



# Bombay Government Gazette.

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## NOTIFICATION.

Bombay Castle, 4th August 1831.

GENERAL DEPARTMENT.

The Right Hon'ble the Governor in Council having sanctioned the publication of a weekly paper to be styled the "BOMBAY GOVERNMENT GAZETTE," notice is hereby given, that after this day all advertisements and other public notices of the government, will be printed in the BOMBAY GOVERNMENT GAZETTE only; and all orders or other public notices, appearing in that paper, under the signature of the secretaries, or other public officers of the government, are hereby ordered and directed to be conform'd to and obeyed accordingly. It is not intended that public intelligence, or private advertisements, and notifications should be inserted in the government gazette.

Bombay Castle, 18th January 1832.

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

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

Published by order of the Right Hon'ble the Governor in Council.

JOHN BAX, Secy. to Govt.

## Legislative Department.

FORT WILLIAM,

THE 14TH OCTOBER, 1839.

The following Draft of a proposed Act was read in Council for the first time on the 14th October, 1839 :

ACT No. -- of 1839.

An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.

I. Whereas it is expedient, with a view to the benefit of the Agricultural Community, to discontinue the levy of interest and penalty upon arrears of Revenue; to reduce the number of periodical sales of Land; to provide for the absolute sale, after due notification, of any Mohal, which may not have punctually paid up the whole of the current Revenue on appointed days, in order that sufficient publicity and certainty may be given to such sales; and otherwise to amend the Laws for the realization of the public demand: It is hereby enacted that from the

day of Regulation XI of 1822 and Regulation VII of 1830 of the Bengal Code, except in so far as they rescind other Regulations or parts of Regulations, are repealed.

II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of Revenue which shall fall due after the date specified in Section I of this Act.

III. And it is hereby enacted, that upon the promulgation of this Act the Sudder Board of Revenue at Calcutta shall determine upon what dates all arrears of current Revenue shall be paid up in each permanently settled District in the Provinces of Bengal, Behar, and Orissa, in default of which payment the Estates in arrear in those Districts, except as hereinafter provided shall absolutely be sold at Public Auction to the highest bidder. And the said Board shall give notice of the dates so fixed in the Calcutta Gazette, and shall direct corresponding publica-

tion to be made, as far as regards each District, in the language of that District, in the Office of the Collector, or Deputy Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every Thanna Station of that District; and the dates so fixed shall not be changed, until the same be changed by the said Board by advertisements and notifications in the manner above described, such advertisements and notifications to be issued, on every occasion after the first above provided for, before the close of the year preceding that in which the new date or dates are to take effect.

IV. And it is hereby enacted, that in Districts for which the dates of payment shall be notified in the manner prescribed in Section III of this Act, no payment on account of the Revenue of any Estate in arrear shall be received after the dates so notified except as provided in Section XI of this Act. And the Collector, Deputy Collector, or other Officer as aforesaid in every such District shall as soon as practicable after the said dates, issue notifications in the language of his District to be affixed in his own Office, in the Court of the Judge within whose jurisdiction the Estate advertised lies, in the Courts of the Principal Sudder Ameens, Sudder Ameens and Moonsiffs and at every Thanna Station in his District, and in the Malgoozaree Cutcherry of each Estate advertised, or in some conspicuous place thereon, in which notifications shall be specified the Estate or Estates which will be absolutely sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be more than one month from the date specified in Section III of this Act, nor less than fifteen days from the date of affixing the notification in his own office.

V. And it is hereby enacted, that in Districts not permanently settled, and in the Province of Beares, no Estate, and no rights, interests, or

title in an Estate, shall be advertised for sale for the recovery of arrears of Revenue without the special sanction previously obtained of the Sudder Board of Revenue within whose jurisdiction the same may be; but when an advertisement of sale in such Districts or in the said Province shall be so sanctioned, the Estate or Estates whereof the sale has been so sanctioned shall be advertised for absolute sale in the manner prescribed in Section IV of this Act; and all the Provisions of this Act, so far as they are applicable, shall apply to Estates so advertised.

VI. Provided always, and it is hereby enacted, that no Estate shall be sold for the recovery of Arrears or Demands of the description mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, shall have been affixed, for a period not less than fifteen days before the day of sale, in the office of the Collector, Deputy Collector, or other officer as aforesaid by whom the sale is intended to be made, in the Court of the Judge within whose jurisdiction the Land advertised lies; in the Courts of all the Principal Sudder Ameens, Sudder Ameens and Moonsiffs in the District, and at the Police Thanna of the division in which the Estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the officer at whose office such publication may have been made; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose.

First.—Arrears other than those of the current year, or of the last four months of the preceding year.

Secondly.—Arrears the payment of which has been suspended over one periodical sale by competent authority.

Thirdly.—Arrears of Revenue due on account of other Estates.

Fourthly.—Arrears due on account of Tuccavy, Poolbundee, or other demands not being on account of Revenue, but being recoverable by the process for the recovery of Arrears of Revenue.

VII. And it is hereby enacted, that in case the Collector, Deputy Collector or other Officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from the like cause to proceed with it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry, and so on, from day to day, until he shall be able to commence upon, or to proceed with, the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

VIII. And it is hereby enacted, that on the day of sale fixed according to Section IV of this Act, sales under this Act shall proceed in regular order, the Estate to be sold bearing the lowest number on the Towjee or rent roll of the District being put up first, and so on, in regular sequence: And it shall not be lawful for the Collector or other Officer as aforesaid to put up any Estate out of its regular order by number.

IX. And it is hereby enacted, that in the event of there being no bidders for an Estate ad-

vertised for sale as aforesaid, it shall be competent to the Collector or other Officer as aforesaid, with the sanction of the Commissioner of Revenue, instead of proceeding to advertise such Estate again for sale, to let such Estate in farm, upon tender advertised for in the usual mode, at an annual rent not less than the fixed jumma, and for such period as may be deemed expedient, the Proprietor not being entitled to re-enter until the expiration of the said period, and the rent of such farm shall be applied, after payment of the current Revenue, to the liquidation of the arrears due at the time of the lease, the surplus being paid to the defaulter. Provided always, that nothing in this Section shall be construed to affect the rule contained in Section 14, Regulation III of 1794 by which if the Lands of a defaulting Proprietor be put up for sale and no person shall offer to purchase them, his person and property of every description shall be liable for the balance to the operation of all the rules in force regarding defaulting Proprietors contained in Regulation XIV of 1793.

X. And it is hereby enacted, that no Estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no Estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance, but of which the Court of Wards has not assumed the management under Regulation VI 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no Estate held under attachment by the Revenue Authorities otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no Estate held under attachment by a Revenue Officer, in pursuance of an Order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Sudder Board of Revenue, and to the Local Commissioner of Revenue, to exempt any Estate or portion of an Estate from being notified for sale in the manner prescribed in Section IV. of this Act; and in special cases to exempt any Estate or portion of an Estate from sale even after it may have been so notified at any time before the day of sale, but in that case the order shall specify the reasons for exemption. And in either case arrears on account of an Estate so exempted shall be receivable, any thing in section IV of this Act to the contrary notwithstanding.

XII. And it is hereby enacted, that it shall be obligatory on all Collectors, Deputy Collectors or other Officers as aforesaid, to receive at any time on the last day before the dates of payment fixed as prescribed in Section III any amount of the arrear due from any Estate from any person not being a recorded Proprietor of the said Estate, who may tender the same, and to pass such amount to credit of the Estate for the liquidation of the arrear due on which it may have been tendered, and to grant to the person making such payment, a receipt under his Official signature and seal.

XIII. And it is hereby enacted, that a receipt so granted shall be received in all Courts of Justice as evidence of payment of arrears in the manner described in the preceding Section;

and in the event of the holder of such receipt substantiating in any such Court a lien by way of mortgage or otherwise upon the Estate on account of which such payment was made, the amount acknowledged in such receipt shall be held by the said Court to be an addition to the principal sum of such lien, as if it had originally formed part of the same, and shall bear interest from the date of payment as aforesaid, at the rate borne by the principal sum.

XIV. And it is hereby enacted, that a receipt as aforesaid shall be held by all Courts of Justice to be a full and complete acquittance *pro tanto* of rent which may be due from the same to the Proprietor or Proprietors of the Estate, to the credit of which payment of arrears may have been made in the manner described in Section XII of this Act, on account of Lands situated within such Estate.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an Estate by any such public sale as aforesaid, shall be required to deposit immediately, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly endorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the Estate shall, forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before noon of the fifteenth day, from that on which the sale of the Estate bought by him took place, reckoning that day as one of the fifteen, or on the sixteenth day, if the fifteenth day be Sunday or other close holiday; and in default of payment within the prescribed period as aforesaid, the sale shall be null and void, the deposit shall be forfeited to Government, the Estate shall be resold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any of the processes authorized for realizing an arrear of the Government Revenue, and it shall be so levied and credited to the defaulting Proprietor of the Estate sold.

XVII. And it is hereby enacted, that re-sales rendered necessary by default of purchasers as above, shall be held on some day not being less than fifteen days from the date of such default, to be fixed by the Collector, Deputy Collector or other Officer as aforesaid, and notified in the manner prescribed by Section IV of this Act, and the Estate shall be sold for the recovery of the arrear actually due on the day of the original sale, under the same rules with regard to the payment of the deposit, and of the full purchase money as are hereinbefore prescribed.

XVIII. And it is hereby enacted, that in the event of a second default the Collector, Deputy Collector or other Officer as aforesaid shall proceed a second time in the manner prescribed in Section XVII of this Act, and so likewise, as often as need be until the Estate be sold:—Provided always, that it shall be competent to the Collector to abandon the re-sale and to proceed anew to sale at the next periodical sale, for all the balances then due, recalling the proclamation directed to be issued by Section XVII of this Act, immediately on determining on such abandonment.

XIX. And it is hereby enacted, that if the Collector, Deputy Collector or other Officer as

aforesaid, conducting the sale either at the time of concluding the sale or at any subsequent time before the sale may have become final see reason to believe that the real purchaser is a person on his Establishment, or in any way connected as being a servant or nominee of Government with the management of the Collections of the Zillah or Purgunah within which the lot sold may be situated, he shall nevertheless, (if the question be raised before the conclusion of the sale) knock the lot down, and in all such cases it shall be his duty to institute an immediate investigation in order to bring the matter to proof, and the result of the proceedings that may be so held shall be submitted to the Commissioner, who will after investigation either dismiss the case if he consider it not proved, or if it be proved submit it for the orders of the Sudder Board of Revenue, who will if it shall appear expedient direct the lot to be escheated to Government, and whose order shall be final. The amount of the purchase money shall in that case be credited to the defaulter in the same manner as if the sale stood good.

XX. And it is hereby enacted, that if after a sale has become final it shall be proved by a suit decreed in Court that the Estate has been illegally purchased by a Revenue Officer of Government (whether the suit shall have been instituted by the Collector on the part of Government or by the former owner of the Estate sold or by any other party having an interest in the Estate) in case there be no appeal lodged from the decree the Court passing the decree, or if there be appeal, the Court passing the final judgment shall forward the decree to the Governor General in Council, who shall be competent to order that the Estate be confiscated, and restored to its original Proprietor.

XXI. And it is hereby enacted, that whenever an Estate is notified for absolute sale as provided by Section IV of this Act, the Collector, Deputy Collector, or other Officer as aforesaid shall affix a proclamation in the language of the District in his Cutcherry, and as soon thereafter as may be in the Cutcheries of the Moonsiff's and of the Darogahs of Police, within whose jurisdiction or jurisdictions any part of such Estate may be situated and also at the Cutcherry of the Malgoozar of such Estate, or on some conspicuous place on such Estate forbidding the ryots and under-tenants of such Estate to pay rent to the defaulting Proprietors from the date of such notification to the date of the subsequent notice hereinafter prescribed by Section XXX of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

XXII. And it is hereby enacted, that no appeal against a sale under this Act shall be received by the Revenue Authorities, which is not presented to the Collector or other Officer as aforesaid, to be forwarded to the Commissioner, within ten days from the day of sale, or which is not preferred to the Commissioner directly within fifteen days from the said date.

XXIII. And it is hereby enacted, that the Commissioner of Revenue shall be competent to annul any sale of an Estate made under this Act which shall appear on appeal not to have been conducted according to the Provisions of this Act: and the order of the Commissioner annulling a sale shall be final.

XXIV. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private de-

mand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, nor render a sale under this Act illegal.

XXV. And it is hereby enacted, that no claim on account of a deposit in the Treasury of the Collectorate at which the sale is held shall bar a sale, nor render a sale under this Act illegal, unless the party objecting to such sale prove that application was made in due form, and to the proper authority for the transfer of such deposit to the credit of the Estate sold by the party entitled to require such transfer to be made, fifteen days at least before the date fixed in the manner prescribed in Section III of this Act, if the Estate be in a permanently settled District of Bengal, Behar, or Orissa, or otherwise at any time before the date fixed in the manner prescribed in Section V of this Act.

XXVI. And it is hereby enacted, that no sale for the recovery of arrears of Revenue shall be annulled by any Revenue Authority subordinate to Government except upon proof of the sale having taken place contrary to the Provisions of this Act. Provided always that nothing in this Act shall be construed to debar any person considering himself to be wronged by any Act or circumstance connected with any such sale from seeking his remedy by an action for damages in the Dawanny Adawlut against the public officer by whose Act or by whose laches he considers himself aggrieved.

XXVII. And it is hereby enacted, that it shall be competent to the Local Government, on representation from the Sudder Board of Revenue or otherwise in cases of excessive hardship or injustice, at any time within one year from the completion of a sale made under this Act, to annul the sale, and to cause the Estate to be restored to the Proprietor on such conditions as may appear equitable and proper.

XXVIII. And it is hereby enacted, that except in the case provided for by Section XXVII, all sales of Estates confirmed on appeal by the Commissioner shall, if the purchase money have been paid up as prescribed by Section XVI of this Act, be final and conclusive from the date of such confirmation.

XXIX. And it is hereby enacted, that except in the case provided for by Section XXVII, all sales of which the purchase money has been paid up as prescribed in Section XVI of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale reckoning the said day of sale as the first of the said thirty days.

XXX. And it is hereby enacted, that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid shall register the name of the purchaser as Proprietor of the Estate sold, without any charge for the same, shall notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the Estate sold shall be situated, and shall apply the purchase money to the liquidation of the arrear due upon the day of sale, or upon the day of the original sale if the sale finally consummated be a re-sale, holding the residue, if any, in deposit on account of the late recorded Proprietor or Proprietors of the Estate sold, to be paid to their receipt on demand in the manner following; to wit, in shares proportioned to their recorded interest in the Estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to

the whole body of Proprietors upon their joint receipt.

XXXI. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXX of this Act; and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser with interest thereon at 5 per cent from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXXII. And it is hereby enacted, that the party recorded as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the day of sale; provided, however, that in sales of the nature specified in Section XVII and XVIII of this Act, the purchaser shall be answerable for all instalments of Revenue which fell due subsequently to the date on which the Estate was originally advertised for sale.

XXXIII. And it is hereby enacted, that no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money; and that no part of the surplus proceeds of the sale of an Estate, shall be liable for the private debts of the late Proprietor, whilst a suit to set aside such sale as illegal is pending in any Court of Justice.

XXXIV. And it is hereby enacted, that in the event of any sale being reversed by a final decree of any Court of Justice the purchase money shall be refunded to the purchaser by Government, together with interest at the rate of five per cent per annum. But if an arrear was due upon the Estate on the date of notification for sale, the Estate shall be held under attachment by the Collector, and shall not be restored to the Proprietor until that arrear is paid.

XXXV. And it is hereby enacted, that in the event of further measures than those specified in Section XXX of this Act being found necessary for the purpose of putting the purchaser in possession, the Collector or other Officer as aforesaid shall put the purchaser in possession in conformity with this Act, and the Collector or other Officer as aforesaid shall possess and exercise to that end all the powers possessed and exercised by Courts of Justice for giving possession of Landed Property under decrees of Court.

XXXVI. And it is hereby enacted, that the purchaser of an Estate sold under this Act, for the recovery of arrears due from itself, in the permanently settled Districts of Bengal, Behar, and Orissa, shall be entitled to enhance, in the manner prescribed in the Regulations, the rent of all under-tenures in the said Estate, with the following exceptions:

First. Tenures which were held as Istemra-ree or Mocurrere, at a fixed rent, more than 12 years before the permanent settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable, to increase of assessment, on the grounds stated in Section LI Regulation VIII of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots, having rights of occupancy at fixed rates.

Fourthly. Lands held under bonâ fide leases

temporary or perpetual, for the erection of dwelling houses, or manufactories, and being so used or for gardens, tanks, canals, or like purposes.

Fifthly. Farms granted in good faith by a former Proprietor, for terms not exceeding twenty years, under written and duly registered leases, stipulating for the payment of an annual rent not less than the average net rent realized from lands of the same description in the vicinity during the three years immediately preceding the year in which the lease as aforesaid was granted.

Provided that nothing in this Section contained shall be held to authorize any such purchaser to enhance the rent of any Talookdar, Ryot, or Cultivator, beyond what the late Proprietor would have been entitled to demand from the same according to the established usages and rates of the Pergunnah or district, if no engagement had existed between them.

XXXVII. And it is hereby enacted, that in the event of any purchaser at public sale as aforesaid proceeding against any tenant claiming to belong to one of the abovementioned classes, on the plea that the tenant does not really so belong, the burden of proof that he does belong to an exempted class shall be on the tenant sued.

XXXVIII. And it is hereby enacted, that the purchaser of an Estate sold under this Act for the recovery of arrears due from itself, in Districts other than those mentioned in the last preceding Section, shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager as well as all agreements with *ryots* or the like settled or credited by the first engager or his representatives, subsequently to the settlement, as well as all tenures which the first engager may under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of Land at a public sale to disturb the possession of any village *Zemindar*, *Puttedar*, *Mofussil Talookdar*, or other person having a hereditary transferable property in the land, or in the rents thereof, not being one of the Proprietors party to the engagement of settlement or his representative; nor to eject a *Khodkhasht*, *Kudeemee ryot*, or resident and hereditary cultivator, having a prescriptive right of occupancy. Nor to demand a higher rate of rent from an under-tenant of either of the above description, than was receivable by the former *Malguzar*, saving and except in cases in which such under-tenants may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the Land, in consequence of abatements having been granted by the former *Malguzars* from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the *Pergunnah*, *Mouzah*, or other local division, such under-tenants are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXXIX. And it is hereby enacted, that the claims of purchasers, whether in regard to the enhancement of rent, or ejection from tenure, under the provisions of Sections XXXVI and XXXVIII of this Act, shall be adjudicated only by the Civil Courts: Provided that nothing in this Section contained shall prevent purchasers from suing their under-tenants for arrears of rent by summary suit in the usual manner.

XL. And it is hereby enacted, that none of the power and privileges conferred upon purchasers at public sales for arrears of Revenue by Sections XXXVI or XXXVIII of this Act, shall be enjoyed or exercised by any person purchasing in his own name, or in the name of another, an Estate of which he was a recorded or unrecorded Proprietor, either absolute or in coparceny, at the time of sale for arrears as aforesaid, and such a purchaser shall have no right that was not possessed by the defaulter at the time of sale.

XLI. And it is hereby enacted, that arrears of rent which at the dates of sale may be due to the defaulter from his tenants, shall be recoverable by him by suit in Court in the prescribed form.

XLII. And it is hereby enacted, that the name delivered in to the Collector or other officer as aforesaid by the party to whom an Estate shall be sold under this Act, shall be recorded as the name of the Proprietor of such Estate, and any suit to oust him on the ground of fictitious purchase shall be dismissed with costs by any Court of Justice in which it may be instituted.

XLIII. And it is hereby enacted, that any covenanted officer employed in the collection of Land Revenue, or in the Superintendence thereof, shall be competent to punish any contempt committed in his presence in open Cutcherry, or office for the time being, by fine, to an extent not exceeding Co's Rs. 200, commutable if not paid to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Revenue Officer as aforesaid shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the superior Revenue Authorities in the usual course.

XLIV. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV of this Act shall be held to be contempt.

XLV. And it is hereby declared and provided, that when the Estate of a defaulter or his surety may be sold for the recovery of an arrear of Revenue, not being the Estate on account of which the arrear accrued, then whether the said Estate consist of *Malgoozaree* or *Lakkeraj* land, the purchaser only acquires the rights, interests, and title possessed by the said defaulter or surety, in like manner as if the land had been sold by private sale or under a decree of Court in liquidation of a private debt. But when an Estate is sold for the recovery of any part of the Revenue assessed upon it, the act of sale transfers to the purchaser all the property and privileges which the engaging party possessed and exercised as the time of settlement, free from any accidents or incumbrances that may subsequently have been imposed, or have supervened thereupon, such as sale, gift, or other transfer, mortgage, marriage settlement, or other assignment, or the like, and the property and privileges possessed and exercised as aforesaid, being perpetually hypothecated to Government, for

the Revenue assessed on the Land, no claim of right founded on any act of the original engager or his representative, or on any plea impeaching the title by which the said engager may have held, shall be allowed to impugn the right of the Revenue Authorities to make the sale, or to bar or affect the title and interest conveyed to the purchaser by the sale. Provided however, that if Government shall have acquired or assumed the property of any Estate subsequently to a settlement, and shall have conveyed the same to another, the Estate shall be held subject to all just claims to which it was liable at the time of such conveyance; and the party ousted on the assumption or acquisition by Government, shall not be barred by a sale made after such conveyance of any right he may have possessed to recover from Government the property so assumed or acquired by it.

**XLVI.** And it is hereby enacted, that when any person claiming the proprietary right in any *Mohaul* shall have instituted a suit in Court for the recovery of the same, if the party in possession of such *Mohaul* shall neglect to discharge the Revenue payable on account thereof, and a sale of the *Mohaul* for the recovery of the arrears due shall have been advertised as aforesaid, it shall be competent to the said plaintiff to make application to the Court to be put in possession of the contested *Mohaul*, on paying the arrears with interest and charges due, and giving security as hereinafter provided. And the Judge on receiving such application shall, subject to the rules for taking security in the case of appellants and defendants contained in Clause Fourth, Section II, Regs XIII 1808, direct the Collector, Deputy Collector or other Officer as aforesaid, on receiving from the said plaintiff the amount of arrear due, and of charges, to put the said plaintiff in possession.

**XLVII.** And it is hereby provided, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa, and Benares, and to the ceded and Conquered Provinces under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect Land in the town of Calcutta or the Settlements of Singapore, Penang or Malacca.

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

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India, after the 14th day of January, 1840.

J. P. GRANT,  
*Offg. Secy. to the Govt. of India.*

## Legislative Department.

FORT WILLIAM,

THE 14TH OCTOBER, 1839.

The following Draft of a proposed Act was read in Council for the first time on the 14th October, 1839.

ACT No. — of 1839.

An Act for authorizing the Court of Requests for the Town of Calcutta to execute decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24 Pergunnahs in certain cases.

1. Whereas execution of the decrees of the Judge of Dewanny Adawlut of the Zillah of the 24 Pergunnahs is often defeated by the parties against whom the same have been obtained absconding from the limits of the said Zillah into

the Town of Calcutta; and whereas by Regulation XVI of 1812 of the Bengal Code, provision is made where the like inconvenience occurs by parties absconding from the Town of Calcutta into the said Zillah, for the Judge of the said Zillah enforcing the judgments of the Court of Requests of the Town of Calcutta;—It is hereby enacted that if the defendant in any suit decided by the Judge of Dewanny Adawlut of the Zillah of the 24 Pergunnahs, the plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving a written application from the said plaintiff either in person or by Vakeel, setting forth the above circumstances and accompanied by a copy of the decree duly authenticated, is hereby authorized and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests. Provided always that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree except the cause of action in respect of which such decree was obtained were such that if it had occurred within the local jurisdiction of the said Court it would have been cognizable by the same.

11. And it is hereby further provided that, if the defendant in any such cases as is in the first Section of this Act mentioned shall allege any cause against the execution of the decree which shall appear to the said Court of Requests to require the determination of the said Judge the Court shall upon such defendant entering into sufficient security to satisfy the decree, if the Court shall deem this precaution necessary, allow the said defendant a reasonable time to apply to the said Judge, upon the expiration of which, unless the said defendant shall produce an order properly authenticated from the said Judge, certifying that the decree ought not to be put into execution, the Court shall forthwith proceed to execute the decree as prescribed in the preceding Section.

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

Ordered, that the said Draft be reconsidered at the first Meeting of the Legislative Council of India after the Fourteenth day of December next.

J. P. GRANT,  
*Offg. Sec. to the Govt. of India.*

## Legislative Department.

FORT WILLIAM.

THE 21ST OCTOBER, 1839.

The following Draft of a proposed Act was read in Council for the first time, on the 21st October, 1839.

ACT No. — OF 1839.

An Act for regulating the Procedure on Trials referred to the Court of Foujdaree Udalut at Madras, in cases determinable by the Mahometan Law.

1. Whereas the dispensing with a Futwa, in cases determinable by the Mahometan Law, and referred to the Court of Foujdaree Udalut at Madras, will be attended with great convenience; and the Futwa may be dispensed with in that Court, without altering or impairing the authority of the Mahometan Law;—It is, therefore, hereby enacted, that in Trials referred by the Courts of Circuit to the said Court of Foujdaree

Udalut at Madras, that court shall not be required to take a Futwa from their Law Officers. Provided always that nothing in this Act contained shall authorize the said Court to dispense with the Mahometan Law in any case, which before the passing of this Act, would have been determinable according to that Law by the said Court.

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

Ordered, that the said Draft be re-considered at the first meeting of the Legislative Council of India, after the 21st day of January 1840.

J. P. GRANT,

*Offg. Secy. to the Govt. of India.*

## Legislative Department.

FORT WILLIAM,

THE 21ST OCTOBER, 1839.

The following Draft of a proposed Act was read in Council for the first time on the 21st October, 1839.

ACT No.—OF 1839.

*An Act for the Examination of Native Witnesses.*

I. Whereas obstruction to Justice has arisen owing to the unwillingness of native witnesses to give testimony in consequence of their being compelled to be sworn upon the Koran or by the water of the Ganges or according to other forms which are repugnant to their consciences or feelings.

It is hereby enacted, that no native witness shall be compellable in any Court of Justice to make oath or declaration otherwise than according to the following effect.

I solemnly affirm and declare in the presence of Almighty God that I will faithfully and without partiality answer make to all such questions as shall be demanded of me touching the matter now before the Court, which shall be the truth, the whole truth and nothing but the truth.

II. And it is hereby provided, that if any person making such affirmation or declaration shall be convicted of having wilfully and falsely affirmed or declared any matter or thing which if it had been sworn, previously to the passing of this Act would have amounted to wilful perjury, every such offender shall be subject to the same pains, penalties and forfeitures to which persons convicted of wilful perjury were subject before the passing of this Act.

III. And it is hereby provided, that this Act shall not extend to any proceedings in any of Her Majesty's Courts of Justice.

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

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council after the 21st day of January 1840.

J. P. GRANT,

*Offg. Secy. to Govt. of India.*

## Wanted.

For the immediate service of Government, the following articles, verbal offers for the same will be received at this office on Saturday next the 16th instant, when persons desirous of obtaining the supply will be required to bid a per-centage below the rates at which the articles may be put up, and the lowest bidder

must be prepared to make a deposit of 10 per cent on the amount of his offer.

(1) One Wench Rope, Europe, Iron, best quality.

(1) One Ditto Spun Yarn, Europe.

F. D. BAGSHAWE, Capt.

*Sub Assist. Commy. Genl. in Charge.*

Bombay, Depty. Commy. Genl's.  
Office, 12th November 1839.

## Advertisement.

Tenders will be received at the office of the Superintendent Indian Navy, on Monday next the 18th instant, at 12 o'clock, from persons willing to supply Tonnage, to convey from Mangalore to Calcutta about (3000) three thousand maunds of Amendavie Coir, more or less.

2d. The tender must specify the rate per Ton of 2240 lbs, and the time of the vessels being at Mangalore to receive it.

3d. The Coir will be placed on board in Bundles, which must be preserved entire, and delivered in good order in Calcutta according to weight.

4th. A deposit of Rupees (200) two hundred will be required for the due performance of the engagement, and a receipt for the same deposited with the Military Pay Master should accompany the tender.

5th. No reason will be assigned for rejections of any tender, nor will any be accepted that may not be accompanied by the required security of Rupees (200) two hundred.

By order.

J. C. IBBS,

*For the Actg. Assist. Supt. I. N.*  
Bombay, 12th November 1839.

## Advertisement.

A Passage is required for the conveyance to Karrack, of,

2 European Commissioned Officers.

15 European Non-Commissioned Rank and File.

1 Native Commissioned Officer.

16 Artillery Drivers,

12 Private Followers.

By order.

J. C. IBBS,

*For the Actg. Assist. Supt. I. N.*  
Bombay, 12th November 1839.

## Advertisement.

Tonnage is required for the conveyance of a Box of the undermentioned size, to Glassgow, vizt.

Length.	Breadth.	Depth.
F. I.	F. I.	F. I.
2 0	1 4½	1 4½

By order.

J. C. IBBS,

*For the Actg. Assist. Supt. I. N.*  
Bombay, 12th November 1839.

## Advertisement.

A Passage is required for the conveyance of (30) Thirty Native Convicts, to Singapoore.

By order.

J. C. IBBS,

*For the Actg. Assist. Supt. I. N.*  
Bombay, 12th November 1839.

**BOMBAY PRICE CURRENT.**

*Of Butcher's meat, poultry, fish, bread, milk, butter, fruits, oil, firewood, sugar, and grain.*

QUOTED BY THE DEALERS.  
Bombay, 11th November 1839.

Articles.	Price.	Articles.	Price.
<b>BEEF.</b>			
Prime pieces. 1st sort at 10 pounds.	1	Chickens small. . . . . per dozen.	2
Ditto. 2nd do. 12. do.	1	Hen's eggs. . . . . per each.	3
Brisket & round. 1st do. 12. do.	1	Ducks do. . . . . do.	3
Ditto. 2nd do. 16. do.	1	<b>FISH.</b>	
Soup. . . . . 16. do.	1	Mullet large. . . . . per corge.	12
Shin. . . . . 1st do. each.	4	Ditto small. . . . . do.	8
Ditto. 2nd do. do.	3	White pamphlet large. . . . . each.	2
Tongue. . . . . Large do.	4	Ditto do. small. . . . . do.	1
Ditto. . . . . small do.	3	Black. do. large. . . . . do.	3
Heart. . . . . Large do.	2	Ditto do. small. . . . . do.	1 6
Ditto. . . . . small do.	1 6	Seer fish. . . . . per pound	1
Feet. . . . . four.	4	Coorwin. . . . . do.	1
<b>VEAL.</b>		<b>BREAD OF SORTS.</b>	
Hind Quarter. . . . . 1st sort.	4	A loaf of first sort. . . . . poiz 13 oz.	1 10
Ditto. . . . . 2nd do.	2 8	Ditto of second do. . . . . do.	1 6
Fore Quarter. . . . . 1st do.	3	Ditto brown. do. . . . . do. 32 do.	2
Ditto. . . . . 2nd do.	1 8	Ditto long, first sort. . . . . do. 8 do.	6
Leg. . . . . 1st do.	2	Ditto second. . . . . do. 4 do.	1 4
Ditto. . . . . 2nd do.	1 4	<b>MILK AND BUTTER.</b>	
Loin. . . . . 1st do.	2	Cow milk. . . . . per seer.	1 8
Ditto. . . . . 2nd do.	1 4	Buffaloe do. . . . . do.	1 4
Shoulder. . . . . 1st do.	10	Cow butter. . . . . cup.	1 4
Ditto. . . . . 2nd do.	7	Buffaloe do. . . . . do.	1
Breast. . . . . 1st do.	14	<b>FRUIT OF SORTS.</b>	
Ditto. . . . . 2nd do.	7	Pine apples, 1st sort Bombay each.	1
Neck. . . . . 1st do.	10	Ditto ditto 2nd ditto. . . . . ditto.	1
Ditto. . . . . 2nd do.	6	Ditto ditto Bancote 1st ditto ditto.	8
Head, feet, liver & heart, 1st sort.	1	Ditto. . . . . 2nd ditto. . . . . ditto.	4
Ditto. . . . . ditto. 2nd do.	14	Pomelos. . . . . 1st ditto. . . . . ditto.	12
<b>MUTTON.</b>		Ditto. . . . . 2nd ditto. . . . . ditto.	4
Hind Quarter. . . . . 1st sort.	1 8	Guavas. . . . . 1st ditto. . . . . ditto.	8
Ditto. . . . . 2nd do.	1	Ditto. . . . . 2nd ditto. . . . . ditto.	6
Fore Quarter. . . . . 1st do.	1	Orange. . . . . 1st ditto. . . . . ditto.	1 8
Ditto. . . . . 2nd do.	12	Ditto. . . . . 2nd ditto. . . . . ditto.	1
Saddle. . . . . 1st do.	2	Water melons large. . . . . ditto.	1
Ditto. . . . . 2nd do.	1 4	Ditto ditto small. . . . . ditto.	1
Leg. . . . . 1st do.	12	Plantains 1st sort. . . . . ditto.	3
Ditto. . . . . 2nd do.	8	Ditto. . . . . 2nd ditto. . . . . ditto.	2
Loin. . . . . 1st do.	10	Sweet limes large. . . . . ditto.	8
Ditto. . . . . 2nd do.	7	Ditto small. . . . . ditto.	4
Shoulder. . . . . 1st do.	8	Limes. . . . . do. . . . . ditto.	2
Ditto. . . . . 2nd do.	5	Potatoes Neilgherry 1st sort. per seer	1 4
Breast. . . . . 1st do.	2 6	Ditto. . . . . 2nd do. . . . . ditto.	1
Ditto. . . . . 2nd do.	2	Ditto Mahabuleswar 1st do. , ditto.	1
Neck. . . . . 1st do.	6	Ditto. . . . . 2nd do. . . . . ditto.	10
Ditto. . . . . 2nd do.	4	Ditto Surat 1st do. . . . . ditto.	8
Head & feet. . . . . 1st do.	2	Ditto do. 2nd do. . . . . ditto.	6
Ditto. . . . . 2nd do.	1 6	Yams 1st sort. . . . . ditto.	1
Liver and Heart. . . . . 1st do.	2	Ditto 2nd ditto. . . . . ditto.	8
Ditto. . . . . 2nd do.	1 6	Onions. . . . . do. . . . . ditto.	3
<b>KJ.D.</b>		<b>OIL OF SORTS.</b>	
Hind Quarter. . . . . 1st sort.	12	Cocoonut oil 1st sort. . . . . per maund	2 8
Ditto. . . . . 2nd do.	8	Ditto do. 2nd do. . . . . ditto.	2 7
Fore Quarter. . . . . 1st do.	10	Jingely ditto. . . . . ditto.	3 6
Ditto. . . . . 2nd do.	6	Erandia ditto. . . . . ditto.	3 6
Head, feet, liver & heart 1st do.	4	<b>FIRE WOOD.</b>	
Ditto. . . . . ditto. 2nd do.	3	Babool. . . . . per candy.	3 4
<b>COUNTRY MUTTON FOR NATIVES.</b>		Khair. . . . . do. . . . . ditto.	2 12
First sort. . . . . at 14 pounds.	1	Aine. . . . . do. . . . . ditto.	2 8
Second do. . . . . 16 do.	1	Billet wood, large size, per thousand	4 12
<b>POULTRY.</b>		Ditto ditto second do. . . . . ditto.	3 4
Goose. . . . . each.	1 12	Ditto ditto third do. . . . . ditto.	2 8
Turkey cock, Goa. . . . . do.	2 8	<b>SUGAR OF SORTS.</b>	
Ditto hen. . . . . do.	1 8	Soft sugar 1st sort. . . . . per maund.	5 4
Ditto cock, Bombay. . . . . do.	3 8	Ditto ditto 2nd do. . . . . ditto.	4 12
Ditto hen. . . . . do.	2	Ditto ditto 3rd do. . . . . ditto.	4 4
Duck. . . . . do.	3	Jagree. . . . . do. . . . . ditto.	2 8
Fowls, Surat, large. . . . . do.	1 4	<b>GHEE OF SORTS.</b>	
Ditto do. small. . . . . do.	1	Curranchey ghee. . . . . per maund.	8
Ditto. Sinda, large. . . . . do.	1	Surat. . . . . do. . . . . do.	8
Ditto do. small. . . . . do.	1	Bhownuggur do. . . . . do.	7
Ditto, Bombay, large. . . . . do.	7	Pal Ghanty do. . . . . do.	6 8
Ditto do small. . . . . do.	5	Ahmedabad do. . . . . do.	7
Chickens, large. . . . . per dozen.	2 4	Ghanty. . . . . do. . . . . do.	6
		Jaffrad. . . . . do. . . . . do.	6



Articles.	Price.
<b>GRAIN OF SORTS.</b>	
Hansia wheat..... per Candy.	22..
Jamboosee do. first sort...., ditto	20..
Ditto... do. second sort .., ditto	18..
Blownuggur do. first sort do., ditto	17..
Ditto..... do. second do., ditto	16..
Ganty..... do....., ditto	16..
Sindey.....do....., ditto	25..
Jamboosee Gram...., ditto	22..
Blownuggur ditto. first sort .., ditto	21..
Ditto 2nd.....do....., ditto	22 8..
Ganty..... ditto....., ditto	20..
Wooded Ghanty...., ditto	21..
Ditto Cutchey....., ditto	17..
Ditto.. Malabar do....., ditto	20..
Blownuggur Bazrey first sort .., ditto	17..
Ditto..... ditto 2nd do., ditto	16..
Ghanty.. ditto....., ditto	20..
Barley.. first sort.. .., ditto	16..
Ditto.. second do.. .., ditto	20..
Juaree.. .., ditto	18..
Mutt Gogaree....., ditto	312..
Ditto.. Ghanty....., ditto	612..
Chowley....., Phara	8..
Broach doll...., ditto	30..
Surat. ditto...., ditto	28..
Toor.. first sort...., Candy	11..
Ditto second do.. .., ditto	28..
Natcheny....., ditto	28..
Wuttana....., ditto	2 4..
<b>UNBEATEN RICE OF SORTS.</b>	
Putney rice.. .. per phara	2..
Sindey red.. .., ditto	112..
Raws.. .., ditto	4..
Red.. .., ditto	312..
<b>BEATEN RICE OF SORTS.</b>	
Jerasaul rice first sort.... per phara	3 8..
Ditto.. do second ditto...., ditto	3..
Vergole do. first.. ditto...., ditto	3..
Ditto ditto second ditto...., ditto	212..
Sindy do. ratra....., ditto	2 8..
Ditto sogundee....., ditto	2 8..
Putney ditto....., ditto	210..
Raws.. ditto...., ditto	2 8..
<b>MANGALORE RICE OF SORTS.</b>	
Unboiled rice first sort.. per Robin	2 4..
Ditto.. ditto second do.. .., ditto	2 2..
Boiled.. ditto first ditto.. .., ditto	2 2..
Ditto.. ditto second do.. .., ditto	6 8..
<b>BENGAL RICE OF SORTS.</b>	
Unboiled rice 1st sort.... per bag.	6..
Ditto... ditto 2nd do....., ditto	5 12..
Boiled.. ditto 1st do. ...., ditto	5 4..
Ditto... ditto...., ditto	25..
<b>BATTY OF SORTS.</b>	
Putney batty..... per Moora	21..
Raws.. ditto...., ditto	20..
Red... ditto....., ditto	20..

Vegetables generally sold according to the quantity in the Market, and the choice of the vegetables.

*Bombay Weights and Measures by which the Articles are sold.*

- 4 Seers one Adowley.
- 17 Adowlies one Phara.
- 8 Pharas one Candy.
- 25 Pharas one Moora.
- 40 Seers one Bombay Maund.
- 1 Maund 28 English pounds.

N. B. These prices are not fixed by authority the Markets being free, but are quoted by the Merchants and Venders themselves as the current Market prices, and published as such for general information.

Published by order of the Court of Petty Sessions,  
J. WATSON,  
Clerk of the Markets.

### Notice

Is hereby given, that persons desirous of entering into a contract, for the supply of sundry articles of Turners work to this Department, for two years from the 1st of December next, may on application at this office from 10 A. M. till 5 P. M. daily, Sundays excepted, obtain a List of the prices and such other information relating thereto as they may require.

Verbal offers for the contract will be received at this office at 12 o'clock on Saturday the 23rd instant, when persons will be required to bid a per-centage below the prices specified in the List above adverted to at which they will undertake to supply the articles in question as they may from time to time be demanded.

The contractor will be required to comply immediately with all emergent demands, and others less urgent must be completed within the period stated in the Supply Notes, or in failing to do so, the articles or such others as may be required in that behalf, will be purchased at his risk and loss, and in all such cases a fine of Rupees (30) Thirty per-cent upon the amount of expenses incurred, or a fine of Rupees (50) fifty, at the option of the Executive Officer, will be levied as liquidated damages for each and every breach of contract as often as the same may occur.

No person will be allowed to tender for the contract, unless he previously deposits in this office Rupees (250) two hundred and fifty, which will be forfeited in the event of delay, evasion or refusal to execute the deed of contract should his offer be accepted, in which case he must be prepared to add thereto a similar sum to be held as security for the due performance of the engagement.

All further particulars will be communicated at the time of bidding, and no reason will be assigned for rejecting any offer.

F. D. BAGSHAWE, Captain,  
Sub. Asst. Comm'y. Genl. in Charge.  
Bombay, Deputy Comm'y. Genl's.  
Office, 5th November 1839.

અ હ ર નામુ

એવુજે આવાતા દીશમખર મહીનાની તા  
રીખ વ થી બે વરશ શુધી કમીશારી ખા  
તામાં પરચુરણ કનતાસીનાં કામનો શામાન  
આવાતાનો ઇખરો લેવાની જે લોકોની ખુ  
શી હશે તેણામને આદીતવાર શીવાએહ  
રશેજ શવારના દશ કલાકથી તે શાખતા પા  
ચ કલાક શુધી ડીપુરી કમીશારી જનરાલ  
શાહખનાં હાખીશમાં પુકાથી તે શામાનના  
દરો વગેરેની ઇખાદદશત મલશે અને તે  
ખાખત ખીજુ જે પુકવુ હશે તેપણ તાહ  
થીજ માપવુ થશે

હુપર લખેલા ઇખરા ખાખત મુખખુખા  
ની અરખ ચાલતા મહીનાની તારીખ ૨૩  
શનીવારને દીને ખાર કલાકે હુપર લખેલી  
હાખીશમાં શાખલી લેશે તે વખત લોકોએ

કુપર લખેલી ઇમાદદારનાં લખેલા દર  
કરતાં ફેટલા તકા ઓછાથી તે શામાન જે  
વખત માંગશે તે વખત આપવાને કબુલ ક  
રશે તે તકા ખોલવા \*

જે શામાન ઘણી જરૂરીથી માગશે તે ઇ  
બરદારે મુરત આપવો અને જે થોડી જરૂરી  
નો હશે તે શપલાઈની ચીઠીમાં લખેલી મુદ  
તમાં આપવો એ પરમાંણે કરવામાં ચુકશેતો  
તે શામાન અથવા તેને બદલે જે લાગશે તે  
બોલેલથી ખરીદ કરશે તેનું બેખંમ તથા નુ  
કશાન ઇબરદારને માથે પડશે અને તે કુ  
પર જે ખરચ પડશે તે શંધા ખરચ કુપર  
દર શેકડે તકા તીશ પરમાંણે અલલડીશાખ  
રૂા ૫૦ પચાશ ડંડ લેશે એ એકશીકીકુટી  
વ હાખીશરની ખુશી કુપરકે અને એ મુજ  
બ જેટલી વખત ચુકશે તેટલી વખત એ  
પરમાંણે ડંડ લેશે \*

જે શખશ અગાઉથી રૂા ૨૫૦ બશે પ  
ચાશ કુપર લખેલી હાખીશમા અમાનત ન  
ડી રાખશેતો તેનું એ ઇબરા બાબત અરબ  
કરવા દેરો નહી અને તે રૂપેઆ ઇબરાનો  
કાબલ ફેરી આપવાને ઠીલ કરશે અથવા આ  
નાકાંની કરશે અથવા નામકર જશેતો શર  
કાર દાખલ થશે અને જે શખશનો અરબ  
કબુલ થશે તેણે ખોતાનો કરાર શારીપહે પા  
રપાડી આપવાની બમીનગી બાબત બીબ  
રૂા ૨૫૦ કુપર લખેલા રૂપેઆમાં ભેલી આ  
પવાને તજઆર રાખવા \*

બીબે શંધો તજશીલ લીલાકુની વખતે  
બહેર કરામાં આવશે અને જેનો અરબ  
નાકબુલ કરશે તેનું કારણ ફેરશે નહી \*

નીશાણી  
એકડી બાગશા કપતાન  
શબ આશીશરેટ કમીશારી  
જનરાલ ઇન ચારજ  
મા ૫ માહિ નવમબર શને ૧૮૩૯ ઇ  
શવી મુબાહ કીપુટી કમીશારી  
જનરાલ શાહેબની હાખીશ  
W.S. BOYD, Actg. Secy.

**Notice.**

Verbal tenders will be received at this of-  
fice on Monday the 18th instant, at 1 P. M. for  
the supply of the materials specified below,  
required for the construction of a new build-

ing Yard for Slips of War, to the South East-  
ward of the Dock Yard and Saluting Battery,  
vizt.

Quantity of Materials.	Names of Materials.	Dimen- sions of each of the items.		
		Length.	Breadth.	Height.
13000	Candy. Chuntam coarse sweet 1st sort.			
13000	Ditto. Sand			
22235	Num. Kandkees -----each	1 1/2	1	1 1/2
2661	Ditto. Coping Stones -----do	2	2	1
1442	Ditto. Step Stones -----do	3	1 1/2	1 1/2
994	Ditto. Dove-tailed Stones -----do	2	2	1 1/2
150	Ditto. Dootada Stones -----do	2	2	1 1/2
90	Ditto. Solid Cut-stones -----do	1 1/2	1 1/2	1 1/2
210	Ditto. Step Stones -----do	3	1 1/2	1 1/2
4538	Brass. Rubble Stones			
305	Guz. Superior Calicaf Timber			
755	Ditto. Calicaf Timber 1st Sort			
234	Ditto. Ditto ditto 2nd do			

W. C. HARRIS, Capt.  
Actg. Supt. Engineer.  
Bombay, 12th November 1839.

**Proclamation.**

(L. S.)  
In the Court of the Zillah of Ahmednuggur.  
Whereas Motheram Vd. Dalechund Goozer,  
of Meerusgaum, Talooka Kortee, died at the  
same place on the 13th September 1839,  
leaving the following property within this Zil-  
lah, vizt.

Ready Company Rupees.....	23	6	1
Brass and Copper ware.....	47	7	..
Sundry Articles.....	3	10	3
Sundry Drugs.....	11	2	9
Debts Outstanding.....	978	6	10
Silver and Golden Ornaments.....	160	1	..
Pearls large and small, about 12.....	1	12	..
Iron Articles.....	5	9	9
Clothes.....	56	14	3
1 Mare.....	20	..	..
Grain &c.....	60	6	3
	1368	12	2

And whereas no Will of the said Motheram  
Vd. Dalechund Goozer has been found, nor is  
it known if he has any heirs with the excep-  
tion of a brother said to be in Guzerat.

This is to give notice to all persons claim-  
ing to be heirs, or to be entitled to receive  
charge of the said property, to attend and  
prefer their claims in the said Court, in order  
that on such claim being proved, the said pro-  
perty may be delivered to them. Dated 2nd  
October 1839.

(Signed) H. H. GLASS,  
Judge.  
True Translation.  
J. WEBB,  
Acting Assist. Judge.

ચાહોરનામા નોસવત દિવાનો અદાલત જિ  
લ્હા આમદાનગર સુરુષન ઓર્વેન મયાતેન વ અલ  
ફ કઠાવેં કો, વા કષવે મિરજગાંવ તાલુકે કો  
ટીંધે મોતોરામ વા દલ્હોચંદ ગુજર હાતોરોહ  
૧૨ સપટેંવર સન ૧૮૩૯ ચે રોજી મયતજાલ્હા

त्याचे वारस देणांत मखा भाऊ आहे परंतु ये  
चे वारस कोणी नाही सा त्याचि मिळकत ह्याजि  
ल्यांत आहे तो यणेप्रमाणे.

- २३ ६ १ रोखकंदर्णा
- ४७ ७ ० भांडो तांबे पोतळ
- २ १० ३ कोरकोळ डाग
- ११ २ ६ किरकोळ वाणसवदा
- ६७८ ६ १० कुळारगवारचणे
- १६० १ ० डागोणे सोन्याच्याचे
- १० १२ ० मोनो बाहानमोठोसु १२
- ५ ६ ६ सोखंडो जोनधा
- ५६ १४ ३ पांघरणे
- २० ० ० घोडो रास १
- ६० ६ २ केंबो जोनस

१३६८ १२ रसपये.

यणेप्रमाणे सोळकन आहे आणो म्हणु पत्रसां  
पडत नाही आणो मख्याचा वारस आहे कोवाना  
होहे माहोन नाही यालव जर मख्याचा कोणि  
वारस असेल कोवा वारसोचो वडोवाट करण्या  
चादावा असेल तर त्याणे कोडतांत हजर होउन  
तो गाष्ट खरि करावो नंतर कोडत त्याचे वारसा  
खाधोन करीलजाणोजे ता २ माहेअकटोवर स  
न १८३६ इसवो.

**Marine Department.**

**NOTICE**

Is hereby given, that it is the intention of  
the Hon'ble the Governor in Council to des-  
patch a Steamer, with a Mail for Suez, on  
Monday the 25th November next.

*By order of the Hon'ble  
the Governor in Council,  
W. S. BOYD,  
Actg. Secy. to Govt.*

Bombay Castle, 2nd October 1839.

**MARINE DEPARTMENT.**

**Notice**

Is hereby given, that it is the intention of  
the Hon'ble the Governor in Council to des-  
patch a Steamer for Suez, on Tuesday the  
31st of December next.

*By order of the Hon'ble  
the Governor in Council.  
E. M. WOOD, Lieut. Col.  
Secy. to Govt.*

**Notice.**

Verbal tenders will be received at the Su-  
perintendent of Road's Office, on Friday next  
the 15th instant, at 4 P. M. for Repairing and  
Watering with Salt Water the Grant Road.

**W. S. SUART,  
Supt. of Repairs, &c.**

Bombay, 12th November 1839.

**Wanted.**

For the service of Government, a quantity of  
Port Wine of a good quality in Bottles, sealed  
tenders for which accompanied by samples,  
will be received at this office until 12 o'clock  
on Wednesday next the 20th instant.

**F. D. BAGSHAWE, Capt.  
Sub. Asst. Commy. Genl. in Charge.**

Bombay, Depy. Commy. Genl's  
Office, 13th November 1839.

ॐ २ नामु

मेवुने शरफारना फामे शाहू शारि मेरदव  
अन शीशामा तरलो मेअमेय ते आपवा जा  
अतनी मोहोरअंध अरअओ नमुना शार्ये  
डीपुटी फमीशारी अनराव शाहेअनी हाफ्री  
शमां यावता महीनानी तारीप २० अयवा  
रने हीने आर फलाफ शुनी आपरो ते लेशे  
नीशाएली

मेफ-डी-आाशा-फपतांन  
शअ आशीशरद फमीशारी अनराव  
अन यारव

ना १३ माहे नवेमेअर शने १८३६  
अशवी मुा मुआअ डीपुटी फमी  
शारी अनराव शाहेअनी हाफ्रीश

**W. S. BOYD, Actg. Secy.**

**Notification.**

**TERRITORIAL DEPARTMENT,  
FINANCE.**

The Honorable the Governor in Council is  
pleased to publish the subjoined Assay Report  
for general information.

*Assay Report of 1000 Gold Mahomed Sha  
Toman's transmitted for Assay by the Resi-  
dent in the Persian Gulph.*

Description of Coin,	Average weight.		Touch.	Pure Metal.	Value of 100 in the new Bombay currency.
	Grains	Decs.			
Mahomed Sha Toman..	59	01	96	75	57 09 519 019

(Signed) **J. F. HEDDLE,  
Assay Master.**

Bombay Mint Assay Office, }  
21st September 1839. }

*By order of the Hon'ble  
the Governor in Council.  
L. R. REID,  
Acting Chief Secy.*

Bombay Castle, 13th November 1839.

# GENERAL ORDERS.

## MILITARY DEPARTMENT.

BY THE HONORABLE THE GOVERNOR IN COUNCIL.

BOMBAY CASTLE, 7th NOVEMBER 1839.

No. 590 of 1839.—The following orders are confirmed:—

An Order by the Commander in Chief, dated Camp near Cabool, 14th September 1839, appointing Lieutenant Creed of the Artillery, to act as Assistant Quarter Master General to the Bombay Infantry Division, during the indisposition of Lieutenant Ramsay, or till further orders, and Captain Gilland of Her Majesty's 2nd or Queen's Royal Regiment, to act as Aid-de-Camp to Brigadier Baumgardt, vice Kershaw.

An Order by the Commander in Chief, dated 17th September 1839, appointing Lieutenant Hogg of the 2nd Grenadier Regiment Native Infantry, to act as Persian Interpreter to the Force under the command of Major General Willshire, C. B.

An Order by Major Reid, dated the 22nd ultimo, appointing Lieutenant Brown to act as Adjutant to the 12th-Regiment Native Infantry, and to have charge of the Bazars at Rajcote, from the 17th ultimo, during the absence of Lieutenant Holmes on sick certificate, or until further orders.

An Order by Major C. Cathcart, 10th Regiment Native Infantry, dated 20th ultimo, appointing Lieutenant H. Vincent of the 10th Regiment Native Infantry, to act as Adjutant to the detachment serving in the Northern Conkan, consisting of upwards of 300 Rank and File, from the 6th ultimo, in succession to Lieutenant Jackson.

No. 591 of 1839.—The Hon'ble the Governor in Council is pleased to announce, that Lieutenant Francis John Ford, of the 20th Regiment Native Infantry, has succeeded to the title of his late Father, Sir Francis Ford, Baronet.

*Bombay Castle, 9th November 1839.*

No. 592 of 1839.—The Hon'ble the Governor in Council is pleased to publish the following Extract, Paras. 1 to 3 of the Hon'ble Court's letter, No. 33, dated 29th August last.

1. We have permitted the undermentioned Officers to return to their duty, vizt.

- Captain Thomas Tapp, (Overland, in September.)
- A. P. Hawkin.
- Lieutenant H. L. Brabazon.
- Ensign W. T. Boye
- M. T. Gordon, (Overland.)
- Superintending Surgeon A. Henderson.

2. Conductor R. Elljott has also been permitted to return to his duty.

3. Lieutenant Andrew Jukes has been permitted to resign the service; this vacancy has effect from the 14th May 1839.

No. 593 of 1839.—The Hon'ble the Governor in Council is pleased to publish the following Extract of the Hon'ble Court's letter, No. 36, dated 11th September last.

We have appointed Mr. John Augustus Wood, now abroad, a Cadet of Infantry upon your Establishment, subject to the conditions communicated to you in our letter dated the 5th June last, No. 23. Mr Wood's order of Rank will be transmitted at an early opportunity.

No. 594 of 1839.—The Hon'ble the Governor in Council is pleased to publish the following Extract, Paras. 1 & 3 of the Hon'ble Court's letter, No. 37, dated 11th September last.

1. We have permitted the undermentioned Officers to return to their duty, vizt.

- |                                     |                               |
|-------------------------------------|-------------------------------|
| Major General De la Motte.          | Captain Wm. Clayton Manesty.  |
| Captain Thomas C. Parr, (Overland.) | Lieutenant George Sparrow.    |
| Edward Hullum, in October.          | George O. Reeves, (Overland.) |
| Henry Hart, (Overland.)             | Ensign Charles Ponsonby.      |

2. We have granted additional leave to the following Officers, vizt.

- |                                |             |
|--------------------------------|-------------|
| Captain William Rollings,..... | } 6 months. |
| 2d Lieutenant W. Hodgson,..... |             |

3. Veterinary Surgeon Rogers has been permitted to retire from the service.

*Bombay Castle, 11th November 1839.*

No. 595 of 1839.—A Furlough to Europe for three years, is granted to Brevet Captain G. Clarkson of the 12th Regiment Native Infantry, for the benefit of his health.

*Bombay Castle, 12th November 1839.*

No. 596 of 1839.—The following native promotions are made.

*24th Regiment Native Infantry.*

Jemadar Rannojee Cuddum to be Subedar, and Color Havildar Sheik Ahdum to be Jemadar, on the augmentation.....	} 29th August 1839.
Havildar Sunkera Guicawar to be Jemadar, vice Rannojee Cuddum promoted.....	

Do.... do..do.

No. 597 of 1839.—The following temporary arrangement is confirmed.

Lieutenant W. Orrok, of the 16th Regiment Native Infantry, to act as Adjutant to the Detachment of that Regiment in the Northern Conkan consisting of upwards of 300 Rank and File from the date of Lieutenant Giberne's quitting the Detachment.

No. 598 of 1839.—The following appointment is made :

*20th Regiment Native Infantry.*

*Date of Appointment.*

Lieutenant E. Baynes to be Adjutant, vice Shirt promoted..... 8th October 1839.

No. 599 of 1839.—The following Officers are appointed to superintend the proof of certain new gun carriages.

- Lieutenant Colonel Schuler.
- Captain Staunton.
- Captain Whittie.

*Bombay Castle, 13th November 1839.*

No. 600 of 1839.—The following orders are confirmed:—

An order by Brigadier Valiant, K. H. dated the 2nd June 1839, directing that all Reports, and Returns of the Scinde Reserve Force be made to Lieutenant Colonel W. Spiller, Senior, Officer with the Force, on his departure for Bombay.

An order by Major T. Marshall, of the 25th Regiment Native Infantry, appointing Lieutenant Follett to act as Adjutant, during the absence of Lieutenant Willoughby on sick certificate, and Captain Jackson to continue in charge until relieved by Lieutenant Follett.

No. 601 of 1839.—Mr. John Charles Bouchier, in conformity with his appointment by the Hon'ble Court of Directors is admitted to the service, as a Cadet of Infantry on the establishment, from the 30th ultimo, and promoted to Ensign, leaving the date of his commission for future adjustment.

**ERRATUM.**

The capital letters A B C D E F and G which appear at the foot of several of the columns of the Table published in General Orders, No. 575 should have been omitted.

By order of the Hon'ble the Governor in Council,  
E. M. WOOD, Lieut. Col. Secy. to Govt.

**MARINE DEPARTMENT.**

Bombay Castle, 9th November 1839.

No. 126 of 1839.—The Hon'ble the Governor in Council is pleased to publish the following Extract, Paras 1 & 2 of the Honorable Court's letter, No. 59, dated 11th September last.

Para. 1. We have appointed the undermentioned persons Volunteers for the Indian Navy, on your establishment.

Mr. Edward Francis Tierney Fergusson.

„ Edward Bode.

„ Arthur Whatley Chitty.

2. Their order of Rank will be settled at a future opportunity.

Bombay Castle, 12th November 1839.

No. 127 of 1839.—The following Volunteers for the Indian Navy, arrived on board the Malabar from England:

Mr. John Soady.

Mr. Henry Whitbread Etheridge.

By order of the Hon'ble the Governor in Council,

E. M. WOOD, Lieut. Col. Secy. to Govt.

**PACKETS.**

His hereby notified for General information that Packets for the reception of letters for despatch by the following vessels are open at this office.

Names of Vessels.	Agents.	Date of intended Departure.	To what port.	Touching where.
H. C. S. Berenice.....	Supt. Indian Navy.....	25th instant.....	Suez.....	Adgn. Do.
A Steamer.....	Do..... do.....	31st Decr.....	Do.....	Singapore.
Mary Gordon.....	Furdonjee Limjee Esqr.....	17th instant.....	Macao.....	
Richard Mount.....	Messrs. W. Nicol & Co.....	18th Ditto.....	Mauritius.....	
George Comming.....	Do. Foster & Co.....	30th Ditto.....	London.....	
Kingston.....	Do. W. Nicol & Co.....	1st Decr.....	Liverpool.....	
Heywood.....	Do. MacVicar Burn & Co.....	1st Ditto.....	Do.....	
Childe Harold.....	Do. Foster & Co.....	5th Ditto.....	London.....	Cape.
Herefordshire.....	Do. D. & M. Pestonjee.....	20th Ditto.....	Do.....	Const & Cape.
Malabar.....	Do. Skinner & Co.....	1st Jany.....	Do.....	Cape.

As a general rule, the Packets for sailing Vessels will be closed on the evening before the date of despatch.

E. B. ELLIOT,

Post Master Genl.

Bombay, Genl. Post Office, 14th November 1839.

**List of Unclaimed Packages in the Custom House.**

Number of Packages.	To whom addressed.	By what Ship imported.
1 Box.....	Mrs. P. M. Briggs, care of Messrs. Leckie & Co.....	Thetis.
1 Do.....	Capt Hale, 22nd B'bay I. N. care of Messrs. Leckie & Co.....	Bombay.
1 Do.....	Lieut. Snell, 1st Regt. Madras Light Cavalry.....	Inglis.
1 Do.....	Mark B. 22nd Regiment.....	Unknown.
1 Do.....	G. N. Adam, Midshipman, Indian Navy, care of Messrs. Remington & Co.....	Triumph.
1 Do.....	R. L. Bryan Esqr. H. M. Ship Cruizer.....	Ditto.
1 Do.....	J. Jackson Esq. care of Messrs. Forbes & Co.....	Ditto.
1 Do.....	Mark S.....	Ditto.
1 Parcel.....	Captain J. P. Woodward, 9th Regt. N. I. care of W. Roberts Esqr.....	Unknown.
2 Boxes.....	Marked W. M. Nagorcoil.....	Ditto.
1 Do.....	Cornet Nield, 1st Cavalry.....	"Ann."
1 Do.....	T. Aorshead, H. M. S. Favorite.....	Unknown.
1 Do.....	Captain Peat, Engineer, care of Messrs. Leckie & Co.....	"Ann."
1 Do.....	Mark H. care of W. McCullum Esquire.....	Colombo.
1 Do.....	Qr. Mr. Carroll, 18th Royal Irish Regt.....	Bombay.

Parties applying for such Boxes or Packages, will have the goodness to send Invoices, shewing the Contents and Value, and to depute persons to be present at the opening of them at this Office.

W. C. BRUCE,

Collector of Customs.

Bombay, 13th November 1839.

**INTERPRETATION of Regulation XIV,  
Section XIII, of 1837, in connection with  
Regulation VII of 1833.**

On a question being referred, whether a charge of attempt to commit rebellion or riot by persons fewer than twelve in number assembled for rebellious or riotous purposes not amounting to treason, could be sustained; it was declared that, as under the definition given, rebellion or riot did not exist until the assembly exceeded twelve in number, an attempt by a lesser number could not be considered penal.

*Sudder Foujdaree Udulat, 28th October 1839.*

In Re, Muscojee Bin Topajee and 4 others.

*By order of the Sudder*

*Foujdaree Udulat.*

**G. GRANT.** Actg. Register.

**Civil Appointments, &c.**

**TERRITORIAL DEPARTMENT.  
FINANCE.**

*Bombay Castle, 8th November 1839.*

Assistant Surgeon J. F. Headle, is to resume his former appointment of deputy assay master, from the date on which he delivered over charge of the office of assay master to Dr. Kayes.

**POLITICAL DEPARTMENT.**

*Bombay Castle, 9th November 1839.*

Mr. D. A. Blane, the political agent in Kattewar, is permitted to visit the presidency for one month, from the 1st instant, under Section XIV. of the absentee regulation.

**TERRITORIAL DEPARTMENT.**

**REVENUE.**

*Bombay Castle, 12th November 1839.*

Mr. H. P. Malet, first assistant collector in Khandeish, received charge of the collectorate from Mr. Blane, on the 1st instant.

Mr. N. Kirkland, acting collector of Kaira, is allowed leave of absence for one month from the 22nd instant, under section XIV of the absentee regulation, to proceed to the Presidency on private affairs.

Mr. G. S. Karr, assistant to the collector of Khandeish, is allowed leave from the 1st proximo, to proceed to the presidency, for the purpose of being examined in the Guzeratte language.

*By order of the Hon'ble  
the Governor in Council.*

**L. R. REID,**

*Actg. Chief Secy. to Govt.*

**JUDICIAL DEPARTMENT.**

*Bombay-Castle, 6th November 1839.*

The unexpired portion of the leave of absence granted to Mr. E. C. Morgan, Honorable Company's Solicitor, under date the 7th ultimo, is cancelled at that gentleman's request.

*Bombay Castle, 7th November 1839.*

Mr. G. A. B. Campbell, assistant judge and session judge at Poona and assistant agent for Sirdars in the Deccan, is allowed leave of absence for a period of twelve months, to proceed to the Neilgherry Hills, for the recovery of his health.

Mr. H. H. Glass, judge and session judge of Ahmednuggur, is allowed leave of absence for a period of one month from the 15th instant, under Section XIV. of the absentee regulation, to visit the presidency, on urgent private affairs.

*Bombay Castle, 9th November 1839.*

The judges of the sudder dewanee adawlut have issued a sunnud bearing date the 22nd ulti-

mo, to Trimbeck Gunesh, authorizing him to practice as a Vakeel in the adawlut at Dhoolia.

**ECCLESIASTICAL DEPARTMENT.**

*Bombay Castle, 10th November 1839.*

The Reverend C. Jackson, L. L. B. a chaplain on this establishment, returned to his duty, from furlough, on board the Hon'ble Company's Steamer Berenice, on the 29th ultimo, with permission of the Hon'ble the Court of Directors.

*By order of the Hon'ble  
the Governor in Council,  
W. S. BOYD,  
Actg. Secy. to Govt.*

**Military**

**Arrivals and Departures.**

**ARRIVALS.**

6th Novr.—Lieut. & adjut. Compton, Recruit Dept. from Poona.

Do. do.—Do. J. G. Johnstone, 10th R. from do.

7th Do.—Ensign G. Hare, 23th R. N. I. from Malligaum

Do. do.—Captain M. M. Shaw, 9th R. N. I. from Poona.

8th Do.—Lieut. Col. C. Payne, 6th R. N. I. from England.

Do. do.—Lieut. S. Renand, M. E. R. from do.

Do. do.—Capt. J. Cooper, 7th R. N. I. from do.

Do. do.—Capt. Hughes, 12th do. from do.

9th Do.—Lieut. Price, 4th do. from Deccan.

Do. do.—Surg. F. Loinsworth.

10th Do.—Lieut. Stanton. H. M. 6th Royals.

Do. do.—Ensign Austin, 8th R. from Sattarah.

Do. do.—Suptg. surg. J. W. Purnell, staff, from Rutnagherry.

12th Do.—Ensign T. Pyke, 9th R. from Poona.

13th Do.—Col. R. B. Moore, 3rd R. from do.

**DEPARTURES.**

6th Novr.—Vety. surg. Aston, M. E. A. to Jaulnah.

7th Do.—Surg. A. Tause, staff, to Surat.

Do. do.—Capt. F. Durack, 24th R. to Europe.

9th Do.—Lieut. A. Shepherds, 21th R. N. I. to Mahbleswur.

Do. do.—Major Jopp, Engineers, to Poona.

Do. do.—Capt. Lamson, 16th R. N. I. to do.

11th Do.—Ensign J. Kemball, 12th do, to Rajcote.

Do. do.—Lieut. F. Ford, 20th do. to Baroda.

12th Do.—Ensign Williams, 12th do. to Karachee.

*Town Major's Office, 13th November 1839.*

**Shipping Intelligence.**

**ARRIVALS.**

7th Novr.—Ship Drogan, J. McKenzie, master, from Calcutta, 24th August, and Madras, 27th September 1839.

*Passenger.*—Captain Lowett.

8th do.—Ship Malabar, R. Pollock, master, from Portsmouth, 16th July, and Madoira, 6th August 1839.

*Passengers.*—J. Soady—H. W. Etheridge, Midshipman Indian Navy.—Lady Scott—Mrs. Payne—Mrs. Trevelyan—Mrs. Reeves, and child—Mrs. Hughes—Mrs. Higgins—Mrs. Renand—Mrs. Cooper, and child—Mrs. Baker—Miss Cunningham—Miss Payne—Lieut. Col. M. W. Scott, Bart.—Lieut. Col. Payne—H. W. Reeves Esq.—Capt. Hughes—Capt. Cooper—Lieut. Higgins—Cornet Nolan—Cornet Townsend—Assistant Surgeon Read—Lieut. Renand—Lieut. Baker—15 King's

Hussars—68 Men—8 Women—11 Children—  
3 European female servants.

9th Do.—Barque Virginia, C. Whiffen, master,  
from Calcutta, 20th September 1839.

10th Do.—Ship Lowjee Family, R. Ayres,  
master, from Calcutta, 29th August, and  
Madras 15th September 1839.

Passengers—Messrs. T. and C. Ryan—2 Parsees  
—and 10 Natives.

Do. do.—Barque George Canning, T. Winn,  
master, from London, 25th June 1839.

13th Do.—Batque Sir Herbert Compton, S.  
Boghton, master, from Bushire, 23rd October  
1839.

Passengers.—Capt. A. Connelly, 6th regiment  
Bengal cavalry—Revd. Mr. Spring—26 Eu-  
ropean Invalids—52 Native do.

#### DEPARTURES.

7th Nov.—H. M. Portuguese sloop of war In-  
fanta Regente, T. J. Marquis Esq. captain, to  
Goa.

8th Do.—Ship Bombay, J. Furlay, master, to  
Colombo and London.

Passengers.—Mr. and Mrs. J. Erskine—Capt.  
and Mrs. Durack—Lieut. and Mrs. Lavic—  
Lieut. and Mrs. Warde—Capt. Price—Lieut.  
Wood—Lieut. Arrow—H. T. Wright Esq.  
—W. H. Hunter Esq.—Miss Ayrton—2  
European females, 1 Native do. servants.

D. ROSS,  
Master Attendant.

Bombay, 13th November 1839.

## Unclaimed Letters.

### POST LETTERS.

- 1 Casom Shak Chand... .. Bombay.  
1 Senhora Behandra de Cruz, Servant  
at Mr. Dr. Graham, made Hospital  
be Calaboh...? ..do.  
1 Jayram Muny... ..do.  
1 Teckum Bookun, Blacksmith... ..do.  
1 Gurnna Kessa at Jayravedass Munjee...do.  
1 Wassoodew Ragoonath... ..do.  
1 Mr. Diogo J. Gomes, care of Mr.  
Braganca, Merchant... ..do.  
1 Succaram Balerustna Esqr... ..do.  
1 Hameon Kullashee Bunder Machee  
walla in Goddee... ..do.

### SHIP LETTERS.

- 1 Mr. E. Pevvor, I. N. (Parcel) Bombay.  
1 B. Hamilton Esqr. E. I. C. Schooner  
Mahi... ..do.  
1 J. T. Maule Esqr... ..do.  
1 Mr. W. Castle, Gunner I. Navy... ..do.

E. E. ELLIOT,

Post Master General.

Bombay, Genl. Post Office,  
13th November 1839. }

High water in the harbor under the following dates.

1839.	A. M. P. M.			
	H.	M.	H.	M.
Nov. 14th Thursday.....	3	39	4	26
.. 15th Friday.....	4	54	5	29
.. 16th Saturday.....	6	04	6	45
.. 17th Sunday.....	7	25	8	3
.. 18th Monday.....	8	41	9	12
.. 19th Tuesday.....	9	43	10	8
.. 20th Wednesday.....	10	33	10	57

It is requested, that advertisements and the translations, of any length, may be sent  
to this office on Tuesday evening, and those of a few lines only, by noon of Wednesday.

N. B. The price of the Bombay Government Gazette to private Subscribers is Three Rupees per quarter or 4  
Annas per copy, payable in advance, and to Non-subscribers 8 Annas per copy. It is particularly requested to be  
noticed, that the price of the Government Gazette is the same whether it be taken for the whole or part of the quar-  
ter, as no subscriptions will be received for broken periods.

Subscribers are requested on change of station to intimate the same to this Office.

Printed and Published by F. D. RAMOS, at the Government Press, APOLLO STREET.



SUPPLEMENT  
TO THE  
BOMBAY GOVERNMENT GAZETTE.

Published by authority.

SATURDAY, 16TH NOVEMBER 1839.

Legislative Department.

FORT WILLIAM,

THE 14TH OCTOBER, 1839.

The following Draft of a proposed Act was read in Council for the first time on the 14th October, 1839 :

ACT No. --- of 1839.

*An Act for amending the Bengal Code in regard to Sales of Land for Arrears of Revenue.*

I. Whereas it is expedient, with a view to the benefit of the Agricultural Community, to discontinue the levy of interest and penalty upon arrears of Revenue; to reduce the number of periodical sales of Land; to provide for the absolute sale, after due notification, of any Mehul which may not have punctually paid up the whole of the current Revenue on appointed days, in order that sufficient publicity and certainty may be given to such sales; and otherwise to amend the Laws for the realization of the public demand: It is hereby enacted that from the

day of

Regulation XI of 1822 and Regulation VII of 1830 of the Bengal Code, except in so far as they rescind other Regulations or parts of Regulations, are repealed.

II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of Revenue which shall fall due after the date specified in Section I of this Act.

III. And it is hereby enacted, that upon the promulgation of this Act the Sudder Board of Revenue at Calcutta shall determine upon what dates all arrears of current Revenue shall be paid up in each permanently settled District in the Provinces of Bengal, Behar, and Orissa, in default of which payment the Estates in arrear in those Districts, except as hereinafter provided shall absolutely be sold at Public Auction to the highest bidder. And the said Board shall give notice of the dates so fixed in the Calcutta Gazette, and shall direct corresponding publication to be made, as far as regards each District, in the language of that District, in the Office of the Collector, or Deputy Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every Thanna Station of that District; and the dates so fixed shall not be changed, until the same be changed by the said Board by advertisements and notifications in the manner above described, such advertisements and notifications to be issued, on every occasion after the first above provided for, before the close of the year preceding that in which the new date or dates are to take effect.

IV. And it is hereby enacted, that in Districts for which the dates of payment shall be notified in the manner prescribed in Section III of this Act, no payment on account of the Reve-

nue of any Estate in arrear shall be received after the dates so notified except as provided in Section XI of this Act. And the Collector, Deputy Collector, or other Officer as aforesaid in every such District shall as soon as practicable after the said dates, issue notifications in the language of his District to be affixed in his own Office, in the Court of the Judge within whose jurisdiction the Estate advertised lies, in the Courts of the Principal Sudder Ameens, Sudder Ameens and Moonsiffs and at every Thanna Station in his District, and in the Malgoozaree Cutcherry of each Estate advertised, or in some conspicuous place thereon, in which notifications shall be specified the Estate or Estates which will be absolutely sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be more than one month from the date specified in Section III of this Act, nor less than fifteen days from the date of affixing the notification in his own office.

V. And it is hereby enacted, that in Districts not permanently settled, and in the Province of Benares, no Estate, and no rights, interests, or title in an Estate, shall be advertised for sale for the recovery of arrears of Revenue without the special sanction previously obtained of the Sudder Board of Revenue within whose jurisdiction the same may be; but when an advertisement of sale in such Districts or in the said Province shall be so sanctioned, the Estate or Estates whereof the sale has been so sanctioned shall be advertised for absolute sale in the manner prescribed in Section IV of this Act; and all the Provisions of this Act, so far as they are applicable, shall apply to Estates so advertised.

VI. Provided always, and it is hereby enacted, that no Estate shall be sold for the recovery of Arrears or Demands of the description mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, shall have been affixed, for a period not less than fifteen days before the day of sale, in the office of the Collector, Deputy Collector, or other officer as aforesaid by whom the sale is intended to be made, in the Court of the Judge within whose jurisdiction the Land advertised lies; in the Courts of all the Principal Sudder Ameens, Sudder Ameens and Moonsiffs in the District, and at the Police Thanna of the division in which the Estate to which the notice relates, or part of it is situated, the same to be certified by the receipt of the officer at whose office such publication may have been made; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose.

First.—Arrears other than those of the current year or of the last four months of the preceding year.



Secondly.—Arrears the payment of which has been suspended over one periodical sale by competent authority.

Thirdly.—Arrears of Revenue due on account of other Estates.

Fourthly.—Arrears due on account of Tuccary, Poolbundee, or other demands not being on account of Revenue, but being recoverable by the process for the recovery of Arrears of Revenue.

VII. And it is hereby enacted, that in case the Collector, Deputy Collector or other Officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from the like cause to proceed with it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry, and so on, from day to day, until he shall be able to commence upon, or to proceed with, the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

VIII. And it is hereby enacted, that on the day of sale fixed according to Section IV of this Act, sales under this Act shall proceed in regular order, the Estate to be sold, bearing the lowest number on the Powjee or rent roll of the District being put up first, and so on, in regular sequence: And it shall not be lawful for the Collector or other Officer as aforesaid to put up any Estate out of its regular order by number.

IX. And it is hereby enacted, that in the event of there being no bidders for an Estate advertised for sale as aforesaid, it shall be competent to the Collector or other Officer as aforesaid, with the sanction of the Commissioner of Revenue, instead of proceeding to advertise such Estate again for sale, to let such Estate in farm, upon tender advertised for in the usual mode, at an annual rent not less than the fixed jumma, and for such period as may be deemed expedient, the Proprietor not being entitled to re-enter until the expiration of the said period, and the rent of such farm shall be applied, after payment of the current Revenue, to the liquidation of the arrears due at the time of the lease, the surplus being paid to the defaulter. Provided always, that nothing in this Section shall be construed to affect the rule contained in Section 14, Regulation III of 1794 by which if the Lands of a defaulting Proprietor be put up for sale and no person shall offer to purchase them, his person and property of every description shall be liable for the balance to the operation of all the rules in force regarding defaulting Proprietors contained in Regulation XIV of 1793.

X. And it is hereby enacted, that no Estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no Estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance, but of which the Court of Wards has not assumed the management under Regulation VI 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no Estate held under attachment by the Revenue Authorities otherwise than by order of a Judicial Authority,

shall be liable to sale for arrears accruing whilst it was so held under attachment. And no Estate held under attachment by a Revenue Officer, in pursuance of an Order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Sudder Board of Revenue, and to the Local Commissioner of Revenue, to exempt any Estate or portion of an Estate from being notified for sale in the manner prescribed in Section IV. of this Act; and in special cases to exempt any Estate or portion of an Estate from sale even after it may have been so notified at any time before the day of sale, but in that case the order shall specify the reasons for exemption. And in either case arrears on account of an Estate so exempted shall be receivable, any thing in Section IV of this Act to the contrary notwithstanding.

XII. And it is hereby enacted, that it shall be obligatory on all Collectors, Deputy Collectors or other Officers as aforesaid, to receive at any time on the last day before the dates of payment fixed as prescribed in Section III any amount of the arrear due from any Estate from any person not being a recorded Proprietor of the said Estate, who may tender the same, and to pass such amount to credit of the Estate for the liquidation of the arrear due on which it may have been tendered, and to grant to the person making such payment, a receipt under his Official signature and seal.

XIII. And it is hereby enacted, that a receipt so granted shall be received in all Courts of Justice as evidence of payment of arrears in the manner described in the preceding Section; and in the event of the holder of such receipt substantiating in any such Court a lien by way of mortgage or otherwise upon the Estate on account of which such payment was made, the amount acknowledged in such receipt shall be held by the said Court to be an addition to the principal sum of such lien, as if it had originally formed part of the same, and shall bear interest from the date of payment as aforesaid, at the rate borne by the principal sum.

XIV. And it is hereby enacted, that a receipt as aforesaid shall be held by all Courts of Justice to be a full and complete acquittance *pro tanto* of rent which may be due from the same to the Proprietor or Proprietors of the Estate, to the credit of which payment of arrears may have been made in the manner described in Section XII of this Act, on account of Lands situated within such Estate.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an Estate by any such public sale as aforesaid, shall be required to deposit immediately, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly endorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the Estate shall, forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before noon of the fifteenth day, from that on which the sale of the Estate bought by him took place, reckoning that day as one of the fifteen, or on the sixteenth day, if the fifteenth day be Sunday or other close holiday; and in default of payment within the prescribed period as aforesaid, the sale shall be null and void, the deposit shall be forfeited to Govern-

ment, the Estate shall be resold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold, and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any of the processes authorized for realizing an arrear of the Government Revenue, and it shall be so levied and credited to the defaulting Proprietor of the Estate sold.

XVII. And it is hereby enacted, that re-sales rendered necessary by default of purchasers as afove, shall be held on some day not being less than fifteen days from the date of such default, to be fixed by the Collector, Deputy Collector or other Officer as aforesaid, and notified in the manner prescribed by Section IV of this Act, and the Estate shall be sold for the recovery of the arrear actually due on the day of the original sale, under the same rules with regard to the payment of the deposit, and of the full purchase money as are hereinbefore prescribed.

XVIII. And it is hereby enacted, that in the event of a second default the Collector, Deputy Collector or other Officer as aforesaid shall proceed a second time in the manner prescribed in Section XVII of this Act, and so likewise, as often as need be until the Estate be sold:—Provided always, that it shall be competent to the Collector to abandon the re-sale and to proceed anew to sale at the next periodical sale, for all the balances then due, recalling the proclamation directed to be issued by Section XVII of this Act, immediately on determining on such abandonment.

XIX. And it is hereby enacted, that if the Collector, Deputy Collector or other Officer as aforesaid, conducting the sale either at the time of concluding the sale or at any subsequent time before the sale may have become final see reason to believe that the real purchaser is a person on his Establishment, or in any way connected as being a servant or nominee of Government with the management of the Collections of the Zillah or Purgunnah within which the lot sold may be situated, he shall nevertheless, (if the question be raised before the conclusion of the sale) knock the lot down, and in all such cases it shall be his duty to institute an immediate investigation in order to bring the matter to proof, and the result of the proceedings that may be so held shall be submitted to the Commissioner, who will after investigation either dismiss the case if he consider it not proved, or if it be proved submit it for the orders of the Sudder Board of Revenue, who will if it shall appear expedient direct the lot to be escheated to Government, and whose order shall be final. The amount of the purchase money shall in that case be credited to the defaulter in the same manner as if the sale stood good.

XX. And it is hereby enacted, that if after a sale has become final it shall be proved by a suit decreed in Court that the Estate has been illegally purchased by a Revenue Officer of Government (whether the suit shall have been instituted by the Collector on the part of Government or by the former owner of the Estate sold or by any other party having an interest in the Estate) in case there be no appeal lodged from the decree the Court passing the decree, or if there be appeal, the Court passing the final judgment shall forward the decree to the Governor General in Council, who shall be competent to order that the Estate be confiscated, and restored to its original Proprietor.

XXI. And it is hereby enacted, that whenever an Estate is notified for absolute sale as provided by Section IV of this Act, the Collector, Deputy Collector, or other Officer as aforesaid shall affix a proclamation in the language of the District in his Cutcherry, and as soon thereafter as may be in the Cutcherries of the Moonsiffs and of the Darogahs of Police, within whose jurisdiction or jurisdictions any part of such Estate may be situated and also at the Cutcherry of the Malgozar of such Estate, or on some conspicuous place on such Estate forbidding the ryots and under-tenants of such Estate to pay rent to the defaulting Proprietors from the date of such notification to the date of the subsequent notice hereinafter prescribed by Section XXX of this Act, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid within the period aforesaid.

XXII. And it is hereby enacted, that no appeal against a sale under this Act shall be received by the Revenue Authorities, which is not presented to the Collector or other Officer as aforesaid, to be forwarded to the Commissioner, within ten days from the day of sale, or which is not preferred to the Commissioner directly within fifteen days from the said date.

XXIII. And it is hereby enacted, that the Commissioner of Revenue shall be competent to annul any sale of an Estate made under this Act which shall appear on appeal not to have been conducted according to the Provisions of this Act: and the order of the Commissioner annulling a sale shall be final.

XXIV. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, nor render a sale under this Act illegal.

XXV. And it is hereby enacted, that no claim on account of a deposit in the Treasury of the Collectorate at which the sale is held shall bar a sale, nor render a sale under this Act illegal, unless the party objecting to such sale prove that application was made in due form, and to the proper authority for the transfer of such deposit to the credit of the Estate sold by the party entitled to require such transfer to be made, fifteen days at least before the date fixed in the manner prescribed in Section III of this Act, if the Estate be in a permanently settled District of Bengal, Behar, or Orissa, or otherwise at any time before the date fixed in the manner prescribed in Section V of this Act.

XXVI. And it is hereby enacted, that no sale for the recovery of arrears of Revenue shall be annulled by any Revenue Authority subordinate to Government except upon proof of the sale having taken place contrary to the Provisions of this Act. Provided always that nothing in this Act shall be construed to debar any person considering himself to be wronged by any Act or circumstance connected with any such sale from seeking his remedy by an action for damages in the Dawanny Adawlut against the public officer by whose Act or by whose laches he considers himself aggrieved.

XXVII. And it is hereby enacted, that it shall be competent to the Local Government, on representation from the Sudder Board of Revenue or otherwise in cases of excessive hardship or injustice, at any time within one year from the completion of a sale made under this Act, to annul the sale, and to cause the Estate to be restored to the Proprietor on such conditions as may appear equitable and proper.

XXVIII. And it is hereby enacted, that except in the case provided for by Section XXVII, all sales of Estates confirmed on appeal by the Commissioner shall, if the purchase money have been paid up as prescribed by Section XVI of this Act, be final and conclusive from the date of such confirmation.

XXIX. And it is hereby enacted, that except in the case provided for by Section XXVII, all sales of which the purchase money has been paid up as prescribed in Section XVI of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale reckoning the said day of sale as the first of the said thirty days.

XXX. And it is hereby enacted, that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid shall register the name of the purchaser as Proprietor of the Estate sold, without any charge for the same, shall notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the Estate sold shall be situated, and shall apply the purchase money to the liquidation of the arrear due upon the day of sale, or upon the day of the original sale if the sale finally consummated be a re-sale, holding the residue, if any, in deposit on account of the late recorded Proprietor or Proprietors of the Estate sold, to be paid to their receipt on demand in the manner following; to wit, in shares proportioned to their recorded interest in the Estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of Proprietors upon their joint receipt.

XXXI. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXX of this Act; and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser with interest thereon at 5 per cent from the dates on which they were respectively paid in, to the date on which the refund is actually made.

XXXII. And it is hereby enacted, that the party recorded as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instalments of the Revenue of Government which may fall due subsequently to the day of sale; provided, however, that in sales of the nature specified in Section XVII and XVIII of this Act, the purchaser shall be answerable for all instalments of Revenue which fell due subsequently to the date on which the Estate was originally advertised for sale.

XXXIII. And it is hereby enacted, that no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money; and that no part of the surplus proceeds of the sale of an Estate, shall be liable for the private debts of the late Proprietor, whilst a suit to set aside such sale as illegal is pending in any Court of Justice.

XXXIV. And it is hereby enacted, that in the event of any sale being reversed by a final decree of any Court of Justice the purchase money shall be refunded to the purchaser by Government, together with interest at the rate of five per cent per annum. But if an arrear was

due upon the Estate on the date of notification for sale, the Estate shall be held under attachment by the Collector, and shall not be restored to the Proprietor until that arrear is paid.

XXXV. And it is hereby enacted, that in the event of further measures than those specified in Section XXX of this Act being found necessary for the purpose of putting the purchaser in possession, the Collector or other Officer as aforesaid shall put the purchaser in possession in conformity with this Act, and the Collector or other Officer as aforesaid shall possess and exercise to that end all the powers possessed and exercised by Courts of Justice for giving possession of Landed Property, under decrees of Court.

XXXVI. And it is hereby enacted, that the purchaser of an Estate sold under this Act, for the recovery of arrears due from itself, in the permanently settled Districts of Bengal, Behar, and Orissa, shall be entitled to enhance, in the manner prescribed in the Regulations, the rent of all under-tenures in the said Estate, with the following exceptions:

First. Tenures which were held as Istomra-ree or Mocurrere, at a fixed rent, more than 12 years before the permanent settlement.

Secondly. Tenures existing at the time of the Deccanial Settlement, which have not been, or may not be, proved to be liable, to increase of assessment, on the grounds stated in Section LI Regulation VIII of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryots, having rights of occupancy at fixed rates.

Fourthly. Lands held under bona fide leases temporary or perpetual, for the erection of dwelling houses, or manufactories, and being so used or for gardens, tanks, canals, or like purposes.

Fifthly. Farms granted in good faith by a former Proprietor, for terms not exceeding twenty years, under written and duly registered leases, stipulating for the payment of an annual rent not less than the average net rent realized from Lands of the same description in the vicinity during the three years immediately preceding the year in which the lease as aforesaid was granted.

Provided that nothing in this Section contained shall be held to authorize any such purchaser to enhance the rent of any Talookdar, Ryot, or Cultivator, beyond what the late Proprietor would have been entitled to demand from the same according to the established usages and rates of the Pergunnah or district, if no engagement had existed between them.

XXXVII. And it is hereby enacted, that in the event of any purchaser at public sale as aforesaid proceeding against any tenant claiming to belong to one of the abovementioned classes, on the plea that the tenant does not really so belong, the burthen of proof that he does belong to an exempted class shall be on the tenant sued.

XXXVIII. And it is hereby enacted, that the purchaser of an Estate sold under this Act for the recovery of arrears due from itself, in Districts other than those mentioned in the last preceding Section, shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager as well as all agreements with ryots or the like settled or credited by the first engager or his representatives, subsequently to the settlement, as well as all tenures which the first engager may under the conditions of his settlement, have been

competent to set aside, alter, or renew, saving always and except *bonâ fide* leases of ground for the erection of dwelling houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water courses, or the like purposes, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of Land at a public sale to disturb the possession of any village *Zemindar*, *Putteedar*, *Mofussil Talookdar*, or other person having a hereditary transferable property in the land, or in the rents thereof, not being one of the Proprietors party to the engagement of settlement or his representative; nor to eject a *Khoodkhasht*, *Kudeemee ryot*, or resident and hereditary cultivator, having a prescriptive right of occupancy. Nor to demand a higher rate of rent from an under-tenant of either of the above description, than was receivable by the former *Malguzar*, saving and except in cases in which such under-tenants may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the Land, in consequence of abatements having been granted by the former *Malguzars* from the old established rates by special favour, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the *Pergunnah*, *Mouzah*, or other local division, such under-tenants are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXXIX. And it is hereby enacted, that the claims of purchasers, whether in regard to the enhancement of rent, or ejection from tenure, under the provisions of Sections XXXVI and XXXVIII of this Act, shall be adjudicated only by the Civil Courts: Provided that nothing in this Section contained shall prevent purchasers from suing their under-tenants for arrears of rent by summary suit in the usual manner.

XL. And it is hereby enacted, that none of the power and privileges conferred upon purchasers at public sales for arrears of Revenue by Sections XXXVI or XXXVIII of this Act, shall be enjoyed or exercised by any person purchasing in his own name or in the name of another, an Estate of which he was a recorded or unrecorded Proprietor, either absolute or in coparceny, at the time of sale for arrears as aforesaid, and such a purchaser shall have no right that was not possessed by the defaulter at the time of sale.

XLI. And it is hereby enacted, that arrears of rent which at the dates of sale may be due to the defaulter from his tenants, shall be recoverable by him by suit in Court in the prescribed form.

XLII. And it is hereby enacted, that the name delivered in to the Collector or other officer as aforesaid by the party to whom an Estate shall be sold under this Act, shall be recorded as the name of the Proprietor of such Estate, and any suit to oust him on the ground of fictitious purchase shall be dismissed with costs by any Court of Justice in which it may be instituted.

XLIII. And it is hereby enacted, that any covenanted officer employed in the collection of Land Revenue, or in the Superintendence thereof, shall be competent to punish any contempt committed in his presence in open Cutcherry, or office for the time being, by fine, to an extent

not exceeding Co's. Rs. 200, commutable if not paid to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Revenue Officer as aforesaid shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the superior Revenue Authorities in the usual course.

XLIV. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV of this Act shall be held to be contempt.

XLV. And it is hereby declared and provided, that when the Estate of a defaulter or his surety may be sold for the recovery of an arrear of Revenue, not being the Estate on account of which the arrear accrued, then whether the said Estate consist of *Malgoozaree* or *Lakkeraj* land, the purchaser only acquires the rights, interests, and title possessed by the said defaulter or surety, in like manner as if the land had been sold by private sale or under a decree of Court in liquidation of a private debt. But when an Estate is sold for the recovery of any part of the Revenue assessed upon it, the act of sale transfers to the purchaser all the property and privileges which the engaging party possessed and exercised as the time of settlement, free from any accidents or incumbrances that may subsequently have been imposed, or have supervened thereupon, such as sale, gift, or other transfer, mortgage, marriage settlement, or other assignment, or the like, and the property and privileges possessed and exercised as aforesaid, being perpetually hypothecated to Government, for the Revenue assessed on the Land, no claim of right founded on any act of the original engager or his representative, or on any plea impeaching the title by which the said engager may have held, shall be allowed to impugn the right of the Revenue Authorities to make the sale, or to bar or affect the title and interest conveyed to the purchaser by the sale. Provided however, that if Government shall have acquired or assumed the property of any Estate subsequently to a settlement, and shall have conveyed the same to another, the Estate shall be held subject to all just claims to which it was liable at the time of such conveyance; and the party ousted on the assumption or acquisition by Government, shall not be barred by a sale made after such conveyance of any right he may have possessed to recover from Government the property so assumed or acquired by it.

XLVI. And it is hereby enacted, that when any person claiming the proprietary right in any *Mohaul* shall have instituted a suit in Court for the recovery of the same, if the party in possession of such *Mohaul* shall neglect to discharge the Revenue payable on account thereof, and a sale of the *Mohaul* for the recovery of the arrears due shall have been advertised as aforesaid, it shall be competent to the said plaintiff to make application to the Court to be put in possession of the contested *Mohaul*, on paying the arrears with interest and charges due, and giving security as hereinafter provided. And the Judge on receiving such application shall, subject to the rules for taking security in the case of appellants and defendants contained in Clause Fourth, Section II, Reg. XIII 1808, direct the Collector, Deputy Collector or other Officer as aforesaid, on receiving from the said plaintiff the amount of arrear due, and of charges, to put the said plaintiff in possession.

**XLVII.** And it is hereby provided, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa, and Benares, and to the Ceded and Conquered Provinces under the Government of the Residencies of Fort William in Bengal, and nothing in this Act contained shall affect Land in the town of Calcutta or the Settlements of Singapore, Penang or Malacca.

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

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India, after the 14th day of January, 1840.

J. P. GRANT,

*Offg. Secy. to the Govt. of India.*

### Legislative Department.

FORT WILLIAM,

THE 14TH OCTOBER, 1839.

The following Draft of a proposed Act was read in Council for the first time on the 14th October, 1839.

ACT No. ——— of 1839.

An Act for authorizing the Court of Requests for the Town of Calcutta to execute decrees passed by the Judge of the Dewanny Adawlut of the Zillah of the 24 Pergunnahs in certain cases.

I. Whereas execution of the decrees of the Judge of Dewanny Adawlut of the Zillah of the 24 Pergunnahs is often defeated by the parties against whom the same have been obtained absconding from the limits of the said Zillah into the Town of Calcutta; and whereas by Regulation XVI of 1812 of the Bengal Code, provision is made where the like inconvenience occurs by parties absconding from the Town of Calcutta into the said Zillah, for the Judge of the said Zillah enforcing the judgments of the Court of Requests of the Town of Calcutta;—It is hereby enacted that if the defendant in any suit decided by the Judge of Dewanny Adawlut of the Zillah of the 24 Pergunnahs, the plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving a written application from the said plaintiff either in person or by Vakeel, setting forth the above circumstances and accompanied by a copy of the decree duly authenticated, is hereby authorized and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests. Provided always that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree except the cause of action in respect of which such decree was obtained were such that if it had occurred within the local jurisdiction of the said Court it would have been cognizable by the same.

II. And it is hereby further provided that, if the defendant in any such cases as is in the first Section of this Act mentioned shall allege any cause against the execution of the decree which shall appear to the said Court of Requests to require the determination of the said Judge the Court shall upon such defendant entering into sufficient security to satisfy the decree, if the Court shall deem this precaution necessary, allow the said defendant a reasonable time to apply to the said Judge, upon the expiration of which, unless the said defendant shall produce an order properly authenticated from the said Judge, certifying that the decree ought not to be put into execution, the Court shall forthwith pro-

ceed to execute the decree as prescribed in the preceding Section.

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

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India after the Fourteenth day of December next.

J. P. GRANT,

*Offg. Secy. to the Govt. of India.*

### Legislative Department.

FORT WILLIAM.

THE 21ST OCTOBER, 1839.

The following Draft of a proposed Act was read in Council for the first time, on the 21st October, 1839.

ACT NO. ——— OF 1839.

An Act for regulating the Procedure on Trials referred to the Court of Foujdaree Udalut at Madras, in cases determinable by the Mahometan Law.

I. Whereas the dispensing with a Futwa, in cases determinable by the Mahometan Law, and referred to the Court of Foujdaree Udalut at Madras, will be attended with great convenience; and the Futwa may be dispensed with in that Court, without altering or impairing the authority of the Mahometan Law;—It is, therefore, hereby enacted, that in Trials referred by the Courts of Circuit to the said Court of Foujdaree Udalut at Madras, that court shall not be required to take a Futwa from their Law Officers. Provided always that nothing in this Act contained shall authorize the said Court to dispense with the Mahometan Law in any case, which before the passing of this Act, would have been determinable according to that Law by the said Court.

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

Ordered, that the said Draft be re-considered at the first meeting of the Legislative Council of India, after the 21st day of January 1840.

J. P. GRANT,

*Offg. Secy. to the Govt. of India.*

### Legislative Department.

FORT WILLIAM,

THE 21ST OCTOBER, 1839.

The following Draft of a proposed Act was read in Council for the first time on the 21st October, 1839.

ACT No. ——— OF 1839.

*An Act for the Examination of Native Witnesses.*

I. Whereas obstruction to Justice has arisen owing to the unwillingness of native witnesses to give testimony in consequence of their being compelled to be sworn upon the Koran or by the water of the Ganges or according to other forms which are repugnant to their consciences or feelings.

It is hereby enacted, that no native witness shall be compellable in any Court of Justice to make oath or declaration otherwise than according to the following effect.

I solemnly affirm and declare in the presence of Almighty God that I will faithfully and without partiality answer makes to all such questions as shall be demanded of me touching the matter now before the Court, which shall be the truth, the whole truth and nothing but the truth.

II. And it is hereby provided, that if any person making such affirmation or declaration shall be convicted of having wilfully and falsely affirmed or declared any matter or thing which if it had been sworn, previously to the passing

of this Act would have amounted to wilful perjury, every such offender shall be subject to the same pains, penalties and forfeitures to which persons convicted of wilful perjury were subject before the passing of this Act.

III. And it is hereby provided, that this Act shall not extend to any proceedings in any of Her Majesty's Courts of Justice.

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

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council after the 21st day of January 1840.

J. P. GRANT,  
Offy. Secy. to Govt. of India.

**Legislative Department.**

FORT WILLIAM,  
THE 28TH October, 1839.

The following Draft of a proposed Act was read in Council for the first time on the 28th October 1839.

ACT No.—of 1839.

An Act concerning the allowance of Interest in certain cases.

I. Whereas it is expedient to extend to the territories under the Government of the East India Company, as well within the Jurisdiction of

Her Majesty's Courts as elsewhere, the provisions of the Statute 3d and 4th William IV Chapter 42, Section 28, concerning the allowance of interest in certain cases:

It is, therefore, hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise; the Court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written Instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the term of payment; provided that interest shall be payable in all cases in which it is now payable by law.

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

Ordered that the said Draft be re-considered at the first Meeting of the Legislative Council of India after the 28th day of December next.

J. P. GRANT,  
Offy. Secy. to Govt. of India.

It is hereby notified for general information, that the Mail despatched from this office, to Guzerat and Scind, on the 1st instant, was plundered on the evening of the 4th in the Boundary of Kuthodra Village, on the Kursad Talooka, it contained several Packets of letters bearing the following addresses, duplicates of which will be forwarded free of Postage.

1839.	Outstation Letters.	Newspaper Letters.	Bombay Letters.	Service.	
Novr. 1st	Broach.....		1	The Commissariat Agent.. <i>Bearing.</i>	Sub-Assistant Commissary General.
			1	Bomonsaw Hyranjee.	
			2	Native Newspapers.	
			2	Europe News Papers.	
			1	Bombay Gazette Paper.	
				<i>Post Paid.</i>	
			1	Cawasjee Jamssetjee.....	14
			1	Ditto.... ditto.....	4
				<i>Bearing.</i>	
	Hursole.. ....		1	Europe News Paper.	
			1	Sorabjee Manockjee, <i>Bearing.</i>	
	Balunpore ....		1	Bombay Gazette Paper.	
			1	Native News Paper.	
	Baroda.....		1	The Officer Commdg. 18th Regt.....	Major 24th Regt.
			1	The Officer Commdg. 7th Company G. Battalion ..	W. Lester, Sec. to Ml. Bd.
			2	Sepoy Letters .....	Free.
			2	Political Commissioner for Guzerat.....	Political Depart. Secy. to Gov- ernment No. 1844   46.
				<i>Bearing.</i>	
			1	Bhimasankur Gungather.	
			1	Bombay Gazette Paper.	
			18	Europe News Papers.	
			3	Bombay Durpun ditto.	
			1	Major Roberts.	
			1	Captain Meadows.	
			1	P. Hockin Esqr.	
			1	Ensign Younghusband.	
			1	Dr. Hockin.	

Novr. 1st.

	Outstation Letters.	Newspapers	Bombay Letters.		
				<i>Post Paid.</i>	
			1	Hormasjee Furdonjee..	6
			1	A. Remington Esqr...	4
			1	Sewsing Bhawansing..	4
			1	Sumsooden Borah.....	2
				<i>Service.</i>	
Kaira.....			2	The Collector.....	Deputy Civil Auditor.
			1	Ditto...ditto.....	Superintendent of stamp.
			1	Mullack Meeah.....	Secretary to Govt.
				<i>Bearing.</i>	
			2	Bombay Gazette Papers.	
			4	Europe NewsPapers.	
			1	Captain James,	
				<i>Post Paid.</i>	
Ahmedabad...			1	T. Ogilvy.....	12
			1	Packet from Aden..	Free.
			1	The Collector...	Deputy Civil Auditor.
			1	The Commissariat Agent..	Sub-Assist. Commy. General.
			1	Sir Arbuthnot, Bart.....	Deputy Civil Auditor.
			1	The Assistant Commissary General.....	Sub-Assistant Commy. Genl.
			1	Sir Arbuthnot, Bart.....	J. Williams Gl. Pay Master, No. 241.
			1	Soldier letter..	Free.
			2	Acting Inspecting Engineer	W. Lester, Secy. to the Med. Board.
			1	The Pay Master N. D. of the Army...	Military Dept. Secretary to Government, No. 4597.
			1	The Assistant Judge .....	Acting Deputy Register of Sudder D. Adawlut.
				<i>Bearing.</i>	
			3	Books from Europe.	
			2	Papers of B. Gazette.	
			3	Europe News Papers.	
			3	Paper of Bombay Durpun.	
			1	Native Newspaper.	
			1	Captain Grant..	
			1	Sir Arbuthnot, Bart.	
				<i>Post Paid.</i>	
			1	Native Letter and Post Paid from Hydrabad.	
			1	Lieut. R. Wallace.....	9
			1	Tamoljee Byranjee.....	6
			1	Nathajee Dolajee.....	2 13
				<i>Service.</i>	
			1	Major General Willis.....	Adjutant Genl. of the Army.
			1	General Officer Commanding N. D. Army.....	Ditto.....do.....
				<i>Bearing.</i>	
			3	Papers of Bombay Gazette.	
			4	Books of Oriental Christian Spectator.	
			2	Mrs. Willis,	
			1	Major General Willis,	
			1	Captain Fawcett,	
			1	Lieutenant Pownell.....	B. White.
			1	Post Master.....	E. E. Elliot, Post Mr. General, No. 493.
			2	Soldier Letters.....	Free.
				<i>Bearing.</i>	
			14	Europe News Papers.	
			1	Native News Paper.	
			3	Papers of Bombay Gazette.	
			1	Book from Europe.	
			1	Rev. Antao.	
			1	Captain Mallet.	
			1	Major Farrell.	
			1	Rowen Esquire.	
			1	Book to Doctor Robson...	
			1	Miss. Gibbon,.....	5
					3

Kaira.....

Ahmedabad...

Cantonment Ahmedabad.

Deesa.....

1839. Novr... 1st	Outstation Letters.	Newspapers Bombay Letters.		
Kandahar.....	13	2	Europe News Papers. Books from Europe. <i>Service.</i>	
Cutch.....	10	1	Sepoy and Soldier letters ..	Free.
		1	W. J. Ferrar Esqr. . . . .	R. Brown, P. s.
		1	The Resident.....	Deputy Civil Auditor.
		1	The Resident.....	Secretary to Govt. No. 4579.
		1	Col. Pottinger. ....	Political Department 1842.
			<i>Bearing.</i>	
	1	4	Book from Europe. Europe News Papers.	
		3	Papers of Bombay Gazetto.	
		1	Miss Barnes.	
		1	Captain Davies.	
		1	Jewa Noormohomed.	
			<i>Post Paid.</i>	
		1	Captain Ward.....	8
Quetta.....		1	Sr. Jaó Brida	
		1	Major General Nott.	
		1	Ensign Houghton.	
			<i>Service.</i>	
Kattywar.....	1		Packet from Ootacamand, 23 October.....	Free.
		1	Officer in charge Commissa- riat Department.....	F. D. Bagshawe, Sub Assist. Commissary General.
			<i>Bearing.</i>	
	1	2	Book from Europe. Papers of B'bay Gazetto.	
		7	Native News Papers.	
		1	Dr. Gray.	
		1	Ensign Russell.	
		1	Dr. Campbell.	
		1	Captain Aston.	
		1	President to the Mess of 12th Regiment.	
			<i>Service.</i>	
Sukkur.....	1		Packet to the Post Master from Aden.....	Free.
		1	Soldier letter.....	Free.
	3		Packets to the Post Master Bukkur from Maligaum Post Office, 30th October 1839.	
			<i>Bearing.</i>	
	18	3	Europe New Papers. Papers of Bombay Gazetto.	
		1	Lieut. Cartwright.	
		2	Captain LeMessurier.	
		1	Ensign Malcolm.	
		1	Ensign Newnham.	
			<i>Paid.</i>	
		1	Lieut. Thomas Stock.....	1 8
Tatta.....	1		Packet to the Post Master from Aden.....	Free.
	1		Ditto.. ditto. from Nuggur 30th October 1839.	
			<i>Bearing.</i>	
	3		Books of Oriental Christian Spectator.	
	1		Europe News Paper.	
	2		Papers of Bombay Gazette.	
	1		Ensign McDonald.	
			<i>Service.</i>	
Kurratchee....	1		Packet to the Post Master from Aden.....	Free.
	1		Ditto.. ditto Nuggur 30th October 1839.	
		5	Sepoy and Soldier letters..	Free.
		1	J. McAndrew.....	J. Jackson.
		1	Major Hebbert.....	W. Barnes.
		1	Lieut. Freedy.....	C. B. James.



1839,  
Novr. 1st

Custation Letters.	Newspaper	Bombay Letters	
			<i>Bearing.</i>
	3	.....	Papers of Bombay Gazette.
	12	.....	Europe News Papers.
		1	Captain Hart..... From Culicut P. to Bombay.
		1	Mrs. Boyd.
		1	Captain Naylor.
		1	Mr. James Bedford.
		1	Mrs. Duggur.
		1	J. McAndrew Esqr.
		1	Lieut. Clarke.
		1	Lieut. Young.
		1	Manocjee Burjorjee.
			<i>Service.</i>
Bombay Army..	12	.....	Sepoy and Soldier letters.. Free.
		1	R. Patterson Esqr. Europe letter..... Free.
		1	Medical Officer of 17th Rt.. Assist. Surg. 6th Regiment.
		1	Ditto ditto 2d Queen Regt. Ditto..... ditto.
		1	Major N. Campbell... Secretary to Govt. No. 1612.
			<i>Bearing.</i>
	32	.....	Europe News Papers.
	3	.....	News Papers.
	10	.....	Papers of Bombay Gazette.
	1	.....	Officer Mess 2nd Queens Royal..... From Madras.
	1	.....	J. A. Todd..... Ditto Kirkee.
	1	.....	F. Watkins Esqr..... Ditto Poona.
	1	.....	Lieut. Wormald..... Ditto ditto.
	1	.....	Major Deshon..... Ditto ditto.
		1	F. D. Tussier from Gazepore Daid to Bombay.
		1	Lieut. col. Scott.
		1	Captain Stock.
		1	Captain Lloyd.
		1	Assistant S. Thatcher.
		1	Lieut. Wemyss.
		1	P. Brooke Esq. Europe letter.
		1	Lieut. Legeyt....ditto.

Bombay, General Post Office, 16th November 1839.

E. E. ELLIOT,  
Post Master General.

## GENERAL ORDERS.

MILITARY DEPARTMENT.

BY THE HONORABLE THE GOVERNOR IN COUNCIL.  
BOMBAY CASTLE, 14th NOVEMBER 1839.

No. 602 of 1839.—The undermentioned Officers are directed to form a Committee and assemble at Poona, to report on the fitness of a Cape-bred Horse tendered for Stud purposes.

Major M. Stack.  
Captain J. Harrison, Her Majesty's 4th Light Dragoons.  
C. Ducat Esqr. Civil Surgeon at Poona.

*Bombay Castle, 15th November 1839.*

No. 603 of 1839.—The undermentioned Officers are appointed a Committee, to report on a subject that will be laid before them by the Acting Deputy Quarter Master General, and will assemble at such time and place as the President may arrange:

Major Watson, Agent for Gun Carriages.  
Surgeon Glen, Secretary to the Medical Board.  
Captain Holland, Acting Deputy Quarter Master General.

No. 604 of 1839.—The undermentioned Officers are appointed a Committee to meet on Monday the 18th instant at 4 P. M. to inspect and report on certain new Tents made up by the Contractor that will be pitched on the Esplanade near the Church Gate for that purpose.

Captain J. Holland.  
Captain E. Stanton.  
Lieutenant C. Gibern, Quarter Master 16th Regiment Native Infantry.

*By order of the Hon'ble the Governor in Council,*  
E. M. WOOD, Lieut. Col. Secy. to Govt.