



# Bombay Government Gazette.

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THURSDAY, 12th AUGUST 1841.

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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 papers 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.

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 secretaries 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.

## Notification,

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

The Columns of the Government Gazette will in future be open for the insertion of private Advertisements at the following rates, viz.

For an Advertisement of 10 lines and under.....	Rs. 2 8 0
For every repetition of the same..	1 4 0
For every Advertisement exceeding 10 lines,..... per line....	0 4 0
For every repetition of the same, per line.....	0 2 0

Translations in the Oriental languages will be charged at the above rates respectively.

L. C. C. RIVETT,  
Supt. Govt. Printing Estab't.

Bombay, Govt. Printing Office, 4th Aug. 1841.

अह्नर नामु

अह्नर नामु, अंद्दोत आली नवाय मुश तेताय ह्नरत ह्नरायय गवरनर शाहिय आह्रादुर दर अन्नाश फ़ोशयना कुम्भधी क रामां आवेकेने आम्भडा गवरमेत गिण्टमां शाकुकार तथा जीव सोफ़ोना अह्नर नामां कापामां आवशे तेतो परय नीयां लजा प रमांणे लेशे \*

हरमेक अह्नर नामु दश लीदीनु तथा तेथी ओकु ह्शे तेना ३० २ ८ ० तेथे पारीथी कापामाने..... ३० १ ४ ० ने अह्नर नामांमां दश लीदी कर

तां अशती लीदी ह्शे तेथे अ ह्नर नामांनी दर लीदीनां० ३० ० ४ ० तेथे पारीथी कापामाने कूपर परमांणे दर लीदीनां०..... ३० ० २ ० अरेडी अन्नाशती वतरे आ देशी ला शाना तरनुमांना कूपर दर लजा के तेथे परमांणे लेशे \* नीशाहली अेल-शी-शी-रीवेद शुपरी अेनदेनडेनद शरफ़ारी कापामानां \*

ता० ४ महि आगशत शने १८४१ अशवी सु० सुभाष शरफ़ारी कापामानु \* W. R. MORRIS: Secy. to Govt.

### जाहोरनामा

जाहोरनामा बंदीगान आलोनबाब मुसना व हजरत हनराबल गवरनर घाचे कवाचोरु दर इजलास कैसल यांचे आजवहन लोपोलाजाते ऐ घाचे चापुढे गवरमेत गेसुट मन्थे वावकार वर तरलोकांचे जाहोरनामे हापतीक त्याचो कौमत खार्तो लोहोखाप्रमाणे घेतोल हरएक जाहोरनामा दाहाओळोचा कौवात्या उनकमीअसेल त्याचे दरपे ३ ८ ० तेचपुन्हाहापिवला अवशतांकेचे ०१ ४ ० व्याजाहोरनाम्यांत दाहाओळोचे खां



अधीकअळीअसतील त्याजाहोरना  
 म्यास दरअळीसरुपचे ० ४ ०  
 तेचपुन्हाकापीवला असतांत्याचें रु. २ ०  
 मराठी व गुजराथी वगैर चादेशांतील भाषां  
 चे तरजुम्यास सदरजु दर लिहीलेआहेत त्याप्र  
 माणे घेतोल

निग्राणी  
 एल सी सी रीवेट

सुप्रोन टेंडेड सरकारी क्रापखाना  
 तारीख ४ मोहेआगष्टसन१८४१ इथवी मुकाममुं  
 षद सरकारी क्रापखाना  
 W. R. MORRIS, Secy. to Govt.

**Notice**

Is hereby given, that a General Meeting of the Subscribers to the Bombay Civil Fund will be held at the Town Hall, on Tuesday the 24th instant, at 12 o'clock.

By order of the Trustees.

W. R. MORRIS,  
 Secy. Civil Fund.

Bombay, Civil Fund Office, }  
 11th August 1841, }

**Notification.**

**TERRITORIAL DEPARTMENT.**

**FINANCE.**

No. 945 of 1841.

Notice is hereby given, that the following Sets of Bills of Exchange, drawn by the Government of Bombay, on the Government of India in Calcutta, at Thirty days sight, will be disposed of on Thursday the 19th instant by public sale, at the General Treasury, at one o'clock P. M., viz.

95 Sets of Bills of Co's. Rs. 1,000 each	Co's. Rs. 25,000
10 do. " " 2,000 each	" 20,000
10 do. " " 3,000 each	" 30,000
20 do. " " 5,000 each	" 1,00,000
10 do. " " 10,000 each	" 1,00,000
5 do. " " 20,000 each	" 1,00,000
5 do. " " 25,000 each	" 1,25,000

85 Sets. Co's. Rs. 5,00,000

The Bills are to be paid for at the General Treasury on or before Monday the 23d instant, and such as may remain unappropriated in consequence of the non-payment of the purchase money, on the close of the Treasury on that day, will be resold on the Saturday following, at the risk of the first purchaser, who will forfeit any advantages that may result from such resale, and be required to make good to Government any loss sustained thereby.

The Sub Treasurer will, as usual, grant a Certificate for the sum of money paid into the General Treasury on account of each set of Bills purchased at this sale, or he will consolidate the amount of two or more Sets of Bills in one Certificate, at the option of the purchaser, provided the Sets of Bills to be so consolidated have been all bought at one and the same rate of exchange.

On the abovementioned Treasury Certificates being presented at the Accountant General's office, the Bills in question will be

prepared as soon after as possible, and will be delivered to the parties entitled to them, on their passing a receipt for the same on the back of the Treasury Certificate.

R. T. WEBB,

Dupy. Acct. Genl. in Charge.

Bombay Castle, Acct. Genl's.

Office, 11th August 1841.

**Notification.**

**GENERAL DEPARTMENT.**

The following modification of the medical Regulations in regard to Native Apprentices, is published for general information.

Clause 23, of Section 2, is cancelled—Clause 21 being amended by the insertion after "different Hospitals" of the words "whether European, Native, Military, or Civil," and after "Commander in Chief" "or Government" and at the end of Clause 22 adding "or Government."

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

W. R. MORRIS, Secy to Govt.

Bombay Castle, 11th August 1841.

**Opium Memorandum.**

**BOMBAY.**

Passes granted up to the 4th instant	Chests	533
		Total.. 533

**INDORE.**

Passes granted under the Proclamation of 1839   40	Chests	2,140
Ditto under the proclamation of 1840   41, up to the 5th June last		16,773
		Total.. 18,913

**IMPORTED.**

Balance of former years importation	Chests	6,607
Imported from the 25th May 1840, to the 3d instant	"	19,559½
		Total.. 26,226½

**EXPORTED.**

From the 22d May 1840, to the 3d instant	Chests	19,474½
Ditto from the 4th to the 10th instant	"	105
		Total.. 19,579½

W. ESCOMBE,

Actg. Opium Agent.

Bombay, 11th August 1841.

Required the following description and quantity of Mahratta and Guzerattee new Types, written tenders, fixing the period required to make the supply, will be received at this Office, every day from 10 to 5, Sundays excepted.

800 lbs. Guzerattee type, Long Primer body
100 do. do. do. Great Primer do.

L. C. C. RIVETT,

Supt. Govt. Press.

Bombay Government  
 Printing Office, 17th  
 June 1841.



**GENERAL ORDERS.**

MILITARY DEPARTMENT.  
BY THE HONORABLE THE GOVERNOR IN COUNCIL.  
BOMBAY CASTLE, 6th AUGUST 1841.

No. 474 of 1841.—With the sanction of the Government of India, the Hon'ble the Governor in Council is pleased to permit the Corps of Sappers and Miners, to bear the word "Kelat" on their Appointments.

No. 475 of 1841.—The following Field Order by the Brigadier Commanding the Force in Scinde, dated 18th June last, is confirmed.

Captain Hart of the 2d or Grenadier Regiment Native Infantry, is appointed to act as Commissariat Agent at Kotra, from the date of Captain Rebenack's death.

Bombay Castle, 10th August 1841.

No. 476 of 1841.—The following Field Order by the Brigadier Commanding in Scinde, dated Camp near Quetta, 21st June last, is confirmed.

Lieutenant Shaw, Sub Assistant Commissary General, having been reported sick on his arrival in Camp yesterday. Captain Prior will continue in the performance of the duties of the Superintendent of Bazaars and Police, until further orders.

Bombay Castle, 11th August 1841.

No. 477 of 1841.—The following Field Order by the Brigadier Commanding in Scinde, dated 2nd ultimo, is confirmed.

Lieutenant Morrison, 2nd Grenadier Regiment, is appointed Commissariat Agent at Baugh, pending the sanction of His Excellency the Commander in Chief and of Government.

No. 478 of 1841.—The following appointments are confirmed.—

An Order by Major H. Hancock, dated Bombay, the 13th July 1841, appointing Lieutenant Barrow, to act as Quarter Master and Interpreter to the 19th Regiment Native Infantry, during the absence of Lieutenant Renny, on detached duty, and Ensign Fenwick, to act as Adjutant to the Detachment of that Regiment at Tannah, during the period Lieutenant Barrow may hold the former appointment, or until further orders.

No. 779 of 1841.—The following Notification is published for information.—

**NOTIFICATION.**

Lieutenant and Adjutant Gabb of the 52nd Regiment Madras Native Infantry, is appointed to take charge of the Public Works at Sholapoor.

Lieutenant Siddons of the 3rd Regiment Madras Light Cavalry to act for Lieutenant Gabb on his responsibility.

By Order &c.

(Signed) W. R. MORRIS, Secy. to Govt.

Bombay Castle, 4th August 1841.

**ERRATA.**

In Government General Order No. (288) of the 30th April 1841, promoting Color Havildar Byajee Ranea of the 22d Regiment Native Infantry, to Jemedar, for "date of Rank, 1st April 1841" read "1st January 1841."

In Government General order (No. 388) dated the 22d June 1841, assigning Army Rank to Ensign W. H. R. Green, for "2d February 1841," read "2d January 1841."

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

P. M. MELVILL, Lieut. Col. Secy. to Govt.

**MARINE DEPARTMENT.**

Bombay Castle, 7th August 1841.

No. 101 of 1841.—Juhangeer Nowrojee and Heerjeebhoy Merwanjee, Assistant Builders, having returned from Europe, are permitted to resume the situations in the Dock Yard, which they held, prior to their departure from India, and the Honorable the Governor in Council has great satisfaction in annexing for general information the following extract of a despatch from the Hon'ble the Court of Directors, No. 36, dated 21st April last.

Extract, para. 2nd.—In the Packet we transmit for your information copies of the certificates and testimonials which have been produced to us respecting the general conduct and professional acquirements of Juhangeer Nowrojee and Heerjeebhoy Merwanjee, during their residence in this Country, "which are both satisfactory to us and creditable to them."

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

**PACKETS.**

It is 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.
Steamer Victoria...	Supt. Indian Navy.....	1st September..	Suez.....	Aden.
Schooner Emily... ..	Do. do.....	1st ditto.....	Persian Gulf..	
Caledonia.....	Messrs. McGregor, Brownrigg & Co.....	14th instant..	Liverpool.....	
Wm. Lushington.....	Do. Ditto.....	ditto.....	ditto.....	
Malton.....	Do. Eglington Maclean and Co.....	ditto.....	London.....	
Luconia.....	Do. Remington & Co.....	15th ditto.....	China.....	
Berkshire.....	Do. Ditto.....	ditto.....	London.....	
Royal Adelaide.....	Do. William Nicol & Co.....	ditto.....	Clyde.....	
Ospray.....	Do. Gillanders Ewart and Co.....	16th ditto.....	Liverpool.....	
Bolivar.....	Do. Higginson and Cardwell.....	ditto.....	London.....	
Belfour.....	Do. William Nicol & Co.....	18th ditto.....	Ditto.....	
Osceola.....	Do. Ritchie Stewart & Co.....	22nd ditto.....	Ditto.....	
Glencel.....	Do. Remington and Co.....	25th ditto.....	Ditto.....	
Candahar.....	Do. Foster and Co.....	26th ditto.....	Ditto.....	
Six.....	Do. Forbes and Co.....	Despatch.....	China.....	
Sophia.....	Do. Ditto.....	ditto.....	Ditto.....	
Adelle.....	Do. Skinner and Co.....	ditto.....	Mauritius.....	

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

Bomba, Genl. Post Office, 11th August 1841.

J. A. SHAW,  
Actg. Post Master General.



**REVENUE DEPARTMENT.**

In consideration of the important and responsible nature of the duties devolving on the Head Assistants in the several Departments of the Secretariate, the Hon'ble the Governor in Council is pleased, as a special case, to confer upon them, the title of Uncovenanted Assistants, with the same rank and privileges, as the Uncovenanted Assistants in the Custom House, and other Departments under this Presidency.

In pursuance of the above resolution, the following appointments of "Uncovenanted Assistants" in the several Departments of the Secretariate, are notified.

1. Revenue.—Vacant.
2. Political and Secret.—Mr. R. Hughes Thomas, appointed 1st October 1839.
3. Judicial.—Mr. T. Thornton, appointed 15th July 1836.
4. General.—Mr. F. Rouget, appointed 15th June 1839.
5. Military and Marine.—Mr. N. Spencer, appointed 6th November 1825.

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

Bombay Castle, 11th August 1841.

**Notice**

Verbal offers will be received at this office, at 1 o'clock on Saturday next the 14th instant, for the supply of the following Articles, and such others as may be called for, during the intermediate period, viz.

- (1) One Brass Chain  $\frac{1}{2}$  Inch Diameter, 10 Feet long.
- (12) Twelve Feet Steel Wire  $\frac{7}{8}$  Inch Diameter.

An immediate deposit of Ten per cent will be required to be made by the lowest bidders, upon the amount of their offers; all further particulars may be learnt on application at this Office, from 10 till 5 o'clock daily.

C. THRESHIE, Capt.  
Sub Assist. Comy. Genl. in Charge,  
Bombay, Dy. Comy. Gls. Office.  
11th August 1841.

**Advertisement.**

A Passage is required for the conveyance of 37 Native Convicts, more or less, to Singapore.

1 Soldier of Her Majesty's 2nd Foot, to the Isle of France, Calcutta, or direct to New South Wales.

1 Discharged Soldier of Her Majesty's 2nd Regiment, and 8 Invalid Seamen of the Indian Navy, to England.

Freight is required for the conveyance of 5 Casks, containing Coal Dust, to England, weighing Gross.

Tons.	Cwt.	Qr.	lbs.
2	8	0	15

By order,  
H. C. BOULDERSON,  
Actg. Assist. Supt. I. N.  
Bombay, 11th August 1841.

**wanted,**

Immediately, for the Executive Engineer's Office at Aden, an efficient Writer and Accountant, conversant with the duties of the above Office.

Salary will be made known, and all particulars obtained on application to the Garrison Engineer's Office at the Presidency.

W. B. GOODFELLOW, Captain.  
Garrison Engineer at the Presidency.  
Bombay, 10th August 1841.

**Advertisement.**

To be sold by public outcry, on Tuesday, the 17th instant, at 12 o'clock in the forenoon, a quantity of Chips assorted, and Rubbish collected from the works carried on in the Dock Yard, and made into lots of about a Candy each.

Terms of sale.—The lots to be paid for on the spot and to be immediately removed from the Dock Yard.

G. SIMPSON,  
Indian Naval Storekeeper.  
Bombay, 10th August 1841.

**NOTICE**

Is hereby given, that persons desirous of entering into a contract with this Department, for the supply of the undermentioned Articles for 2 years from the 1st and 7th of September next respectively, may, on application at this office, from 10 A. M. till 5 P. M. daily, Sundays excepted, obtain separate lists thereof as follows, with the prices affixed, and such other information relating thereto as they may require, vizt.

No. 1.—List comprising Country Medicines &c. to the Medical Storekeeper's Department, and Public Dispensary. Contract to commence from 1st September.

No. 2.—List comprising Rafters, Bamboos, small Timber, Baskets &c. ditto 7th September.

Verbal offers for the contracts will be received at this office, at 12 o'clock on Friday the 20th proximo, when persons will be required to bid a per-centage below the prices specified in the Lists above adverted to, at which they will undertake to furnish the whole of the Articles embraced therein, of unexceptionable quality to the Departments requiring them, free of all further expense, in such numbers or quantity, as may from time to time be demanded.

The contractors will be required to comply immediately with all emergent demands for the Articles alluded to, 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 their behalf, will be purchased at their risk and loss, and in all such cases a fine of Rupees Thirty per cent upon the amount of expenses incurred, or a fine of Rupees 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 the sum of four hundred (400) Rupees, for list No. 1, and Rupees (150) one hundred and fifty for list No. 2, 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 the further sum of Rupees (400) four hundred to the former, and Rupees (150) one hundred and fifty to the latter, 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.

C. THRESHIE, Capt.

Actg. Depy. Assist. Comy. Genl. in charge,  
Bombay, 28th July 1841.

### Advertisement.

Notice is hereby given, that a "Muchwa" or Fishing Boat, of the undermentioned dimensions, has been washed on Shore at the Village of Wagholee, Turf Agasee, Talooka Bassein, in this Collectorate; and claimants are desired to apply within two months from this date, in default of which, the Vessel will be disposed of according to the Regulations.

#### DIMENSIONS.

Length, seven Kambees, six inches.

Breadth, three ditto, three & a quarter inches.

J. W. JACKSON,  
Magistrate.

Tannah, Magt's. Office, }  
28th July 1841. }

### SIXTY-NINTH GOVERNMENT LOTTERY.

Fort St. George. Govt. Lottery  
Office, 20th July 1841.

The Sixty-ninth Government Lottery, for Company's Rupees (5,00,000) Five Lacs, under the sanction of the Right Honorable the Governor in Council, consisting of (5,000) Five Thousand Tickets, in one Class, to be conducted under the management of the Superintendent and Commissioners appointed by Government.

#### SCHEME.

1 Prize of.....	70,000
1 do of.....	30,000
1 do of.....	15,000
2 do of..... 8,000.....	16,000
4 do of..... 4,000.....	16,000
7 do of..... 2,000.....	14,000
20 do of..... 1,000.....	20,000
56 do of..... 400.....	22,400
108 do of..... 200.....	21,600
1,500 do of..... 150.....	2,25,000
	4,50,000
1,700 Prizes. To be appropriated }	50,000
3,300 Blank. to the Lottery... }	
50,000 Tickets. Company's Rupees..	5,00,000.

#### COMPUTATION.

3,000 Whole Tickets at 100 Company's Rupees each is.....	3,00,000
4,000 Half Tickets at 50 Company's Rupees each is.....	2,00,000
Company's Rupees..	5,00,000

1st. The Capital Prize of 70,000 Company's Rupees will be a floating Prize on the last day of drawing.

2d. The Price of the Tickets remaining unsold will be liable to augmentation during the drawings of the Lottery.

3d. The Prizes which may fall to Tickets sold at Madras will be paid at the Government Bank ten days after the conclusion of the drawing. Holders of Tickets sold at the Out-Stations, and drawn Prizes, will have the option of receiving the amount of such Prizes from the Collectors or Paymasters by whom they may have been sold, within thirty days from the conclusion of the drawing of the Lottery, and after that period from the Government Bank at Madras.

4th. No Prize Ticket will be discharged unless presented for payment within one year from the conclusion of the drawing of the Lottery, nor will any representation of the loss of Tickets be attended to unless made within that period.

5th. No deduction will be made from the amount of Prizes.

6th. The Tickets will be sold to personal applicants at the Government Lottery Office, and at such other Public Offices at the Presidency as may be hereafter named, and at the Offices of the Collectors and Paymasters at Out-Stations.

7th. The sale of Tickets will cease one hour before that fixed for the drawing on each day.

8th. The Tickets will be ready for sale on Friday the 3d September and the drawing will take place on Wednesday the 27th October 1841.

A. BROOKE, Supt.

### Insolvent Debtors Court.

#### Petitions and Assignments.

Wassoodew Crustnaje, alias Rowjee Abbajee, a Shroff, Bhundry, Hindoo, formerly residing at Dhobee Talao, without the Fort of Bombay, filed 23d July 1841.

Edward King, a British Inhabitant, formerly residing at large Colabah, without the Fort of Bombay, filed 26th July 1841.

Jetta Goverdhanjee, a Dealer in Tobacco &c. Bania, formerly residing in Shimpee Wadlee, near Atmaram Taylor's House, without the fort of Bombay, filed 31st July 1841.

Manickjee Sorabjee, Cloth Merchant, Parsee, formerly residing near Vittul Waddy, without the fort of Bombay, filed 31st July 1841.

Purmanand Girdhur, of Bombay Hindoo Merchant, who lately carried on business as a Merchant at Bombay, in Co-partnership with one Bomanjee Manackjee, under the style or firm of Parmanundass Munchejee, filed 4th August 1841.

J. P. LARKINS,  
Chief Clerk.

Bombay, Chief Clerk's Office, }  
this 10th day of August 1841. }

नमसा देवादारोनी फोरट अघे

अरुणओ तथा हुवालाओ

वाश्टुदेकु फरशरनाण तेने राकुण आभाण  
शाराय पंल फेडेके लंडारी हीनकु आगल  
श्री सुंभाजना फोरटभाहार घोलीतलाय आग  
ल रेहेतो इतो तेनी तारीय २३ मी जुला  
ध शंने १८४१ ने हांडेहायल करीके \*

मेडवरस श्रीग आतरनेने वेलाती रेहेवारली  
आगल श्री सुंभाजना फोरटभाहार मोटा फो  
लाभांओ रेहेतो इतो तेनी तारीय २६ मी



જ્યુલાઈ શંને ૧૮૪૧ ને દાંડે દાખલ કરીકે  
જેઠા ગોવરધનજી તંબાકુ વીગરેનો વેપારી  
વાંલીઓ આગલ શ્રી મુંબાઈના ફોટબાહાર  
હીવીવાડામો આતમરાંમ હીવીના ગરેની પા  
શે રહેતો હતો તેની તારીખ ૩૧ મી જ્યુલા  
ઈ શંને ૧૮૪૧ ને દાંડે દાખલ કરીકે \*

મંણેકજી શોરાબજી કાપડનો વેપારી પાર  
શી આગલ શ્રી મુંબાઈના ફોટબાહાર વીઠલ  
વાડી પાશે રહેતો હતો તેની તારીખ ૩૧  
મી જ્યુલાઈ શંને ૧૮૪૧ ને દાંડે દાખલ કરીકે  
પરમંણેદ ગીરધર શ્રી મુંબાઈનો હીનકુ  
વેપારી જે હાલ શ્રી મુંબાઈ મથે વેપારીનુ  
કાંમ ખમનજી મંણેકજીની પંતીઆલીમાં પ  
રમંણેનદદાશ મનચેરજીને નામે તથા પેડીએ  
ચલાવતો હતો તેની તારીખ ૪ થી આગશ  
૮ શંને ૧૮૪૧ ને દાંડે દાખલ કરીકે \*

જે-પી-લારકીનશ શાઈખ  
ચીફ કલારક શહી

શ્રી મુંબાઈ મથે ચીફ કલારક  
શાઈખની હાજીશ તા. ૧૦ ૧૦ મી  
આગશટ શંને ૧૮૪૧ \*

(A true Translation.)  
J. VAUPELL, Chief Translator.

**Insolvent Debtors Court.**

*Petition and Assignment.*

Shamjee Lalljee, a labourer, Bhatia, formerly re-  
siding at Chinch Bunder, without the Fort  
of Bombay, filed 5th August 1841.

J. P. LARKINS,  
Chief Clerk.

Bombay, 11th August 1841.

નખલા દેવાદારોની ફોરટ મથે  
અરજી તથા હવાલો

શામજી લાલજી મનુર ભટ્ટીઓ આગલ  
શ્રી મુંબાઈના ફોટબાહાર ચીયખંદર પારો રે  
હેતો હતો તેની તારીખ ૫ મી આગશટ શં  
ને ૧૮૪૧ ને દાંડે દાખલ કરીકે \*

૧ જે-પી-લારકીનશ શાઈખ  
ચીફ કલારક શહી

શ્રી મુંબાઈ મથે ચીફ કલારક  
શાઈખની હાજીશ તા. ૧૧ ૧૧ મી  
આગશટ શંને ૧૮૪૧ \*

(A true Translation.)  
J. VAUPELL, Chief Translator.

**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  
Wednesday the 1st September next.

P. M. MELVILL, Lieut. Col.  
Secy. to Govt.

Bombay Castle, 2nd July 1841.

ON SALE.

AT VERY REASONABLE TERM AND PRICE.

A solid Mahogany Furniture, consisting of  
1 pair Couches, 12 Single, and 2 Arm-Chairs;  
also an Ebony Box containing 3 Coffee, Tea and  
Punch Sets, gold gilded in Queen ware complete,  
with a dozen gold Spoon for Coffee or Tea, and  
a globe gold gilded Chains, for Punch.

AT WILLAUME & Co.  
No. 9, Apollo Street.

**Civil Appointments, &c.**

JUDICIAL DEPARTMENT.

Bombay Castle, 10th August 1841.

The Honorable the Governor in Council is  
pleased to re-appoint Mr. G. Grant to the office  
of register of the sudder dewanee and sudder  
foujdaree adawlut, from the 1st of June last.

By order of the Hon'ble  
the Governor in Council,  
D. A. BLANE,  
Actg. Secy. to Govt.

**Military**

**Arrivals and Departures.**

ARRIVALS.

- 3rd August.—Surgeon D. Vertue, Md. army.
- 4th Do.—Lieut. Heyman, 15th R. N. I. from  
Nuggur.
- 5th Do.—Lieut. Archibald Ross, Royal Engi-  
neers, from England.
- 7th Do.—Assist. surg. R. Smith, from Poona.
- Do. do.—Assist. surg. E. G. Balfour, 21st R.  
N. I. from Ahmednuggur.

DEPARTURES.

- 4th August—Lieut. and adjutant H. Rolland,  
19th R. N. I. to Poona
- 7th Do.—Lieut. F. R. Morse, 1st R. E. to do.
- Do. do.—Lieut. Whitehill, 2nd European light  
infantry, to do.
- Do. do.—Lieut. Pownoll, H. B. to do.
- Do. do.—Ensign Close, 2nd European light  
infantry, to do.
- Do. do.—2nd Lieut. Worgon, arty. to do.
- Do. do.—Ensign Herne, 1st E. N. to do.
- Do. do.—Assist. surg. Beyrenson, to do.
- Do. do.—Ensign W. Pelly, 24th R. N. I. to do.

Town Major's Office, 11th August 1841.

**Shipping Intelligence.**

ARRIVALS.

- 5th Augt.—The Honorable Company's Steamer  
Cleopatra, Lieut. T. P. Webb, commanding,  
from Suez and Adeo, 28th July 1841.
- Passengers.—William Buck Esq.—William Buck  
Esq.—John Weeks Esq.—James McDonald  
Esq.—Reverend and Mrs. Handey—A. Crooke  
Esq.—Lieut. Ross—Mr. Purser Gibbon, and  
Mr. Williams.
- 10th Do.—Barque Braemars, William Gillan,  
master, from Kurrack, 12th July, Bussorah  
16th July and Muscat 2nd August.



**Passengers.**—Lieut. Stephens, I. N.—Assist. Surg. Behan—Mr. Smith, I. N.—4 Engineers—3 Boiler makers—26 European seamen—12 Soldiers 1st European regt. and artillery—9 European women—21 Children—and 118 Native troops.

**DEPARTURES.**

4th Aug.—Ship Shannon, A. Killock, master, to Liverpool.

Do. do.—Ship Cursetjee Cowasjee. John Campbell, master, to Madras and Calcutta.

**Passengers.**—Lieut. Otley—Mr. and Mrs. Lyall—Mr. Price—Mr. Gooldin—Mr. Dyant—Mr. Dallas—and 25 Natives.

Do. do.—Barque Fergus, William Lister, master, to Liverpool.

5th Do.—Barque Windsor Castle, John Young, master, to Liverpool.

7th Do.—Barque Euxine, G. McMillan, master, to London.

**Passenger.**—Wm. Hall, invalid.

8th Do.—Barque Parkfield, J. T. Whiteside, master, to Singapore and China.

**Passengers.**—Mrs. Whiteside—Mr. Bettington, Capt. McCaskell, and Dr. Carsten,—Reverend Navarins,—Reverend Silvestre Feleciano,—Reverend Rainold Pedro DeSouza, and four servants

10th Do.—Barque Lady East, H. Corlass, master, to Liverpool.

**Passenger.**—Mrs. Corlass.

Do. do.—Ship Guisachan, H. E. Every, master, to China.

Do. do.—Barque Geo. 4th, A. Brownless, master, to Singapore and China.

W. ESCOMBE,

Acting Senior Magistrate of Police,

Bombay Castle, 11th August 1841.

**Unclaimed Letters.****SHIP LETTERS.**

1 Right Honble. J. A. S. Mackenziee Bombay.  
 1 James Swan Esq..... do.  
 1 Robt. R. Smith Esq..... do.  
 1 Captain G. M. Hill, A. D. C. to the Govr. General..... do.  
 1 Dr. Jas. L. Lowry..... do.  
 1 Right Revd. Bishop Pendergrast... do.  
 1 Revd. A. Loesh..... do.  
 1 Mr. T. Jackson..... do.  
 1 Mr. R. D. Buchanan..... do.  
 1 Monsieur Lapierre..... do.  
 1 Monsr. Orosa..... do.  
 1 Monsr. Auguste Schofft... do.  
 1 Messrs. Schangeer & Co..... do.  
 1 Pestonje & Co..... do.  
 3 Copies of the Galignini's Messengers from 18th June to 6th of July last without Covers.

J. A. SHAW,  
 Actg. Post Master Genl.

Bombay, 11th August 1841.

**High Water**

IN THE HARBOUR UNDER THE FOLLOWING DATES.

	A.	M.	P.	M.	
1841		H.	M.	H.	M.
Aug. 12th Thursday..	5	59	6	52	
„ 13th Friday..	7	38	8	25	
„ 14th Saturday..	9	4	9	43	
„ 15th Sunday..	10	12	10	42	
„ 16th Monday..	11	3	11	24	
„ 17th Tuesday..	11	42	12	0	
„ 18th Wednesday ..	0	0	0	17	

*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 quarter, 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. DE RAMOS, at the Government Press, Apollo Street.



# LEGISLATIVE ENACTMENTS.

## FORT WILLIAM. LEGISLATIVE DEPARTMENT.

THE 12TH JULY, 1841.

The following Draft of a proposed Act was read in Council for the first time on the 12th of July, 1841.

ACT NO. — OF 1841.

*An Act for amending the Law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.*

I. It is hereby enacted, that when any person shall have been directed by any Decree or Order in Equity of Her Majesty's Supreme Courts to execute any deed or instrument, or make a surrender or transfer, or to levy a fine, and shall have refused or neglected to execute, make or transfer or levy the same, and shall have been committed to prison under process for such contempt or being confined in prison for any other cause shall have been charged with or detained under process for such contempt and shall remain in such prison, the Court may upon motion or petition and upon affidavit that such person has after the expiration of two calendar months from the time of his being committed under, or charged with, or detained under such process again refused to execute such deed or instrument, or make such surrender or transfer, or levy such fine order, or appoint, the Master or Registrar of the said Courts to execute such deed or other instrument, or to make such surrender or transfer for and in the name of such person, and to levy such fine in his name and to do all acts necessary to give validity and operation to such fine, and to lead or declare the uses thereof, and the execution of the said deed or other instrument, and the surrender or transfer made by the said Master or Registrar, and the fine levied by him, shall in all respects have the same force and validity as if the same had been executed, or made or levied by the party himself, and within ten days after the execution or making of any such deed or other instrument, or surrender or transfer, or levying such fine, notice thereof shall be given by the adverse Solicitor to the party in whose name the same is executed or made, and such party as soon as the deed or other instrument or surrender, transfer or fine, shall be executed, made or levied, shall be considered as having cleared his contempt, except as far as regards the payment of the costs of the contempt, and shall be entitled to be discharged therefrom under any of the provisions of this Act applicable to his case, and the Court shall make such order as shall be just touching the payment of the costs of or attending any such deed, surrender, instrument, transfer or fine.

II. And it is hereby enacted, that where a person shall be committed for a contempt in not delivering to any person or persons, or depositing in Court or elsewhere, as by any order in Equity of Her Majesty's Supreme Courts may be directed, books, papers or any other articles or things, the Sheriff under any writ or sequestration shall have the same power, to seize and take such books, papers, writings or other articles, or things being in the custody or power of the person against whom the sequestration issues, as they would have over his own property, and thereupon such articles or things so seized

or taken shall be dealt with by the Court as shall be just, and after such seizure it shall be lawful for the Court upon the application of the prisoner, or any other person in the cause or matter to make such order for the discharge of the prisoner upon such terms as to the Court shall seem proper.

III. And it is hereby enacted, that the discharge of any prisoner adjudicated upon under the authority of an Act passed in the 9th G. 4. C. 73, intituled "An Act to provide for the Relief of Insolvent Debtors in the East Indies until the 1st day of March 1833," last continued by an Act passed in the 3 and 4 Vic. C. 80, shall and may extend to all process in Equity issuing from Her Majesty's Supreme Courts for any contempt of such Court for non-payment of money, or of costs, charges or expences in any such Court, and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same and every discharge so adjudicated as aforesaid as to any debt or damages of any creditor of such prisoner shall be deemed to extend, also to all costs incurred by such creditor before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoners for the purpose of the recovery of the same, and that all persons as to whose demands for any such costs, money, or expences, any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said last mentioned Acts, subject, nevertheless, to such ascertaining of the amount of the said demands as may be had by taxation, or otherwise, and to such examination thereof as is in the said last mentioned Acts, provided in respect of all claim to a dividend of such Insolvent's Estate and Effects.

IV. And be it further enacted, that in all cases of contempt, where any person or persons are, or is, or shall, at any time hereafter be in prison under or by reason of any commitment or attachment in Equity directed by or issued out of Her Majesty's Supreme Courts, such Court shall (upon the application of the person or persons against whom such commitment or attachment hath been directed or issued,) have the power if it shall so think fit, to discharge such person or persons from their, his, or her contempt, except as to the costs thereof, for which costs they, he, or she shall remain in custody, and such costs shall be deemed within the provisions of the last preceding Section of this Act—and they, he, or she shall be discharged therefrom, and from the process of contempts in like manner as in the last preceding Section of this Act provided for in cases of process of contempt for non-payment of money or costs. *Provided that this Act shall not weaken any of the other powers by this Act given, and that nothing herein contained shall alter or affect the operation of the said Acts for the relief of Insolvent Debtors.*

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 12th day of October next.

T. H. MADDOCK,  
Secy. to the Govt. of India.



FORT WILLIAM.  
LEGISLATIVE DEPARTMENT.

THE 19TH JULY, 1841.

The following Draft of a proposed Act was read in Council for the first time on the 19th of July 1841.

ACT No. ———of 1841.

*An Act for extending in cases governed by English Law certain provisions of the Statute 3d and 4th William IV. Ch. XLII, entitled "An Act for the further amendment of the Law and the better advancement of Justice."*

I. Whereas there is no remedy provided in cases governed by English Law for injuries to the Real Estate of any person deceased, committed in his life time, nor for certain wrongs done by a person deceased in his life time to another in respect of his property, real or personal; for remedy thereof it is hereby enacted, that an Action of Trespass or Trespass on the case as the case may be maintained by the Executors or Administrators of any person deceased for any injury to the Real Estate of such person, committed in his life time, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person; and the damages when recovered, shall be part of the personal Estate of such person; and further that an Action of Trespass or Trespass on the case, as the case may be, may be maintained against the Executors or Administrators of any person deceased for any wrong committed by him in his life time to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such Executors or Administrators shall have taken upon themselves the Administration of the Estate and Effects of such person; and the damages to be recovered in such action shall be payable in like order of Administration as the simple contract debts of such person.

II. And it is hereby enacted, that no wager of Law shall be hereafter allowed.

III. And it is hereby enacted, that an action of debt on simple contract shall be maintainable in any of Her Majesty's Supreme Courts against any Executor or Administrator.

IV. And it is hereby enacted, that it shall be lawful for the Defendant in all personal actions (except actions for Assault and Battery, False Imprisonment, Libel, Slander, Malicious Arrest or Prosecution, Criminal Conversations or Debauching of the Plaintiff's Daughter or Servant,) by leave of any of Her Majesty's Supreme Courts where such action is pending, or a Judge of any of the said Courts, to pay into Court a sum of money by way of Compensation, or Amends, in such manner and under such regulations as to the payment of costs and the form of pleading as the said Judges or such Courts respectively shall by any rules or orders by them to be from time to time made, order and direct.

V. And it is hereby enacted, that it shall be lawful for the parties in any action or information after issue joined, by consent and by order of any of the Judges of the said Courts, to state the facts of the case, in the form of a special case,

for the opinion of the Court, and to agree that a judgment shall be entered for the Plaintiff or Defendant, by confession or of nolle prosequi, immediately after the decision of the case, or otherwise as the Court may think fit; and judgment shall be entered accordingly.

VI. And it is hereby enacted, that the name of every witness objected to as incompetent on the ground that the judgment in the Action would be admissible in evidence for or against him shall at the trial be indorsed on the Record or Document on which the trial shall be had, together with the name of the party on whose behalf he was examined by some Officer of the Court, at the request of either party, and shall be afterwards entered on the record of the judgment; and such indorsement or entry shall be sufficient evidence that such witness was examined in any subsequent proceeding in which the judgment shall be offered in evidence.

VII. And it is hereby enacted, that every such Court as aforesaid on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all Actions of Trover or Trespass de bonis as portatis, and over and above the money recoverable in all actions on Policies of Assurance made after the passing of this Act.

VIII. And it is hereby enacted, in cases which would be governed by English Law, that it shall be lawful for the Executors or Administrators of any Lessor or Landlord to distrain upon the Lands demised for any term, or at will, for the arrearages of rent due to such Lessor or Landlord in his life time, in like manner as such Lessor or Landlord might have done in his life time.

IX. And it is hereby enacted, that such arrearages may be distrained for after the end or determination of such Term or Lease at will, in the same manner as if such Term or Lease had not been ended or determined; provided that such distress be made within the space of six calendar months after the determination of such Term or Lease, and during the continuance of the possession of the Tenant from whom such arrears become due: provided also, that all and every the powers and provisions of Law relating to distress for rent shall be applicable to the distresses so made as aforesaid.

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 19th day of October next.

T. H. MADDOCK,  
Secy. to the Govt. of India.

FORT WILLIAM.  
LEGISLATIVE DEPARTMENT.

THE 19TH JULY 1841.

The following Draft of a proposed Act was read in Council for the first time on the 19th of July 1841.

ACT No. ———of 1841.

*An Act for appropriating the unclaimed Dividends on Insolvent Estates.*

I. Whereas pursuant to the Orders of the Court for the Relief of Insolvent Debtors, divers sums on account of unclaimed Dividends on



Insolvent Estates have from time to time been paid by the Assignees of such Insolvent Estates into the hands of the Accountant General and Sub-Treasurer of the East India Company with the privity of the Accountant General of the said Insolvent Court, to the credit of the matter of such Insolvent Estates respectively;—and whereas it is expedient that in the event of the claim being established to any demand whereby any Dividends may accrue within a reasonable time, such Dividends should be divided among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively.

It is therefore enacted, that it shall be lawful for the said Court of Insolvent Debtors in the event of no claim being established whereby the right to any Dividend has accrued or may thereafter accrue within six years after any Dividend shall have been so paid over, as aforesaid, to order the same to be repaid to such Assignees, to be by them divided among such of the Creditors of such Insolvent Estates as shall have established their claims against such Estates respectively. Provided that this Act shall not affect the right of any party to any future Dividends which may be declared in such Insolvent Estates respectively in the event of any such claim being afterwards established.

II. And it is hereby enacted, that no Dividend shall at any time be divided under this Act among such of the Creditors of any Insolvent Estate as shall have established their claims against such Estate, unless a Statement of unliquidated claims be previously published in manner following: One year at least before making any such division as aforesaid a Statement shall be published three times in the English language, and also in one or more native languages in the Official Gazettes of the respective Presidencies, which Statement shall contain the names of all parties in respect of whose claims Dividends are reserved, together with the amount of such claims respectively, and shall specify whether any former Dividend or Dividends have been received in respect thereof, and whether any proof shall have at any time been made of the debt whereby any Dividend may have accrued. Provided always, that this Act shall not authorize the division of any Dividend except where no person shall at any time have substantiated any claim to the debt in respect of which such Dividend may have become due.

III. And be it enacted, that this Act shall not take effect until the first day of January 1843.

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

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India after the 19th day of October next.

T. H. MADDOCK,  
*Secy. to the Govt. of India.*

FORT WILLIAM,  
LEGISLATIVE DEPARTMENT.

THE 19TH JULY, 1841:

The following Draft of a proposed Act was read in Council for the first time on the 19th July 1841.

ACT No. — OF 1841:  
*An Act for amending the Rules of Special Appeals.*

I. It is hereby enacted, that Clauses 1, 2 and 4, Section 2, Regulation XXVI of 1814—Section 7, Regulation XIX 1817—Sections 2, 3, 4, 5

and 6, Regulation IX 1819—Clause 1, Section 28, Regulation V, 1831—and Section 6, Act XXV of 1837 of the Bengal Code, be repealed.

II. And it is hereby enacted, that from and after the — day of — 1841, a second or Special Appeal shall lie to the Courts of Sudder Dewanny Adawlut at Calcutta and Allahabad, respectively, from all decisions passed in regular Appeals, in any Civil Courts in the manner hereinafter specified.

III. And it is hereby enacted, that except in cases in which the petition relates to a decision passed in regular Appeal by a Zillah or City Judge, every application for the admission of a special or second Appeal shall be heard within the period limited for the admission of a regular Appeal, by the Judge of the Zillah or City within which the regular Appeal has been decided; and every application for the admission of a special or second Appeal against a decision passed in regular Appeal by a Zillah or City Judge, shall in like manner be heard by a single Judge of the Court of Sudder Dewanee Adawlut.

IV. And it is hereby enacted, that no special or second Appeal shall be admitted in any case, unless the Judgment Appealed against, be inconsistent with some established judicial precedent, or involve some question of law, usage, or practice, upon which there may exist reasonable doubts.

V. And it is hereby enacted, that the Judge by whom such application for the admission of a second or special Appeal may be heard, shall call before him the Special Appellant or his Vakeel or Agent, and shall, at his discretion, call for and peruse any document forming part of the record of the cause which he may deem proper, and shall by such other enquiries as he may consider necessary, determine the point or points on which the Appeal is liable under this Act, to be specially tried by the Courts of Sudder Dewanny Adawlut; and shall reduce the said point or points to writing in the form of a certificate and shall transmit the same in the Vernacular language, together with an English translation thereof attested by his official seal and signature, with the original petition for the admission of the second or special Appeal, and copies of the decrees passed in the case to the Register of the Courts of Sudder Dewanny Adawlut, to be tried by those Courts in due course; and it shall be lawful for the Judge to reject any such petition at his discretion, and his order so rejecting a petition for a special or second Appeal shall be final.

VI. And it is hereby enacted, that the Courts of Sudder Dewanny Adawlut shall in every case transmitted to or admitted by them, try and determine the point or points certified as above enacted, and no other point or part of the case whatever.

VII. And it is hereby enacted, that it shall be competent to the Courts of Sudder Dewanee Adawlut in any case in which the special ground of Appeal may appear to have been incorrectly or incompletely certified by a Zillah or City Judge, to return the certificate for amendment; or in cases in which it may appear to have been improperly transmitted to annul the certificate altogether, without requiring the attendance of the special Appellant or his Vakeel or Agent.

VIII. And it is hereby enacted, that nothing contained in this Act shall be construed to interfere with the authority vested in a single Judge of the Court of Sudder Dewanny Adawlut, or in a Zillah or City Judge under the provisions of Regulation IX, 1831 and Act VII of 1838 of issuing any injunction to the Lower



Courts, for the revision of any case on the grounds, and in the manner laid down by that Regulation and Act.

IX. And it is hereby enacted, that nothing contained in this Act shall affect the trial of second or special Appeals which shall have been admitted and be pending in Appeal at the time of the passing of this Act, and that all such second or special Appeals shall be tried and decided in the same manner as if this Act had not passed.

Ordered, that the 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 19th day of September next.

T. H. MADDOCK,  
Secy. to the Govt. of India.

FORT WILLIAM.  
LEGISLATIVE DEPARTMENT.

THE 19<sup>T</sup> JULY, 1841.

The following Act passed by the Right Hon'ble the Governor General of India in Council on the 19th of July 1841, is hereby promulgated for general information.

ACT No. XII. of 1841.

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

*Preamble.* I. Whereas it is deemed expedient with a view to the benefit of the Agricultural Community, to regulate the number of periodical sales of Estates for arrears of Revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of Mehals, the whole of the Land Revenue due from which may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the Land Revenue;—

It is hereby enacted, that  
*Regulations rescinded.* Sec. 2, Reg. XIV. 1793, Sec. 2, Reg. 111. 1794, Reg. XI. 1822, except Sections 36 and 38, and Reg. VII. 1830 are rescinded, except in so far as they rescind other Regulations or parts of Regulations.

*Interest and Penalty abolished.* II. And it is hereby enacted that there shall be no demand of interest or penalty upon any arrear of Land Revenue which shall fall due after the date specified in Section XXXV of this Act.

*Days fixed for Sale.* III. And it is hereby enacted that upon the promulgation of this Act the Sudder Board of Revenue at Calcutta, shall determine with regard to each permanently settled District or Zillah under their jurisdiction, the fixed dates in each year on which shall be commenced the process for realizing by sale of Mehals the arrears of Land Revenue due thereupon. 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 other Officer duly authorized to hold sales under this Act, and in the Courts of the Judge, Magistrate, Principal Sudder Ameer, Sudder Ameer, and Sudder Moonsiff; and the days 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, at least three months before the close of the official year preceding that in which the new date or dates are to take effect. Provided always, that another notice shall also be given for a period of not less than 15 clear days previous to each fixed date of sale by advertisement to be stuck up in each of the forenamed Offices and Courts, and the Collector shall be bound to furnish during this interval to all enquirers full particulars as to what estates are in balance, and the amount due on each.

IV. And it is hereby enacted that in Districts not permanently settled, and in the Province of Benares, no sale shall take place for arrears of Land Revenue or other demand of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale.

*Definition of an Arrear.* V. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the year, according to which the settlement and kist-bundee of any Mehal have been regulated be unpaid on the first of the following month of such year, the sum so remaining unpaid shall be considered an arrear of Revenue.

VI. And it is hereby enacted, that except as hereinafter provided, all Estates from which at sun set of the day preceding that fixed for a sale an arrear of Revenue may be due, shall on the said fixed day, or on the day or days following as hereinafter provided, be put up to public auction by and in the presence of the Collector or other Officer authorized by Government to exercise the powers of Collector in that behalf, and shall be sold to the highest bidder; and no payment or tender of payment made subsequent to sunset of the day preceding that fixed for a sale shall bar or interfere with the sale either at or after its conclusion.

VII. 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, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone, and without dispute, and unless after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the estate.

VIII. 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 of not less than fifteen clear days preceding the day of sale, in the Office of the 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 of the District, and at the Police Thannah 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. And it shall be declared in the said notification that no payment or tender of payment of the arrear or demand due which may be made after sun set of the day preceding the fixed day of sale, will bar or interfere with the sale either at or after the transaction.

*First.*—Arrears due from or to be recovered by sale the estates not permanently settled.

*Secondly.*—Arrears other than those of the current or of the preceding year.

*Thirdly.*—Arrears due on account of estates other than that to be sold.

*Fourthly.*—Arrears of estates under attachment by order of the Judicial Authorities.

*Fifthly.*—Arrears due on account of Tuccavy, Poolbundee, or other demands not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

*IX.* And it is hereby enacted, that Collectors shall at any time before sunset of the day preceding the fixed

day of sale receive as a deposit from any party not being a proprietor of the estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a proprietor of the estate. And in case the party so depositing, whose money shall have been credited to the estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such estate is situated, to order the said party to be put into temporary possession of the said estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing whose money shall have been credited as aforesaid shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the estate, he shall be entitled to recover the amount of the deposit with interest, from the proprietors of the said estate.

*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 duly notified to the Collector for the information of the Court of Wards, 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 Collector at any time before the sale of an estate shall have commenced to exempt such estate from sale; and in like manner it shall be competent to the Commissioner of Revenue at any time before the sale of an estate shall have commenced to exempt such estate from sale, by a special order to the Collector to that effect in each case, and no sale of an estate shall be legal if held after the receipt of an order of exemption in respect to such estate. Provided, however, and it is hereby

enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

*XII.* And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District, provided however that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it benefit to the parties concerned.

*XIII.* And it is hereby enacted, that in case the 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 any cause, to complete 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 complete 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.

*XIV.* And it is hereby enacted, that on the day of sale fixed according to Section III. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the Towjee or registers in use in the Collector's Office 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.

*XV.* And it is hereby enacted, that the party who shall be declared the purchaser of an estate at any



such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 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.

**Balance of purchase money.** XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sun set of the thirtieth day from that on which the sale of the estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth; and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, 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 consumed being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public Revenue, and it shall be so levied and credited to the defaulting proprietor of the estate sold, and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VIII.

**Rents stopped after the notice for sale.** XVII. And it is hereby enacted, that whenever an estate shall have been sold as aforesaid, the 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 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 falling due subsequent to the date therein specified and up to the date of the subsequent notice hereinafter prescribed by Section XXI. 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.

**Appeal.** XVIII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI. or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise; and the Commissioner shall be competent in every case of appeal so preferred, to annul any sale of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the proprietor of any moderate compensation, for his loss, if the sale shall have been occasioned by neglect of the proprietor, such com-

ensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

**Government may restore Estate.** XIX. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case, may annul the sale and cause the estate to be restored to the proprietor on such conditions as may appear equitable and proper.

**Sale when to be final.** XX. And it is hereby enacted, that 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. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

**Certificate of Title.** XXI. And it is hereby enacted, that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of title in the following form:

I certify that A. B. has purchased at Public Auction under Act XII of 1841, Mehal C, and that his purchase has taken effect on and since the — day of — (being the date of sale.)

(Signed) D. E., Collector.

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate sold being vested in the person or persons named from the date specified; and the Collector shall also 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 also at the Cutcherry of the Malgozar of the estate or on some conspicuous place on the Estate; and shall apply the purchase money first to the liquidation of all arrears due upon the day of sale, or upon the day of the original sale, if the sale finally consummated be a re-sale; and secondly, to the liquidation of all outstanding demands debited to the Mihal in the public accounts of the district, 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. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the proprietor of the estate sold, or his representative, the same be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable



to any such claimant, nor shall it be withheld from the proprietor by attachment, except under precept, and in satisfaction of Decrees of Court for such debts: And if the balance of purchase money have in any such case been paid away in liquidation of the proprietor's just debts by order of any Court, and a Decree shall afterwards pass for annulling the sale, the proprietor shall not be restored to possession until the amount so paid away be returned by him with interest:

**XXII.** And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser; though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

**XXIII.** 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 XXI of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current public securities, from the dates on which they were respectively paid in, to the date on which the refund is actually made.

**XXIV.** And it is hereby enacted, that the party certified 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 the case of re-sales the purchaser shall be answerable for all instalments of Revenue which fell due subsequently to the day of the first sale.

**XXV.** And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner, under Section XVIII of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive, as provided in Section XX of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money:

**Provido.** Provided however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

**XXVI.** And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with

interest at the highest rate of the current public securities.

**XXVII.** And it is hereby enacted, that the purchaser of an estate sold under this Act, for the recovery of arrears due on account of the same; in the permanently settled districts of Bengal; Behar, Orissa and Benares, shall acquire the estate free from all incumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X Regulation V, 1812, to enhance at discretion, (any thing in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said estate, and to eject all tenants thereof, with the following exceptions:

First: Tenures which were held as Istentaree or Mocurreree 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 rents: or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under bonâ fide leases; at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified arrears by a former proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their date: Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an estate at a sale for arrears of Revenue shall be at liberty by suit in Court to set aside all such farms although the same be under written and duly registered leases and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

**XXVIII.** And it is hereby enacted, that the purchaser of an estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVII. shall acquire the estate free from all incumbrances which may have been imposed upon it after the time of settlement, and 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 last



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 *baqa 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 demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former *Malgoozar*, except in cases in which such persons 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 *Malgoozars* 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 persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

*Local Government may reserve all under tenures.*

XXXIX. And it is hereby enacted, that it shall be competent to the Local Government when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, his ancestors, or predecessors may have burdened his assessed Estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: provided however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XX of this Act, to direct the sale to be cancelled, and a new sale of the estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVII of this Act. If after the Sale has become final and conclusive, occasion should again arise to bring to sale for arrears an estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the *Mahal* shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVII of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government

to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

*Purchase by a recorded or unrecorded proprietor or copartner, &c.*

XXX. And it is hereby enacted, that excepting copartners of estates under *Butwarrah* who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded proprietor or copartner who may purchase in his own name or in the name of another the estate of which he is proprietor or copartner; or who by re-purchase or otherwise, may recover possession of the said estate after it has been sold for arrears under this Act, and likewise any purchaser of an estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the estate subject to all its incumbrances existing at the time of sale and shall not acquire any rights in respect to ryots and under-tenants which were not possessed by the previous proprietor at the time of the sale of the said estate.

*Arrears of rent.* XXXI. And it is hereby enacted, that arrears of rent which at the date of sale may be due to the defaulter from his tenants, shall be recoverable by him after a sale by any process except distraint which might have been used by him for that purpose before the sale was made.

*Contempt.*

XXXII. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to Sales, 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 Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

*Default.*

XXXIII. 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 a contempt.

*Operation of Act.*

XXXIV. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa and Benares, now subject to the General Regulations and to the Ceded and Conquered Provinces similarly subject to the General Regulations 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.

*Date of effect.*

XXXV. And it is hereby enacted, that this Act shall have effect on and after the First day of January 1842,

T. H. MADDOCK,  
Secy. to the Govt. of India.