Frederick Minchin, 47th Regiment N. Infantry, .....	Twenty,	20	20000
A. Vencatachellum Chetty, .....	Four,	4	4000
Girdirdoss Vallabadoss,.....	Twelve,	12	12000
William Paten, .....	Two,	2	2000
Miss Maria Paten, .....	One,	1	1000
Miss Catherine Paten, .....	One,	1	1000
Miss Louisa Paten, .....	One,	1	1000

Colonel

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NAMES.	Number of Shares of 1000 Rs. each.	Amount in Rupees.
Colonel Charles Augustus Elderton, 52d Regt. N. I., .....	Ten,	10 10000
Captn. John Henry Bowden Cougden, 2d Regt. N. I.,.....	Five,	5 5000
J. Holland, Dy. Qr. Master Genl. Bombay Army.....	Ten,	10 10000
Lieut. Col. Wm. Martin Burton, Artillery, .....	Five,	5 5000
Captn. Alexander Shirriſs, 21st Regt. N. I., .....	Five,	5 5000
Captn. Peter Thomas Cherry, 1st Regt. Lt. Cavalry, .....	Five,	5 5000
Col. Thomas Fiddes, .....	Seven,	7 7000
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## ACT No. X. OF 1843.

*Passed by the Right Hon'ble the Governor General  
of India in Council, on the 15th July 1843.*

*An Act for the Administration of Justice and Collection of the Re-  
venue in the Districts of Kurnool and Bunganapilly.*

1. **I**T is hereby enacted that from and after the First day of September 1843, the Administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the Districts of Kurnool and Bunganapilly shall vest in such Agent to the Governor of Fort St. George as shall be appointed by the Governor in Council of Fort St. George, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

Administration of Civil and Criminal Justice and Police and Superintendence of all Revenue affairs in the Districts of Kurnool and Bunganapilly vested in an Agent to be appointed by Government of Fort St. George with Assistants similarly appointed.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his control and authority, and to determine to what extent

Government of Fort St. George may prescribe rules for guidance of Agent and his Subordinates.

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And may fix the limit of final Civil Jurisdiction and of Appeals.

extent the decision of the Agent in Civil Suits shall be final, and in what Suits an Appeal shall lie to the Sudr Udalut, and to

And may define authority of Agent in Criminal trials, and what cases shall be submitted to Foujdaree Udalut.

define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Foujdaree Udalut.

On trials referred Foujdaree Udalut shall pass judgment or pass order as in cases referred from a Judge of Circuit.

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

Civil Appeals to be decided by Sudr Udalut as appeals from Provincial Courts.

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

Government of Fort St. George competent with the previous sanction of the Supreme Government to make alterations in the limits of the jurisdiction of the Agent.

V. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to make from time to time with the previous sanction of the Governor General of India in Council, such alterations in the limits of the aforesaid Districts placed under the jurisdiction of the said Agent, as he may deem expedient.

## ACT No. XI. OF 1843.

*Passed by the Right Hon'ble the Governor General of India in  
Council on the 22d July 1843.*

*An Act for regulating the service of Hereditary Officers under the Presidency of  
Bombay.*

*Preamble.* **W**HEREAS it has been found that the provisions of Regulation XVI. 1827 of the Bombay Code, are insufficient to secure the efficient discharge of the duties of Hereditary Officers :

I. It is hereby enacted, that Sections XVII. and XVIII. of Regulation XVI. of 1827 of the Bombay Code, be rescinded.

II. And it is hereby enacted, that all Hereditary Officers, of whatever denomination, belonging to, or employed in the management of the Land Revenue, or of the Customs or Town Duties, or Excise, or other Revenue, or in the Police, or in the Civil Administration of the country, shall render the usual services of their respective Offices, as far as the same may be required by the Collector, or other Officer under whose control they may be placed by usage or the orders of Government.

III. And it is hereby enacted, that when the duties of an Hereditary Office fall in more than one Department, it shall be competent to the Governor  
in

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in Council of Bombay to prescribe what Officer shall be vested with the control of such Office.

IV. And it is hereby enacted, that it shall be competent to the Collector or other Officer to whom the duties of an Hereditary Office are, as provided in Clause II., to be rendered, when the performance of those duties is claimed in rotation by different sharers, to require that the sharers in the wuttun shall nominate a fit and proper person from among their number, who shall hold the Office as the Representative of the family either during life, or for such term, not being less in each instance than (five) 5 years, as the Collector or Controlling Officer shall determine with the sanction of the Governor in Council, and in the event of the sharers not so nominating, when required one or more of their number within a reasonable period to be fixed by the Collector or Controlling Officer, the Collector or Controlling Officer shall himself exercise the power of selection, subject to the approval of the Governor in Council.

V. And it is hereby enacted, that it shall be competent to the Collector or Controlling Officer to refuse to confirm the nomination by the sharers of any individual, if he shall have reason to think, that from age or personal disqualification the duties of the Office will not be properly performed by him, or if from character and past conduct the person nominated be considered unworthy of trust, provided that the grounds of such refusal shall be recorded in writing and that an appeal from such decision shall lie to the Governor in Council, whose order thereon shall be final.

VI. And it is hereby enacted, that the Collector or Controlling Officer shall have power to punish Officiating Hereditary Officers for misconduct or neglect of duty by suspension from office, pay, and emolument, or by fine  
not

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not exceeding the computed official emolument of their offices for three months, and to levy the said fine in the mode authorised for realizing Revenue demands.

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VII. And it is hereby further enacted, that the Collector or Controlling Officer, in cases of misconduct or incompetency on the part of an Officiating Hereditary Officer, shall have power to dismiss such Officer from his employment, but no such dismissal shall take place, except on an investigation recorded in writing, which shall be submitted for the approval and sanction of the Governor in Council.

VIII. And it is hereby enacted, that in conducting the investigation prescribed in the preceding Section, the Collector or Controlling Officer shall have the same authority as a Magistrate in compelling the attendance of parties and witnesses, and the production of papers, and in taking evidence.

IX. And it is hereby further enacted, that whenever any such Hereditary Officer shall be convicted of fraud or malversation, or of any criminal offence in the conduct of the duties of the Office by any Sessions Court, it shall be lawful for the said Governor in Council, to direct the confiscation of the wuttun, either wholly or in part, and after such confiscation the duties of the office shall be performed by such person as the Governor in Council shall appoint, and the surplus proceeds of the wuttun shall be disposed of for the benefit of the parties previously entitled thereto or otherwise in such manner as the said Governor in Council may direct.

X. And it is hereby enacted, that no female shall perform in person the duties of any Hereditary Office.

XI. And



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XI. And it is hereby enacted, that if any Hereditary Officer is incapable of personally discharging the duties of his or her office by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the Collector or Controlling Officer to call upon him or her, or his or her Guardians to appoint a Deputy, subject to his approval, and on the party or parties failing to appoint a fit Deputy within a reasonable period, the appointment shall be made by the said Collector or Controlling Officer.

XII. And it is hereby enacted, that all Deputies appointed to perform the duties of Hereditary Offices under this Act, and under Section IV. Regulation V. 1833, of the Bombay Code, shall be subject to the same rules and penalties as the Principals, and that the wuttun of the office shall be liable to confiscation upon the conviction by any Sessions Court of any Deputy appointed by the Hereditary Officer in the same manner as it would be under the IXth Section of this Act upon the conviction of the Hereditary Officer himself.

XIII. And it is hereby enacted, that nothing contained in this Act shall be construed to debar the right of any sharer to participate in the rents and profits of any Hereditary Office so held and filled as above provided, after provision shall have been made therefrom for the fit maintenance of the officiating Hereditary Officer, for which purpose it shall be competent to the Collector or Controlling Officer to fix and assign a specific portion of such rents and emoluments, leaving the remainder only, subject to the claims of the other sharers—and further that the portion of the rents and emoluments so fixed and assigned shall be the official remuneration of the Officiating Hereditary Officer, and shall not be liable to Civil process of any Court of Law.

XIV. And

ACT No. XI. OF 1843.

XIV. And it is hereby enacted, that whenever it may be necessary, as herein before provided, that the Collector or Controlling Officer shall appoint a Deputy to conduct the duties of an Hereditary Office, it shall be lawful for him to assign to such Deputy a fit remuneration from the rents and profits of the said Office.

XV. And it is hereby enacted, that the terms “ Hereditary District or Village Office or Officers” or “ Hereditary District or Village Revenue Office or Officers” used in Regulation XVI. 1827 and Regulation V. 1833, of the Bombay Code, shall be held to apply to all descriptions of Hereditary Offices and Officers.

## ACT No. XII. OF 1843.

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*Passed by the Right Hon'ble the Governor General of India in  
Council on the 29th July, 1843.*

*An Act concerning the time at which and the language in which the decisions of  
the Judges in the Courts of the East India Company are to be written.*

**W**HEREAS it is expedient, that the decisions of Courts of Justice and the reasons for the decision should be written and signed by the Judge at the time of pronouncing his decision, and in the vernacular language of the Judge ;—

I. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reasons for the decision, and all injunctions for the revision of Decrees in regular suits, and all orders for Reviews of Judgment, which shall be passed by Judges of the Sudder Courts, or by Judges of Zillah and City Courts, or by Subordinate or Assistant Judges of Zillahs, shall be written originally in English, and signed by the Judge or Judges at the time of pronouncing such decision and orders ; and shall be translated into the vernacular language, commonly used in the Court wherein the suit to which the Decree or Order relates, shall have been instituted ; and the translation shall be incorporated in the Decree.

II. Provided

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II. Provided that nothing in this Act contained shall be construed to repeal or affect any Regulation of the Codes of the Presidencies of Fort St. George and Bombay, by which the Decrees of the Sudder Courts are required to be written in English, nor to repeal or affect any Regulation of the Code of the Presidency of Fort St. George, by which the Decrees of the Provincial and Zillah Courts, and the Auxiliary Courts under Assistant Judges, and the orders of the Sudder Court and Provincial Courts on Petitions presented to them, are required to be written in English.

And whereas it is expedient, that excepting as regards the language to be used, Principal Sudder Ameens, Sudder Ameens and Moonsiffs should be guided by the same rules as are herein-before provided for the guidance of the Superior Judges ;—

III. It is hereby enacted, that in all the Presidencies so much of all Decrees as consists of the points to be decided, the decision thereon and the reason for the decision, which shall be passed by Principal Sudder Ameens, Sudder Ameens or Moonsiffs, shall be written originally in the vernacular language of such Principal Sudder Ameen, Sudder Ameen or Moonsiff, and signed by such Principal Sudder Ameen, Sudder Ameen or Moonsiff at the time of pronouncing such decision and (in case such vernacular language shall not be the same as the vernacular language commonly used in the Court wherein the suit to which the Decree relates, shall have been instituted,) shall be translated into such last mentioned vernacular language, and the translation shall be incorporated in the Decree.

## ACT No. XIII. OF 1843.

*Passed by the Right Hon'ble the Governor General of India  
in Council on the 29th July, 1843.*

*An Act for regulating inquiries into the truth of matters implicating the public  
conduct of Officers not removeable without the sanction of Government with-  
in the Presidency of Fort St. George in Madras.*

**W**HEREAS it is expedient to amend the provisions contained in the Regulations concerning inquiries into the truth of matters implicating the public conduct of European Officers, and to extend the same to all Officers not removeable without the sanction of Government :

I. It is hereby enacted, that Regulations III. of 1809, II. of 1810, VI. of 1818, and VIII. of 1822, of the Madras Code, be repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Fort St. George in Madras, whenever either the Courts of Sudr and Foujdaree Adawlut, or the Board of Revenue, shall be of opinion that substantial grounds exist for making a regular and formal inquiry into the truth of any imputation of official misconduct affecting any Officer subject to their

ACT No. XIII. OF 1843.

their control respectively, and not removeable without the sanction of Government, they shall submit the documents on which their opinion may be founded, together with a statement of the charges reduced to distinct articles which they may propose to be made the subject of a regular investigation, to the Governor in Council of Fort St. George, for his consideration and orders.

III. And it is hereby enacted, that any charge or information, of the description aforesaid, may be preferred direct to the Courts of Sudr and Foujdaree Adawlut, or to the Board of Revenue, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and require the party accused to explain or reply to any matters they may deem to need explanation and make such further inquiries, upon oath or affirmation upon the subject as they may judge proper.

IV. And it is hereby enacted, that any charge or information may also be made before any Judge, Magistrate, or Collector, for any acts of the description beforementioned committed within their jurisdiction, respectively, who shall examine the complainant or informant circumstantially upon oath, or upon solemn affirmation if he be entitled to be exempted from taking an oath, and shall transmit the deposition so taken to the Sudr and Foujdaree Adawlut, or to the Board of Revenue, according as the person accused may be subject to those Authorities respectively.

V. And it is hereby provided, that it shall not be lawful for the Courts of Sudr and Foujdaree Adawlut, or the said Board, respectively, to act upon any such charge or information, unless the person preferring the same shall make oath, or solemn affirmation in case he be entitled to be exempted from taking an oath, that he believes the facts on which the charge is grounded to be true.

VI. And

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VI. And it is hereby provided, that it shall be lawful for the Courts of Sudr and Foujdaree Adawlut, and for the said Board, respectively, to dismiss any such charge or information, where they do not see any substantial reason for entering further into the inquiry. Provided, that on every occasion when they shall dismiss any such charge or information, they shall submit the same, together with all the circumstances of the case, in like manner as is provided in Section II. of this Act.

VII. And it is hereby provided, that the said Courts of Sudr and Foujdaree Adawlut, and the said Board, respectively, may, at any stage of the inquiry into such matters as aforesaid, require the person preferring such charge or information as aforesaid to furnish such security as may be deemed reasonable that he will attend and prosecute the charge to a conclusion, and in the event of security being so required all proceedings shall be stayed until the same shall be furnished accordingly.

VIII. And it is hereby provided, nevertheless, that if any matter of the nature aforesaid, affecting such Officer as is mentioned in the second Section of this Act, shall appear in the course of any proceedings, whether preliminary or otherwise, which shall come before or be reported to either of the Courts of Sudr and Foujdaree Adawlut, or the said Board, respectively, those authorities shall act upon such matter, or institute such inquiry upon oath or affirmation as aforesaid, into the same as they shall deem proper for the purpose of such reference as aforesaid to the Governor in Council of Fort St. George, although no charge or information be preferred as aforesaid: and in such cases it shall not be necessary before acting upon or instituting any inquiry concerning any matter so appearing in the course of proceedings, to require any oath or affirmation in regard to the truth of such matter.

IX. And

ACT No. XIII. OF 1848.

IX. And it is hereby enacted, that if the Governor in Council of Fort St. George, upon such reference as is mentioned in the second Section of this Act, shall concur with the Authority by which it may be submitted, or if such Governor in Council shall, from information of the description aforesaid that may be laid before him in respect of any Officer not directly subject to the Courts or Board above named, deem it necessary to institute proceedings against any such Officer, he shall appoint a Commissioner or Commissioners for making a regular and formal inquiry into the truth of the matters referred.

X. And it is hereby enacted, that on the appointment of every such Commission, the said Governor in Council shall direct whether the Commission shall be placed under the control of any of the Authorities aforesaid, or shall act immediately under the authority of Government, and all Commissions appointed as aforesaid shall be guided by the instructions which they may receive in this behalf from the Government.

XI. And it is hereby enacted, that the Commissioner or Commissioners appointed as aforesaid, before entering on the discharge of his or their duties, shall take the following oath :

I, A. B., Commissioner for the purpose of (here state the object of the Commission) do solemnly swear that I will faithfully and impartially perform the duty committed to me without fear, favor, or bias, to the best of my ability, knowledge, and judgment ; so help me God.

XII. And it is hereby enacted, that whenever a charge shall be referred for investigation to a Special Commission, the said Governor in Council will determine whether the conduct of the prosecution shall be left to the accuser, or be undertaken on the part of Government. In the latter case, the  
said



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said Governor in Council will nominate such person or persons as may be deemed proper, to conduct the prosecution on behalf of Government.

XIII. And it is hereby enacted, that it shall be the duty of Commissioners appointed under this Act, after receiving the plaint or charge, and the documents from which the same may have been prepared, to call upon the person accused for his reply to the accusation ; to examine upon oath, or under a solemn declaration, the witnesses named by the accuser or the accused ; to receive any further written documents offered in support of, or against the accusation ; and to call for and take any further requisite evidence which may be indicated by the witnesses adduced or documents exhibited by either party, and may appear to be necessary for the ascertainment of facts, or the discovery of the truth or falsehood of the charges or of any part thereof.

XIV. And it is hereby enacted, that for the discharge of the duties specified in the preceding Section, or any other functions which may be delegated to a Commission under this Act such Commission shall be vested with the same powers as are exercised by the Zillah Courts, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through the Zillah Judge in whose jurisdiction the Commission may be held, and executed by the Zillah Judge in whose jurisdiction the witness or other person upon whom the process is to be served may reside.

XV. And it is hereby enacted, that on the close of the evidence for the prosecution and defence, the accused shall be at liberty to record any observation upon the result of the inquiry which he may think necessary for the vindication of his conduct and character. The accuser, or the person appointed to conduct the prosecution on the part of Government, shall also  
be

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be at liberty to record any remarks on the subject of the prosecution which he may deem requisite.

XVI. And it is hereby enacted, that as soon after the conclusion of the proceedings as circumstances shall permit, the Commissioner or Commissioners shall, when the Commission shall be instructed to act immediately under the authority of Government, submit directly to the Government to which he or they may be subordinate, and in other cases to the Controlling Court or Board, the proceedings under the Commission, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and his or their opinion of the merits of the case.

XVII. And it is hereby provided, that it shall be lawful for the said Governor in Council, or the Controlling Court or Board, upon consideration of the report of any such Commission as aforesaid, to direct the Commissioner or Commissioners to take further evidence, or to give further explanation of his or their opinion or opinions connected with the case investigated, and the Commissioner or Commissioners are authorized and required to take such further evidence, and to give such further explanation.

XVIII. And it is hereby enacted, that the Sudr and Foujdaree Adawlut, or the Board to which any report of a Commissioner or Commissioners may be submitted as aforesaid after due consideration of the same, and after obtaining such further evidence or explanations as they may require, shall submit the whole of the proceedings and documents received by them to the Government, together with their opinion whether any and what charges have been established against the accused.

XIX. And

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XIX. And it is hereby provided, that whenever a Special Commission may be appointed under the Provisions of this Act, the said Governor in Council will determine, on a view of the nature and circumstances of the case, whether the accused Officer shall be suspended from the discharge of the functions of his office ; and if so, whether he shall be permitted to draw the established allowances of his office, or otherwise.

XX. And it is hereby provided, that the Governor in Council on consideration of the report and proceedings submitted to him in pursuance of Sections XVI. and XVIII. of this Act, will pass such decision on the case as may appear to him most consonant to the principles of justice and consistent with the powers possessed by Government in matters of this description ; and in the event of his deeming it necessary that the party accused should be brought to trial by a public prosecution before a competent Court of Law, will issue the necessary instructions for that purpose to the Law Officers of Government. But whatever proceedings may be held, or whatever decision or order may be passed by Government, individuals deeming themselves aggrieved by any Public Officer, will be at all times at liberty to seek redress according to the ordinary forms prescribed by law.

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**ACT No. XIV. OF 1843.**

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 5th August, 1843.*

*An Act for regulating the levy of Customs Duties, and the manufacture of Salt in  
the North Western Provinces of the Presidency of Bengal.*

I. **I**T is hereby enacted, that Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and of any other Regulation and Act, as affects the Collection of Customs Duties, or the Manufacture of Salt in the North Western Provinces of the Presidency of Bengal, shall be repealed from the 1st day of September, 1843.

II. And it is further enacted, that from and after the day abovementioned, the following and no other Duties of Customs shall be leviable upon the Import and Export of Articles into and from the North Western Provinces of the Presidency of Bengal, that is to say :

On the Import of Salt, of all descriptions, two Rupees per maund, and a further duty of one Rupee per maund on the transmission thereof to the Eastward of Allahabad.

On

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On the Import of Cotton, uncleaned, four Annas per maund, cleaned, eight Annas per maund.

On the Export of Misree, Kund, Chenee and all clayed and refined Sugar, eight Annas per maund, Goor, Râb, Sheerah, and all unclayed and unrefined Saccharine produce, three Annas per maund.

The Import of Sugar into any part of the said Provinces, is, and shall remain prohibited.

III. And it is further enacted, that it shall be lawful for the Government of the said Provinces from time to time to make and issue such orders as may be deemed expedient for the collection of the aforesaid Duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette, wherein they shall be published.

IV. And it is further enacted, that from and after the First day of September 1843, the manufacture of alimentary Salt throughout the North Western Provinces of the Presidency of Bengal, without the express sanction of the Government, is prohibited; and that any person engaging in the manufacture of such Salt, or preparing or causing to be prepared works for the manufacture of such Salt, without such sanction, and all Zemindars or other proprietors of land, or their Agents, conniving at such illicit manufacture, shall on conviction by the Magistrate, within the limits of whose District the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment of such fine, by imprisonment not exceeding six months with or without hard labor, and that all works at which such manufacture shall have  
been

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been conducted, or which are designed for such manufacture shall be destroyed, and any Salt which may be manufactured or stored thereat, shall be seized and confiscated.

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictions, to destroy all works for the manufacture of Salt, and to seize the Salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose District the offence may have occurred.

VI. It is further enacted, that all Sugar imported into the said Provinces, and all Articles imported or exported without payment of the duties imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all Boats, Carriages and Conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this Act, and all persons aiding or abetting such attempts or evasions, or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all Zemindars and other Proprietors of land, or their Agents, who shall wilfully connive at such attempts or evasions or aid such acts, shall on conviction by the Magistrate within the limits of whose District the offence may have occurred; be punished by a fine not exceeding 500 Rupees, and on non-payment thereof by imprisonment not exceeding six months with or without hard labor.

VIII. And

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VIII. And it is further enacted, that it shall be lawful for all Officers of the Customs Department to search any carriages and conveyances, and any packages upon reasonable grounds of suspicion that such carriages, conveyances or packages, contain any articles made subject to duty, or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

IX. And it is hereby enacted, that whenever any articles or goods shall be seized or detained under the provisions of this Act the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

X. And it is hereby enacted, that it shall be lawful for all Officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur.

XI. Provided always, that any Officer of the Customs Department who shall without reasonable grounds of suspicion search any carriage or conveyance or any package, shall upon conviction thereof before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also, that any Officer of the Customs Department who shall under color of this Act apprehend any person without reasonable grounds

of

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of suspicion that such person is liable to punishment under this Act, shall upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

XII. And it is hereby enacted, that all Magistrates, or persons exercising the powers of Magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of this Act, shall be open to appeal under such Rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

XIII. And it is hereby enacted, that all Officers of Police, and all Officers of the Government engaged in the Collection of the Land Revenue, are empowered and required to aid and assist the Officers of the Customs Department in the execution of this Act.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, or to the District of Ajmere.



## ACT No. XV. OF 1843.

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*Passed by the Right Hon'ble the Governor General of India in  
Council on the 5th August, 1843.*

*An Act for the more extensive employment of Uncovenanted Agency in the  
Judicial Department.*

**W**HEREAS the exigencies of the public service require that the Police and Criminal Branch of the Judicial Department should be strengthened by the more extensive employment of Uncovenanted Agency ;

I. It is hereby enacted, that it shall be competent to the Local Governments of both Divisions of the Bengal Presidency to appoint in any Zillah or District one or more Uncovenanted Deputy Magistrates with the powers hereinafter specified.

II. And it is hereby enacted, that every person appointed to the Office of Deputy Magistrate under this Act, shall, previously to entering upon the execution of the duties of his Office, make and subscribe before the Magistrate of the District to which he may be appointed, a declaration according to Act XXI. 1837.

III. And

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III. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall be capable of being employed as a Judicial Officer or as an Officer of Police, or both, at the discretion of the Local Government. As a Judicial Officer he shall exercise the powers of a Covenanted Assistant under Regulations XIII. 1797, IX. 1807, or III. 1821, or the full powers of a Magistrate according to such orders as may from time to time be issued in that respect by the Local Government, and in such cases he shall be subject to such authority in regard to Appeals from his decisions and judicial orders as is provided for the decisions and orders of a Covenanted Assistant under the above Regulations, or of a Magistrate respectively. As an Officer of Police he shall be in all respects subordinate to the Magistrate under whom he may be placed; he shall exercise such powers as the Government, or the Magistrate with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall be at all times competent, subject to such orders as he may receive from the Local Government, to extend, limit or resume the powers committed to such Deputy.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any Uncovenanted Officer in the Revenue and Judicial Departments, from holding at the same time with any other Office, the office of Deputy Magistrate.

V. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall not be dismissed from Office for misconduct, without the sanction of the Local Government. Whenever there may be reason to believe that a Deputy Magistrate is disqualified by neglect, incapacity or corruption for continuance in Office, a report shall be submitted by the Local Magistrate for the consideration and orders of the Local Government which shall be competent

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petent to suspend him, and order a further enquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

VI. And it is hereby declared, that no native of the Territories subject to the Government of the East India Company, nor any natural born subject of Her Majesty resident therein is by reason only of his religion, place of birth, descent, color or any of them disabled from holding the office of Deputy Collector under Regulation IX. of 1833.

## ACT No. XVI. OF 1843.

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 12th August, 1843.*

*An Act regarding the offering of Rewards for the Apprehension of Offenders.*

WHEREAS inconvenience has been experienced from the Rules in force which provide that Magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the Courts of Circuits, or Courts exercising the powers of the old Courts of Circuit when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in cases of magnitude. And whereas it is expedient that all such applications should be made to such Officer or Officers as from time to time may be empowered by the Local Governments to authorize the grant of rewards ;

It is hereby enacted, that Sections 2 and 3, Regulation IX. of 1808, and Sections XVI. and XVII. Regulation XVI. 1810 of the Bengal Code, be and the same are hereby repealed.

## ACT No. XVII. OF 1843.

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 19th August, 1843.*

*An Act for the Appointment of Official Trustees in certain cases.*

**W**HEREAS the property of Infants, Feme-Coverts and others vested in Trustees, is exposed to peculiar risks and burthens in the Territories, subject to the Government of the East India Company, not only from the Insolvency of Trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal, or incapacity to act :

I. It is hereby enacted, that in all cases in which any property is subject to any Trust, and there shall be no Trustee willing to act, or capable of acting within the jurisdiction of Her Majesty's Courts in the said Territories, it shall be lawful for the Supreme Court of each of the Presidencies in the said Territories, on petition to appoint the Registrar, or such other Officer of the Court, as the Court may from time to time select as the Official Trustee, under the provisions of this Act to be a Trustee of such Property, and that upon such appointment such Property shall vest in such Officer and his successors in office, and shall be held by them upon the same Trusts as the same was held previous to such appointment.

II. And

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II. And it is hereby further enacted, that such Officer shall cause such Property to be invested in Government Securities or otherwise, as the Court shall direct, and that he shall be entitled to a Commission of one per cent upon the amount thereof.

III. And it is hereby further enacted, that it shall be lawful for the Court to make any orders respecting such Property so vested in such Official Trustee or the Interest or Produce thereof, and that all such orders shall be made on petition unless the Court shall direct a Bill to be filed.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the Re-transfer of the said Property to the Original or any subsequently appointed Trustees, or otherwise, as the Court shall direct.

V. And it is hereby further enacted, that where any Infant or Lunatic shall be entitled to any Gift, or Legacy, or Residue, or Share thereof, it shall be lawful for the Executor or Administrator, by whom such Legacy or Residue may be payable or transferrable, or the party by whom such Gift shall be made, or any Trustee thereof to pay or transfer the same to the Official Trustee appointed under this Act, and that the receipt of such Official Trustee shall be a discharge for the same, and that the same shall be subject to the like Provisions as are contained in this Act, as to other Property vested in such Official Trustee under the Provisions thereof.

VI. And it is hereby further enacted, that the Provisions of this Act, except as to the Commission to be allowed under the same, shall extend to any Property of Infants or Lunatics in the hands of the Ecclesiastical Registrar of each of the said Courts as Official Administrator.

## ACT No. XVIII. OF 1843.

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*Passed by the Right Hon'ble the Governor General of India in  
Council on the 9th September, 1843.*

*An Act for the better custody of persons, convicted of Thuggee and Dacoity.*

**W**HEREAS it often happens that the offences of Thuggee and Dacoity are committed by gangs, as well within the Territories subject to the Government of the East India Company, as in those of Native Princes or States in alliance with the said Company, and it may be necessary for the safety of persons and property within the Territories subject to the Government of the East India Company, that persons convicted of the like offences within the Territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last mentioned Territories :

It is hereby enacted, that it shall be lawful for the local Government of any part of the Territories subject to the Government of the East India Company, to authorize the reception and detention in any part of those Territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of Thuggee, Dacoity, or the offences of belonging to any gang of Thugs or Dacoits, within the Territories of any  
Native

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Native Prince or State in alliance with the said Company. Provided always that such sentences shall have been pronounced after trial before a Tribunal, in which a Covenanted Servant of the East India Company, duly authorized in that behalf by such Prince or State, shall be one of the presiding Judges. And it is hereby enacted, that every Servant of the East India Company so authorized as aforesaid shall forward with every Prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.



## ACT No. XIX. OF 1843.

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*Passed by the Right Hon'ble the Governor General of India in  
Council on the 28th October, 1843.*

*An Act for amending the Law respecting the Registration of certain Deeds.*

**W**HEREAS doubts have risen as to the true meaning and construction of Act No. I of 1843 :

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances and other instruments affecting titles to land and other interests therein, of the existence of unregistered conveyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the First day of May last past, every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not  
have

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have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses and other real property as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always that nothing in this Section contained shall be construed to extend to any deed or certificate made before the said First day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land, or any interest in the same whether made before or after the said First day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration any Act, Regulation or Law to the contrary notwithstanding.

## ACT No. XX. OF 1843.

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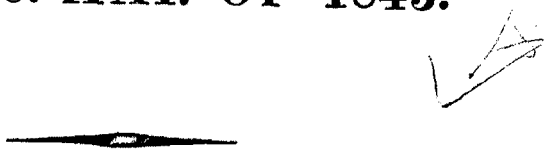
*Passed by the Right Hon'ble the Governor General of India  
in Council on the 30th October, 1843.*

*An Act for providing for the exercise of certain powers by the Governor  
General during his absence from the Council of India.*

I. **W**HEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except always the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

## ACT No. XXI. OF 1843.



*Passed by the Right Hon'ble the Governor General of India in  
Council on the 11th November, 1843.*

*An Act for regulating the Emigration of Labourers from India to Mauritius.*

I. **W**HEREAS it has been represented that the demands of the Island of Mauritius for Agricultural labor will by the end of this year be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of Female Emigrants to that Island than has been procured under the present system of Emigration, it is therefore enacted, that from and after the 1st day of January next ensuing, Emigration to Mauritius shall only lawfully take place under the provisions of the Act No. 15 of 1842 from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor General in Council to nominate a proper person to act as Protector of Emigrants at Calcutta, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

## ACT No. XXII. OF 1843.

*Passed by the Right Hon'ble the Governor General of India  
in Council on the 18th November, 1843.*

*An Act for amending the Law relating to the Jurisdiction of the Dewanny  
Adawlut of the Zillah of the Twenty-four Pergunnahs.*

**W**HEREAS by Section XVII. of Regulation III. of 1793 of the Bengal Code, it was amongst other things provided that the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs should not receive or entertain any suit whatever against a person who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the Town after the suit might be commenced :

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said Zillah of the Twenty-four Pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience :

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed.

## ACT No. XXIII. OF 1843.

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*Passed by the Right Hon'ble the Governor General of India in  
Council on the 18th November, 1843.*

*An Act for amending the Law relating to the Jurisdiction of the Zillah Courts  
in the Provinces ceded by the Nawaub Vizier, and in some other places.*

**W**HEREAS by Section XII. of Regulation II. of 1803 of the Bengal Code, it was amongst other things provided that the Zillah Courts in the Provinces ceded by the Nawaub Vizier to the Hon'ble the East India Company, should not entertain any suit whatever against any individual actually resident, or being within the limits of the Town of Calcutta unless such suit should relate to real property situated without the limits of Calcutta or to the public Revenue :

And whereas so much of the said Regulation as is hereinbefore recited has been extended by other Regulations to other Provinces, Zillahs and Pergunnahs :

And

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And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient :

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the Provinces ceded by the Nawaub Vizier to the East India Company, as to the other Provinces, Zillahs and Pergunnahs to which it may have been extended.

## ACT No. XXIV. OF 1843.

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*Passed by the Right Hon'ble the Governor General of India  
in Council on the 18th November, 1843.*

*An Act for the better prevention of the Crime of Dacoity.*

**W**HEREAS it has been considered necessary to adopt more stringent measures for the conviction of professional Dacoits, who belong to certain Tribes, systematically employed in carrying on their lawless pursuits in different parts of the country, and for this purpose to extend the Provisions of Acts XXX. of 1836, XVIII. of 1837, and XVIII. of 1839, for the prevention of Thuggee, to persons concerned in the perpetration of Dacoity.

I. It is hereby enacted, that whosoever shall be proved to have belonged either before or after the passing of this Act to any gang of Dacoits, either within or without the Territories of the East India Company, shall be punished with transportation for life, or with imprisonment for any less term with hard labor.

II. And it is hereby enacted, that any person accused of the offence of Dacoity with or without murder, or of having belonged to a gang of Dacoits, or  
of



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of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by Dacoity, may be committed by any Magistrate within the Territories of the East India Company, and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. And it is hereby enacted, that no Court shall, on trial of the offences specified in this Act, require any Futwa from any Law Officer.

## ACT No. XXV. OF 1843.

*Passed by the Right Hon'ble the Governor General of India  
in Council on the 23d November, 1843.*

*An Act for making the Provisions of 5 and 6 Vic. C. 47, Sec. XI. applicable  
to India.*

**W**HEREAS doubts have arisen as to whether so much of an Act passed in the 5th and 6th year of the reign of Her Majesty Queen Victoria, entitled “an Act to amend the Laws relating to the Customs,” as provides “that from and after the 5th day of January 1843, any Articles of Foreign Manufacture, and any packages of such Articles imported into the United Kingdom or into the British possessions abroad bearing any names, brands or marks purporting to be the names, brands or marks of Manufacturers resident in the United Kingdom, shall be forfeited,” is applicable to the Territories subject to the Government of the East India Company:

It is hereby enacted, that from and after the First day of May 1844, any Articles of Foreign Manufacture, and any packages of such Articles imported into the Territories subject to the Government of the said Company bearing any names, brands or marks, purporting to be the names, brands or marks of Manufacturers resident in the United Kingdom, shall be forfeited.