



Bombay Government Gazette.

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THURSDAY, 15th APRIL 1847.

[Four annas per Copy.]

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 conformed 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 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.

NOTICE TO MARINERS.

Loch Ryan Lighthouse.

The Commissioners of the Northern Lighthouses hereby give notice, that the Beacon erected in the year 1843 upon Cairn Ryan Point, within Loch Ryan, in the County of Wigton, has been converted into a Light-house, the Light of which will be exhibited on the Night of the 3d March 1847, and every Night thereafter, from Sun-set to Sun-rise.

The Light is chiefly intended to open up the anchorage of Loch Ryan.

The following is a Specification of the Lighthouse, and the appearance of the Light, by Mr. Alan Stevenson, Engineer to the Commissioners:—

Loch Ryan Lighthouse is situated upon Cairn Ryan Point, on the Eastern Shore of the Loch, in N. Lat. 54° 58' 28", and W. Long. 5° 1' 47". The Light will be known to Mariners as a Fixed Light of the natural appearance. The Lantern, which is open from S. by W. $\frac{1}{2}$ W. round to N. $\frac{7}{8}$ E. in a westerly direction, is elevated 30 feet above the level of the Sea; and the Light will be seen at the distance of 10 miles, and at lesser distances, according to the state of the Atmosphere.

And the Commissioners hereby further give notice that, by virtue of a warrant from the Queen in Council, dated 19th December 1846, the following Tolls will be levied in respect of this Light, viz. :—

For every British Vessel, the same not belonging to Her Majesty, or being navigated wholly in Ballast, and for every Foreign Vessel privileged to enter the Ports of the United Kingdom, on paying the same Duties as British Vessels, which shall pass or derive benefit

from the said Light; that is, which shall arrive at or depart from any Port or Place within Loch Ryan:—

If the same shall not exceed 50 Tons
Burthen..... Gd.

And if the same exceed 50 Tons, for each additional 50 Tons, or part of 50 Tons, a like Toll of..... Gd.

And Double the said respective Tolls for every Foreign Vessel sailing as aforesaid, not privileged as aforesaid.

By Order of the Board,
(Signed) ALEX. CUNINGHAM,
Secretary.

Edinburgh, February 1, 1847.

Advertisement.

To be sold by public auction at the Grand Arsenal, on Tuesday next the 20th instant, at 11 o'clock in the forenoon, sundry condemned ordnance stores, belonging to the Honorable Company. A list of the articles to be sold may be seen at the office of the Principal Commissary of Ordnance.

TERMS OF SALE.

A deposit of 20 per cent will be required on the lots knocked down at a price higher than 50 Rupees each, while those sold below that price to be paid for and cleared away immediately.

The lots on which deposits may be made to be paid for and removed within 10 days from the date of the sale, or otherwise the deposits will be forfeited to government and the articles resold at the risk and expence of the first purchaser.

J. W. WATSON, Lieut. Col.
Principal Commy. of Ordnance.

Bombay, Grand Arsenal, }
14th April 1847. }

Bank of Bombay.

DISCOUNT.

On government bills..... 6 per cent.
 On private bills at or within 2 } 10 ditto.
 months..... }
 Ditto. ditto. at or within 3 } 11 ditto.
 months..... }

INTEREST.

On fixed loans on government } 9 ditto.
 notes..... }
 On cash credit accounts on go- } 10 ditto.
 vernment notes..... }

The rate of advance on deposit of 5 per cent Government Notes is 90 per cent, and on 4 per cent Government Notes 70 per cent.

By order of the Board of Directors,
 J. STUART, Secy. & Treasurer.

Bombay, 25th March 1847.

Notice.

Verbal tenders will be received at this office on Monday the 19th April 1847, at 12 o'clock, for executing by contract the under-estimated work.

Estimates of the quantity of labour and materials to be expended, also the form of contract to be entered into, will, in the mean time remain open for inspection, copies of which may be taken and any additional information obtained.

A deposit of 2 per cent will be required from the lowest bidder to be forfeited in case of any evasion or delay in signing the deed of contract.

WORK.

Putting three wire doors to the Laboratory in the Grand Arsenal.

T. M. B. TURNER, Capt.

Garrison Engineer at the Presidency.

Military Department,
 Garrison Engineer's Office,
 Bombay, 13th April 1847.

जाहिर नामु

जेहेतुने नीचे लजेतु फ़ांम एजारे कर वा बीशेना मुज्जमांनी अरजे तारीख १८ मी अपरेल शने १८४७ शोमवारने देजे जा रवागत मुज्जमा गाम्पारीशान् एजनीमे रनी फ़येरीमां शांलली देशे क

शाभान तथा मजुरी फ़ेटली लाशरी ते ना अजमाशानी एसाए तथा एज्जाराणा फ़ागलनी मुशयदी एरभान जेवा शाहू बुधा जो रेहेशे तथा तेनी नफ़ो जेधती ह़री तो जेवा देशे तथा जीनु फ़ध पुछुत ह़री तो ते पए मालुम थशे क

जे शरयेथी फ़मी आफ़डी जेवशे तेणे ए र शीफ़डे रफ़ा र परमाणे अयेज अमान त राजयो जेधमे ते अयेज एज्जाराणा

फ़ागल बुपर शही करवाने आनाफ़ानी अ थवा हील-फ़येथी शरफ़ार डापल थशे क

फ़ाम

तोपमाना महिला फ़ारभांनाने तार ना तए एरवाजा करवानाके क

नीशांनी

टी-मेम-जी-टरनर-कपतान

मुज्जमा गाम्पारीशान् एजनीमेर

तारीख १३ अपरेल शने १८४७ एशानी मुफ़ांम मुज्जमा गाम्पारीशान् एजनीमेरनी फ़येरी वशफ़री भाजु क

W. ESCOMBE, Secy. to Govt.

जाहिर नामा

ऐसाजे खाली लिहिलेले काम सखत्यानी करण्याविशीच मुखजवानी अर्ज तारीख १८ अप्रील सन १८४७ सोमवारच रोजी बारावाजतां सुबद येथील ग्यारोसन इजिनियरचे क चेरोंत रेकुन घेतील

सामान व मजुरी क्रीती लागेल त्याचे आकाराचीयाद व सखत्याचे कागदाचा मसुदा दरम्यान पाहावयास उबडा राहील व त्याचा नकला पाहिजे असल्यास घेऊदेतील व दुसरे कांही पुसणे असल्यास तेही मालुम होइल जो सर्वांहुन कमी बेरोज बोलेल त्याणे दर शकडा टके दोन प्रमाणे एवज अमानत ठेविला पाहिजे तो एवज म त्वाचे खतावर सही करण्यास टाळाटाळ अथवा विलांब के त्यास सरकार दाखल होइल

काम

तोफखान्यांतोल कारखान्यास तारीचे तीन दरवाजे करा वयाचे आहेत

निशाणी

टी. एम. बो. टरनर कपतान

सुबद येथील ग्यारोसन इजिनियर तारीख १३ माहेअप्रील सन १८४७ इसवी सुा सुबद ग्या रोसन इजिनियरची कचेरी लफ़्कोखातें

W. ESCOMBE, Secy. to Govt.

Notice.

To be sold by public auction at the Gun Carriage Manufactory and Government Co-operation, on Friday the 16th instant, at 11 o'clock in the forenoon, refuse timber and plank, old iron, and sundry stores unserviceable for gun carriage and cooperation purposes. A list of the same may be seen at the agent's office.

A deposit of 20 per cent to be paid on every lot being knocked down; lots consisting of small stores to be paid for and cleared away immediately after the sale, and other lots to be paid for and removed within eight days, and all lots not cleared away as specified will be resold at the risk and expense of the first purchaser.

E. STANTON, Major,

Agent for Gun Carriages.

Colaba, Gun Carriage Office, }
 5th April 1847.

Notice.

It is hereby notified for general information that the Overland Mail will be closed at this office on Thursday the 15th instant at 3 o'clock P. M. An after packet will be kept open, except for prepaid letters via "Southampton," until 5 o'clock, and the usual fee of one Rupee will be charged. All letters and papers not especially superscribed by any route will be forwarded via "Marseilles" and thus be liable to the higher rates of postage.

A. W. RAVENSCROFT,
Post Master Genl.

Bombay, Genl. Post Office, }
7th April 1847. }

Notice

Is hereby given, that sealed tenders will be receive at this office at 12 o'clock on Thursday the 15th April 1847, for the exclusive privilege of selling arrack, country liquor and intoxicating drugs, for the town and cantonment of Belgaum and villages within the usual limits, for 8 months, commencing from the 1st May 1847 to 31st December 1847.

2nd. The sealed tenders to be in Company's Rupees, and no tenders for the contract will be received unless the individuals tendering, previously deposit in this office the sum of Rupees 3000 in cash, which will be forfeited in the event of delay, evasion or refusal to execute the necessary deed of contract, should the offer be accepted, in which case he must be prepared to add thereto such amount as shall complete a months rent, to be deposited in the Commisariat treasury until the expiration of the contract.

3rd. The amount of sale will be apportioned to the civil and military departments, in shares proportionate to the sums for which these licenses may be separately sold, or which they may separately realize, and that portion only which may be appropriated to the military department will be subject to the military regulations regarding remission on account of detachments.

4th. The purchaser will be required to sign and execute the deed of contract which will have been previously prepared, and to furnish at the same time two competent persons as securities for the due performance of the whole contract.

5th. The terms of the contract will be made known at the time of sale and before on application at this office between the hours of 10 and 4 o'clock daily, Sundays excepted, and no sealed tenders will be received after noon on the day of sale, and the parties tendering or their agents must be present at the time specified.

6th. Power is reserved to the government to reject even the most favorable tender should it see fit to do so.

7th. No Shapoor rupees will be received in payment of any deposit, and it is to be distinctly understood that no tenders whatever will be received after the day of sale.

R. SHAW, Capt.

Dety. Assist. Comy. Genl. and
Superintendent of Bazars.

Police office S. D. A. Bel- }
gaum, 31st March 1847. }

Notice.

The light on the Bombay Light House is now exhibited on the revolving principle, exhibiting its greatest light every two minutes.

By order.

H. B. LYNCH,

Superintendent's Office, } Asst. Supt. I. N.
Bombay, 24th February 1847. }

Advertisement.

To be sold by public outcry on the New Ground within the Dock Yard on Saturday next the 17th instant at 12 o'clock in the forenoon, a quantity of old iron in lots.

TERMS OF SALE.

A deposit of 20 per cent to be immediately paid down by the purchaser and the remainder payable within ten days after the sale, otherwise the deposit will be forfeited and the articles resold at the risk and loss of the first purchaser.

For further information apply at the office of the Indian Naval Storekeeper.

A. H. NOTT,

Indian Naval Storekeeper.

Bombay, }
Indian Naval Storekeeper's }
Office, 14th April 1847. }

Notice

Is hereby given, that the Farm of the Bore Ghaut Toll for the ensuing official year, will be sold by public auction at the office of the Collector at Tannah, on Tuesday the 20th April next.

The conditions of sale and any other particulars, may be learnt on application at the office of the Collector of Tannah.

J. S. LAW,

Collector.

Tanna, Collector's Circuit Cutcherry, }
Poladpoor, 31st March 1847. }

जाहीरनामा

खबर दिल्ली जाते ऐसाजे दख्तरी बोरघाट येथील दख्तरी चा मखता पुढिल सालचा ठाणे येथील कलेक्टर साहेब यांचे कचेरीत संगळवारी तारिख २० मार्चे एथील सन १८४७ चे दोर्जी उधडे लेखावांत विकला जाइल त्या मखत्या समर उराव वगैरे दुसरा तपसील ठाणे येथील कलेक्टर साहेबयांचे हापीसांत आर्जे केसास कळविला जाइल जाणजे तारिख २१ मार्चे साचे सन १८४७ इसवी

J. S. LAW, Collector.

Notice

Is hereby given, that no letters or papers, addressed to places in Scinde will be forwarded by sea to Kurrachee unless marked "per Ship or Steamer".—Letters and papers not so marked will be forwarded by land charged with inland postage.

A. W. RAVENSCROFT

Post Master General.

Bombay, General Post Office, }
9th February 1847. }

INSOLVENT DEBTORS COURT.

Petitions and Assignments.

Gopalljee Natha, a cooly bearer, Hindoo, formerly residing in Bazar gate street, within the fort of Bombay, filed 7th April 1847.

Natha Ramjee, a cooly bearer, Hindoo, formerly residing in Bazar gate street, within the fort of Bombay, filed 7th April 1847.

Pandoo Bin Khundoo Powar, milk seller, Hindoo, formerly residing in small Colabah, without the fort of Bombay, filed 10th April 1847.

Luxamon Gungajee, milk seller, Hindoo, formerly residing in Funnus Wadee street, without the fort of Bombay, filed 10th April 1847.

Gunnoo Gungajee, milk seller, Hindoo, formerly residing in Funnus Wadee street, without the fort of Bombay, filed 10th April 1847.

C. M. I. POLLOCK.

Bombay, Chief Clerk's Office, } Chief Clerk.
this 14th day of April 1847. }

નવખલા દેવાદારોની કોર્ટ મધે

અરજીઓ તથા હવાલાઓ

ગોપાલજી નાથા નવખાની હીનકુ આગલ

શ્રી મુખાજનાં કોર્ટમધે ખજારના દરવાજાના મોહોલામો રહેતો હતો તેની તારીખ ૭ મી એપ્રેલ શને ૧૮૪૭ ને દાડે દાખલ કરીકે ક

નાથા રામજી નવખાની હીનકુ આગલ શ્રી મુખાજનાં કોર્ટમધે ખજારના દરવાજાના મોહોલામો રહેતો હતો તેની તારીખ ૭ મી એપ્રેલ શને ૧૮૪૭ ને દાડે દાખલ કરીકે ક

પાનકુખીન ખંનકુ પહુઆર ગવલી હીનકુ આગલ શ્રી મુખાજનાં કોર્ટખાહર નાથલા કોલાખામો રહેતો હતો તેની તારીખ ૧૦ મી એપ્રેલ શને ૧૮૪૭ ને દાડે દાખલ કરીકે ક

લખશીખંત ગંગાજી ગવલી હીનકુ આગલ શ્રી મુખાજનાં કોર્ટખાહર ખનશ વાડીના મોહોલામો રહેતો હતો તેની તારીખ ૧૦ મી એપ્રેલ શને ૧૮૪૭ ને દાડે દાખલ કરીકે ક

ગનુ ગંગાજી ગવલી હીનકુ આગલ શ્રી મુખાજના કોર્ટખાહર ખનશ વાડીનાં મોહોલામો રહેતો હતો તેની તારીખ ૧૦ મી એપ્રેલ શને ૧૮૪૭ ને દાડે દાખલ કરીકે ક

ચારલશ એમ આજ પાલાક શાડખ

ટીક ક્ષારક શહી

શ્રી મુખાજનાં ટીક ક્ષારક

શાએખની હાફીશ તારીખ ૧૪ મી

એપ્રેલ શને ૧૮૪૭ ક

A True translation,
J. VAUPELL, Chief Translator.

NOTIFICATION.

Notice is hereby given, that by a Treasury Warrant under date 11th September 1845, among other Regulations, certain rates of British Packet Postage have been established upon all Letters, Newspapers and Prices Current, conveyed from Port to Port in the East Indies, China &c. by the new lines of Packet boats recently put in operation under the additional contract made by Her Majesty's Government, with the Peninsular and Oriental Steam Navigation Company,

These rates of Packet Postage are as follows.

One Shilling per half ounce for letters, according to the scale of weight now in operation in the united Kingdom,

One Penny for each Newspaper, whether British, Colonial or Foreign, conveyed between any of Her Majesty's Colonies and a Foreign Port, or between any two Foreign Ports,

One Penny for each British or Colonial printed Price Current, or printed Commercial List conveyed between any of Her Majesty's Colonies,

Two Pence for each printed Price Current or printed Commercial list, whether British, Colonial or Foreign, conveyed between a British Colony and a Foreign Port or between two Foreign Ports.

British or Colonial Newspapers passing by these packets between any of Her Majesty's Colonies will not be liable to any postage for the sea conveyance,

The prepayment of the British Packet postage on letters, is optional, when conveyed between the Indian Offices of Bombay, Aden, Calcutta, Madras, Penang & Singapore, and the Islands of Ceylon and Hongkong, or between any two of the Indian offices above enumerated; but when dispatched to a foreign country or possession, such as China, Manilla &c, the above postage must be paid in advance at the Despatching Office.

The postage chargeable on Newspapers and Prices Current and Commercial lists forwarded by these packet boats must in all cases be paid in advance.

The public are requested to take notice that by this Warrant, Letters &c. sent from Bombay to Point de Galle for dispatch thence to any Port in India or China, or to any of the settlements to the eastward by the Peninsular and Oriental Company's Steamers will be liable to the above rate of British packet postage in addition to the postage at present leviable from hence to Galle; and also that when addressed to a foreign country or possession the postage in question, must in all cases be paid in advance at the despatching office

The British Packet postage above referred to will, till further notice be converted into Indian currency at the rate of two shillings the rupee,

The above arrangement will come into operation in this Presidency on the 1st day of May next.

W. COURTNEY, Post. Mr. Genl.
Bombay G. P O. 16th March 1846.

General Orders.

BY THE HON'BLE THE GOVERNOR IN COUNCIL.

MILITARY DEPARTMENT.

BOMBAY CASTLE, 8TH APRIL 1847.

Mo. 257 of 1847.—His Excellency Lieutenant General Sir Willoughby Cotton G. C. B. appointed by the Hon'ble the Court of Directors to be Commander in Chief of the Company's forces serving under the presidency of Bombay, having this day taken the oaths and his seat as second in Council of Bombay, the Hon'ble the Governor in Council orders and directs, that all officers and soldiers on the establishment of Bombay, do obey Lieutenant General Sir Willoughby Cotton, G. C. B. and that all returns be made to him as Commander in Chief accordingly.

The following commission, appointing Lieutenant General Sir Willoughby Cotton G. C. B. Commander in Chief of the Hon'ble Company's Forces serving under this presidency, is published for general information.

THE HONORABLE THE EAST INDIA COMPANY.

To

LIEUTENANT GENERAL SIR WILLOUGHBY COTTON, Knight Grand Cross of the most Honorable Military Order of the Bath.

We the said Company reposing especial trust and confidence in you Lieutenant General Sir Willoughby Cotton, do by these presents constitute and appoint you to be Commander of our Military forces belonging to and under the Presidency of Bombay in the East Indies, except such forces as are or may be employed in our service within the Fort, Garrison, and Town of Bombay, to take the said office upon you from and immediately after your arrival at the said Presidency, and to hold the same during our will and pleasure. And you are to the utmost of your skill and power to do and perform all such offices and services as appertain to the post of Commander of our Military forces belonging to and under the said Presidency, except as before is excepted, subject however to all such rules, orders, and instructions as you shall at any time receive from the Court of Directors of us the said East India Company in writing, under the hands of thirteen or more of them, or from the Governor in Council of Bombay, or from the Governor General of India in Council, or from the Commander in Chief of all our forces in the East Indies, for the time being, when he shall be resident within the Presidency of Bombay aforesaid, or within any settlement or place subordinate thereto, according to the rules and discipline of War, in pursuance of the trust hereby reposed in you, and we do hereby strictly require, charge, and command all commissioned officers, non-commissioned officers, soldiers, and others belonging to our military forces under the Presidency of Bombay before mentioned, except as before is excepted, to yield you as their Commander, due obedience accordingly, and we do hereby revoke and annul all and every former Commission and Commissions to any person or persons to act as Commander in Chief of our forces under the said Presidency of Bombay, except as before is excepted, from the time that you shall take the said office upon you under and by virtue of this present Commission, given under our common seal this twenty second day of February in the tenth year of the reign of our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, and in the year of our Lord one thousand eight hundred and forty seven.

By order of the Court of Directors of the East India Company.

East India House London, 27th February 1847.

(signed) JAMES C. MELVILL, Secy.

Bombay Castle, 9th April 1847.

No. 259 of 1847.—Lieutenant J. F. Nicholson of the 23rd regiment native infantry, has been appointed to officiate as third Assistant to the Political Agent in Kattewar.

No. 260 of 1847.—The Hon'ble the Court of Directors have permitted the undermentioned officers to return to their duty viz :—

Lieutenant Colonel M. M. Shaw.
 Captain Henry Rolland, in May.
 „ G. F. Sympson.
 Lieutenant Charles Ponsonby, in April:
 „ J. A. Wood.
 „ William Lodwick.
 „ Charles Halkett.
 „ H. E. G. Close.
 „ Samuel L. Lowry.

The undermentioned officers have been granted extensions of leave viz.

Major George Hutt, C. B.	} six months.
Captain A. H. O. Matthews.....	
Lieutenant J. W. W. Whillard.....	
Assistant Surgeon R. D. Peele.....	two months.

Bombay Castle, 10th April 1847.

No. 261 of 1847.—Mr. James Currie is admitted to the service in conformity with his appointment by the Hon'ble the Court of Directors as a cadet of infantry on this establishment. His rank has already been settled by general order of the 24th February 1847. Date of arrival at Bombay 24th March 1847.

No. 262 of 1847.—Captain F. R. Morse, superintendent of bazars and police at Poona, is allowed leave of absence from the 7th to the 17th instant, to proceed to Bombay on private affairs.

No. 263 of 1847.—Assistant Apothecary Watson, hitherto attached to Her Majesty's 17th regiment is transferred and appointed to the European General Hospital.

No. 264 of 1847.—William Smith an out pensioner of Chelsea hospital is permitted to reside and receive his stipend under the Bombay presidency.

No. 265 of 1847.—Brevet Captain Gaisford, is allowed to proceed to Mahabeshwur on private affairs, with leave of absence from the 1st to the 30th instant.

No. 266 of 1847.—The following orders are confirmed.

An order dated 15th ultimo, directing that all reports and returns of Rajcote be made to Lieutenant Colonel Sandwith on the departure of Brigadier Robertson from that station.

An order by Brigadier Robertson dated the 13th March 1847, appointing Lieutenant Wilkinson of the 21st regiment native infantry, to perform the duties of Brigade Major at Rajcote, during the absence of Captain H. Morse on sick certificate.

An order by Captain Bute dated the 15th March 1847, appointing Lieutenant Hewett to act as Adjutant to the 11th regiment native infantry, during the absence of Lieutenant Boyd on medical certificate.

An order dated 10th February last, directing all reports and returns of the Ahmædnuggur Brigade to be made to Major Benbow of the 15th regiment native infantry, on the departure of Brigadier Sandwith c. b. to the presidency.

A detachment order by Major Wilson dated 3d ultimo, directing Assistant Surgeon Maitland acting civil surgeon at Rutnaghery, to afford medical aid to the detachment of the 14th regiment native infantry at that station.

A detachment order appointing Lieutenant J. Thacker of the 9th regiment native infantry to command the detachment employed as a subsidiary guard over the convicts at Ghaut Kupper from the 16th December last.

No. 267 of 1847.—The leave to Egypt and Syria granted to Lieutenant T. Macgowan of the 10th regiment native infantry, in general order of the 7th March 1845, is extended to the 18th ultimo.

Bombay Castle, 13th April 1847.

No. 268 of 1847.—Joseph Glen Esquire, Inspector General of Hospitals, is allowed leave of absence from the 15th April to proceed to the Mahableshwur Hills, on medical certificate.

No. 269 of 1847.—The following appointments are made on the personal staff of His Excellency the Commander in Chief, subject to the approval of the Right Honorable the Commander in Chief in India, and to have effect from the 8th instant, viz.

Major H. V. Brooke, Her Majesty's 32nd regiment, to be Military Secretary.

Captain J. Ramsay, Her Majesty's 22nd regiment of foot, and Lieutenant Lord Adolphus Vane, Fusilier Guards, to be Aides-de-camp.

Captain The Honorable F. FitzClarence of the 10th Hussars to be extra Aide de-camp.

Lieutenant E. Fellows Her Majesty's 78th regiment to be Interpreter.

Captain J. Ramsay, Her Majesty's 22nd regiment to act as Military Secretary until the arrival of Major Brooke.

No. 270 of 1847.—The following appointments are made to take effect from the date on which Lieutenant Colonel Lester intends to embark for Europe, viz. the 15th instant.

Brevet Major Swanson, 27th regiment native infantry, to be stipendiary member of the Military Board vice Lester.

Major Jameson, 4th Rifle regiment native infantry, to be Military Paymaster at the Presidency, vice Swanson.

Captain H. J. Barr, 2nd European light infantry regiment, to be Deputy Military Auditor General vice Jameson.

Lieutenant J. G. Forbes, 23rd regiment native infantry, to be Assistant Military Auditor General vice Barr.

No. 271 of 1847.—The Hon'ble the Governor in Council is pleased to appoint Lieutenant W. F. Marriott of the Engineers, to act as Assistant Secretary to the Military Board, during the absence of Brevet Major Elder on sick certificate, or until further orders, from the date of Major Elder's departure from Bombay.

No. 272 of 1847.—Captain Hodson of the 16th regiment Madras native infantry, is allowed to proceed to Europe for a period of three years for the benefit of his health.

No. 273 of 1847.—Mr. James Torrington Newall is admitted to the service in conformity with his appointment by the Honorable the Court of Directors as a cadet of infantry on this establishment and promoted to Ensign, leaving the date of his commission for future adjustment. Date of arrival at Bombay 31st March 1847.

No. 274 of 1847.—The following native promotions are made.

19th Regiment N. I.

date of rank.

Jemedar Shaik Surpoor Dhoan to be Subedar, and Havildar Teekah Ram to be Jemedar, }
 in succession to Mathoora Sing deceased..... } 30th March 1847.

No. 275 of 1847.—The services of Captain M. F. Gordon of the 2d Regiment Bombay European light infantry, are placed at the disposal of His Excellency the Commander in Chief from the date of his arrival at Bombay.

Bombay Castle, 14th April 1847.

No. 276 of 1847.—Major George Mee of the 58th Regiment Bengal native infantry, is allowed a furlough to Europe for three years on medical certificate.

No. 277 of 1847.—Lieutenant Colonel J. W. Watson, Principal Commissary of Ordnance, is allowed leave on private affairs to proceed to Mahableshwur for one month from the 3rd proximo.

No. 278 of 1847.—A general order by His Excellency Lieutenant General Sir C. J. Napier c. b. Commanding the troops in Scinde, dated 16th ultimo, appointing Captain Maughan of the 12th regiment native infantry, to take the command of the baggage corps, is confirmed.

No. 279 of 1847.—Captain Maughan is appointed to command the camel baggage corps, vice Jameson deceased.

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

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

MARINE DEPARTMENT.

BOMBAY CASTLE, 9TH APRIL 1847.

No. 37 of 1847.—The Hon'ble the Court of Directors have admitted the undermentioned persons as volunteers for the Indian Navy on this establishment, viz :—

Mr. Robert William Harding. | Mr. Richard Carey.
Their order of rank will be forwarded hereafter.

Bombay Castle, 10th April 1847.

No. 38 of 1847.—Assistant Apothecary S. Watson, is allowed to proceed to Angrias Colaba, for the benefit of his health, with leave of absence to the 30th instant.

Bombay Castle, 12th April 1847.

No. 39 of 1847.—Lieutenant W. Balfour of the Indian Navy, is allowed a furlough to Europe for three years on medical certificate.

Bombay Castle, 13th April 1847.

No. 40 of 1847.—Mr. N. Oliver is appointed as a temporary arrangement, to act as Master Attendant during Captain Ross' absence on medical certificate, or until further orders.

Bombay Castle, 14th April 1847.

No. 41 of 1847.—Captain Nott, Indian Naval Storekeeper, is allowed a furlough to Europe for three years, on medical certificate.

No. 42 of 1847.—Lieutenant King of the Indian Navy is allowed a furlough to Europe for three years, on medical certificate.

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 are open at this Office, for the reception of letters for dispatch by the following vessels :—

NAMES OF VESSELS.	AGENTS.	DATE OF INTENDED DEPARTURE.	TO WHAT PORT.	TOUCHING WHERE.
Moozuffer.....	Superintendent Indian Navy.....	15th Instant.....	Aden.....	Aden. ditto.
A Steamer.....	ditto.....ditto.....	1st Proximo.....	Suez.....	
Ditto.....	ditto.....ditto.....	20th Ditto.....	ditto.....	
Coquette.....	Messrs. Forbes and Co.....	18th instant.....	China.....	
Duncan Ritchie.....	" William Nicol & Co.....	19th Ditto.....	Liverpool.....	
Eliza.....	" Brownrigg & Co.....	20th Ditto.....	China.....	
Equestrian.....	" Frith & Co.....	Ditto.....	London.....	
Adrostus.....	" Huschke Wattenback & Co.....	Ditto.....	Liverpool.....	
Philip Laing.....	" Remington & Co.....	25th Ditto.....	ditto.....	
Ann Verby.....	" ditto.....ditto.....	Ditto.....	ditto.....	
Quint Ritchie.....	" Ritchie Stewart & Co.....	1st Proximo.....	ditto.....	
Rajasthan.....	" ditto.....ditto.....	Ditto.....	ditto.....	
Mr. St. Elphinston.....	" Lancaster & Co.....	5th Ditto.....	London.....	
Lowjee Family.....	" Forbes & Co.....	Despatch.....	China.....	
Lanrick.....	" Remington & Co.....	Ditto.....	ditto.....	
Childe Harold.....	" Bryant Giles & Co.....	End of April.....	London.....	Cape of Good Hope

As a general rule, the packets for sailing vessels will be closed on the evening before the dates of departure.

A. W. RAVENSCROFT

Post Master General.

Bombay, General Post Office, 14th April 1847

Notification.

Notice is hereby given, that under instructions from the Government of India, letters posted in Bombay cannot be received for transmission by the Government Expresses despatched hence to Calcutta and Madras on the arrival of the Overland Mails, those Expresses being specially intended for Europe letters and intelligence.

W. COURTNEY,

Bombay Genl. Post Office, } Post Mr. Genl.
4th March 1846. }

OPIUM MEMORANDUM.

FOR THE SEASON OF 1845 | 46.

Passes granted at Bombay and Indore from 1st October 1845 up to the 30th September 1846..... Chests 13,594

Imported into Bombay of the above passes up to the 13th instant Chests 13,396½

Exported from the above up to the 6th instant.. Chests 12,726½

Ditto.. ditto from 7th to 13th instant..... " 17

12,743½

FOR THE SEASON OF 1846 | 47.

Passes granted at Indore from 1st October 1846 up to the 29th ultimo, Chests 14,026

Ditto from 30th ultimo to 5th instant.... " 600

14,626

Ditto at Bombay from 1st October 1846, up to the 13th instant.. 888

15,514

Imported into Bombay of the above passes up to the 6th instant.... Chests 11,497

Ditto from 7th to 13th inst.... " 885

12,382½

Exported from the above up to the 6th instant..... Chests 6,519½

Do.. do. from 7th to 13th inst. viz

Per Lanrick..... Chests 378

" Coquette..... " 507

" Mermaid..... " 60

" Gunja Pankhoy " 1

946

7,465½

H. YOUNG,
Opium Agent.

Bombay, Opium Agent's Office, }
14th April 1847.

BOMBAY PRICE CURRENT

OF BUTCHERS, MEAT, POULTRY, BREAD, FLOUR, ROLONG, MILK, BUTTER, FRUITS, OIL, CANDLES, SOAP, FIREWOOD, SUGAR, GHEE, GRAIN, &c. &c.—QUOTED BY THE DEALERS.

ARTICLES.		PRICE.	ARTICLES.		PRICE.	ARTICLES.		PRICE.
Re.	a.	p.	Re.	a.	p.	Re.	a.	p.
BEEF.			PORK FRESH AND SALT.			OLL, CANDLES, & SOAP, (continued).		
Prime pieces.....	1st sort	10 lbs.	Pork.....	10 lbs.	1	Candle, Goa.....	per md. of 28 lbs.	19
.....	2nd do.	12 do.	Pig, roasting, large size.....	each.	1	.....	ditto do.	20
.....	3rd do.	14 do.	Ditto ditto small do.....	do.	1	Soap Country.....	ditto do.	1
.....	1st do.	10 do.	Pigs head.....	20 lbs.	1	SUGAR OF SORTS.		
.....	2nd do.	12 do.	Sausages.....	4 do.	1	Pinfa sugar.....	per md. of 28 lbs.	9
.....	3rd do.	14 do.	Trotters, large.....	per four.	1	Sugar candy, 1st sort.....	ditto do.	6
.....	1st sort.	each.	.....	do.	1	Ditto do.	2d do.	4
.....	2nd do.	do.	Ditto small.....	do.	2	Ditto do.	3d do.	4
.....	do.	do.	Pigs Liver & heart.....	do.	1	Soft sugar, 1st do.....	ditto do.	4
.....	do.	do.	Salt Pork, country.....	10 lbs.	1	Ditto do.....	2d do.	3
.....	do.	do.	POULTRY.			Brown.....	ditto do.	3
.....	do.	do.	Geese.....	each.	4	Jagree.....	ditto do.	2
.....	do.	do.	Turkey cock, Bombay.....	do.	7	GHEE OF SORTS.		
.....	do.	do.	.....	do.	3	Ghee Carrachee.....	per md. of 28 lbs.	8
.....	do.	do.	Ditto hen.....	do.	4	Ditto Surat.....	ditto do.	9
.....	do.	do.	Ditto cock, Goa.....	do.	2	Ditto Bhownuggur.....	ditto do.	8
.....	do.	do.	.....	do.	2	Ditto Balghanty.....	ditto do.	8
.....	do.	do.	Fowls, large, Surat.....	do.	8	Ditto Rajapoory.....	ditto do.	7
.....	do.	do.	.....	do.	8	Ditto Ghanty.....	ditto do.	8
.....	do.	do.	Ditto small do.....	do.	8	Ditto Jaffrabad.....	ditto do.	10
.....	do.	do.	Ditto large, Sindy.....	do.	6	GRAIN OF SORTS.		
.....	do.	do.	Ditto small do.....	do.	6	Wheat, Hansia.....	pr. Cdy. of 8 pharas.	23
.....	do.	do.	Ditto large, Bombay.....	do.	12	Ditto Jamboscer 1st sort.....	do.	27
.....	do.	do.	.....	do.	12	Ditto ditto 2d do.....	do.	27
.....	do.	do.	Chickens, large.....	per dozen.	12	Do. Bhownuggur 1st do.....	do.	21
.....	do.	do.	.....	do.	12	Ditto ditto 2d do.....	do.	21
.....	do.	do.	Ducks large.....	each.	6	Ditto Ghanty.....	do.	24
.....	do.	do.	.....	do.	6	Ditto Sindy.....	do.	17
.....	do.	do.	Ditto small.....	do.	3	Gram, Jamboscer.....	do.	27
.....	do.	do.	.....	do.	2	Ditto Bengal.....	do.	21
.....	do.	do.	.....	do.	2	Ditto Gogaree, 1st sort.....	do.	25
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.....	do.	23
.....	do.	do.	.....	do.	2	Ditto Ghanty 1st do.....	do.	25
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.....	do.	23
.....	do.	do.	.....	do.	2	Woored Ghanty.....	do.	17
.....	do.	do.	.....	do.	2	Ditto Cutchey.....	do.	18
.....	do.	do.	.....	do.	2	Ditto Malabar.....	do.	17
.....	do.	do.	.....	do.	2	Ditto Gogaree.....	do.	19
.....	do.	do.	.....	do.	2	Mutt ditto.....	do.	15
.....	do.	do.	.....	do.	2	Ditto Ghantee.....	do.	14
.....	do.	do.	.....	do.	2	Ditto Cutchey.....	do.	15
.....	do.	do.	.....	do.	2	Bazaree Ghanty.....	do.	12
.....	do.	do.	.....	do.	2	Ditto Bhownuggur 1st sort do.	do.	15
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.	do.	14
.....	do.	do.	.....	do.	2	Ditto Rajalpoor.....	do.	13
.....	do.	do.	.....	do.	2	Barley.....	1st sort do.	15
.....	do.	do.	.....	do.	2	Ditto.....	2d do.	24
.....	do.	do.	.....	do.	2	Toor.....	1st do.	22
.....	do.	do.	.....	do.	2	Ditto.....	2d do.	20
.....	do.	do.	.....	do.	2	Joaree.....	do.	16
.....	do.	do.	.....	do.	2	Nacheny.....	do.	8
.....	do.	do.	.....	do.	2	Vattana.....	do.	20
.....	do.	do.	.....	do.	2	Chowley.....	per phara.	2
.....	do.	do.	.....	do.	2	Dall Broach.....	do.	3
.....	do.	do.	.....	do.	2	Ditto Surat.....	do.	4
.....	do.	do.	.....	do.	2	UNBOILED RICE OF SORTS.		
.....	do.	do.	.....	do.	2	Rice Putney.....	per phara.	2
.....	do.	do.	.....	do.	2	Ditto Sindy red.....	ditto	2
.....	do.	do.	.....	do.	2	Ditto Raw.....	ditto	2
.....	do.	do.	.....	do.	2	Ditto Red.....	ditto	10
.....	do.	do.	.....	do.	2	BEATEN RICE OF SORTS.		
.....	do.	do.	.....	do.	2	Rice Jerasaul 1st sort.....	per phara.	4
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.....	ditto	3
.....	do.	do.	.....	do.	2	Ditto Vergole 1st do.....	ditto	3
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.....	ditto	12
.....	do.	do.	.....	do.	2	Ditto ditto Sindy ratra.....	ditto	12
.....	do.	do.	.....	do.	2	Ditto ditto Segundee.....	ditto	3
.....	do.	do.	.....	do.	2	Ditto Putney.....	ditto	8
.....	do.	do.	.....	do.	2	Ditto Raw.....	ditto	4
.....	do.	do.	.....	do.	2	MANGALORE RICE OF SORTS.		
.....	do.	do.	.....	do.	2	Rice Unboiled 1st sort.....	per robin.	2
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.....	ditto	2
.....	do.	do.	.....	do.	2	Ditto Boiled 1st do.....	ditto	2
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.....	ditto	2
.....	do.	do.	.....	do.	2	BENGAL RICE OF SORTS.		
.....	do.	do.	.....	do.	2	Rice Unboiled 1st sort.....	per bag of 108 lbs.	7
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.....	do.	6
.....	do.	do.	.....	do.	2	Ditto Boiled 1st do.....	do.	4
.....	do.	do.	.....	do.	2	Ditto ditto 2d do.....	do.	4
.....	do.	do.	.....	do.	2	BATTY.		
.....	do.	do.	.....	do.	2	Batty Putney per moora of 25 pharas	26	
.....	do.	do.	.....	do.	2	Ditto Raw.....	ditto	24
.....	do.	do.	.....	do.	2	Ditto Red.....	ditto	21
.....	do.	do.	.....	do.	2	SUNDRIES.		
.....	do.	do.	.....	do.	2	Saltpetre Europe.....	per md. of 28 lbs.	2
.....	do.	do.	.....	do.	2	Ditto.....	Bengal ditto ditto	3
.....	do.	do.	.....	do.	2	Ditto.....	Majapoor ditto ditto	2
.....	do.	do.	.....	do.	2	Pepper black 1st sort.....	per seer.	2
.....	do.	do.	.....	do.	2	Ditto.....	ditto 2d do.	1
.....	do.	do.	.....	do.	2	Garlick 1st sort.....	ditto	10
.....	do.	do.	.....	do.	2	Ditto 2d do.....	ditto	8
.....	do.	do.	.....	do.	2	Camphire.....	per pound.	8
.....	do.	do.	.....	do.	2	Table Salt.....	do. seer.	1
.....	do.	do.	.....	do.	2	Common white salt.....	do. pyly.	1
.....	do.	do.	.....	do.	2	Ditto Black.....	do. ditto.	9
.....	do.	do.	.....	do.	2	Ginger.....	do. ditto.	6

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

Bombay measures by which the articles are sold.—4 Seers 1 Phyley—17 Phyllies one Phara—8 Pharas one Candy—25 Pharas one Moora.

Bombay weight by which the articles are sold.—1 Seer is 11 ozs. and 4 cwt. —40 Seers is 1 Maund—1 Maund is 28 English pounds.

Bombay, 12th April 1847.

Published by order of the Board of Conservancy
J. WATSON, Clerk of the Markets.

CIVIL APPOINTMENTS, &c.**TERRITORIAL DEPARTMENT.
REVENUE.***Bombay Castle, 14th April 1847.*

Mr. H. Liddell, Collector and Magistrate of Rutcherry, resumed charge of his duties on the 1st instant.

Mr. G. Inverarity, to be acting Collector and Magistrate of Khandeish.

Mr. A. C. Travers, to be acting First Assistant to the Collector and Magistrate of Khandeish.

Mr. A. D. Robertson, is re-appointed 2nd assistant to the Collector and Magistrate of Poona.

Mr. R. Hardy, to be acting Second Assistant to the Collector and Magistrate of Khandeish.

The appointment of Mr. F. Sims as acting Collector and Magistrate of Khandeish is cancelled.

Mr. A. Spens, to act as Collector of Land Revenue, and Superintendent of Stationery at the presidency during the absence of Mr. Spooner on leave.

TERRITORIAL DEPARTMENT.**FINANCE.***Bombay Castle, 14th April 1847.*

Mr. R. T. Webb, Accountant General, delivered over charge of his office, to his Deputy Mr. G. J. Blaue, on the 8th instant.

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

R. K. PRINGLE, *Chief Secy. to Govt.*

POLITICAL DEPARTMENT.*Bombay Castle, 10th April 1847.*

Major Stevens, c. b. Commissioner with Her Highness Baiza Bacc, is permitted to remain at the presidency until the 15th instant, in extension of the leave granted him under date the 29th ultimo.

Bombay Castle, 13th April 1847.

Mr. W. C. Andrews, officiating resident at Baroda, received charge of the Rewa Kaunta Agency on Mr. A. Remington on the 3rd instant.

Bombay Castle, 14th April 1847.

The appointment of Mr. A. D. Robertson, to be superintendent of the Poona Duffur, is cancelled.

Captain C. R. Whitelock officiating 2nd in command of the Sawunt Warree Local corps, assumed charge of his duties on the 23rd ultimo.

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

A. MALET, *Secy. to Govt.*

JUDICIAL DEPARTMENT.*Bombay Castle, 14th April 1847*

Under the provisions of article 34 of the regulations for the Civil Administration of Colaba the Civil Courts of the Agent and Moonsiff will be closed for six weeks from the 20th instant.

Mr. A. Remington, assumed charge of his appointment of Judge and Session Judge of Ahmedabad on the 8th instant.

Captain E. W. Agar, commandant of the Goojerat Coolie Police corps, is allowed leave of absence, under the provisions of Section XI of the absentee rules for one month, to visit the presidency on private affairs.

GENERAL DEPARTMENT.*Bombay Castle, 9th April 1847.*

Sir R. K. Arbuthnot, Bart: is permitted to resign the Hon'ble Company's Civil Service, from the 1st proximo.

Bombay Castle, 14th April 1847.

Assistant Surgeon Nuttall, received medical charge of the Subsidiary Jail on Salsette from Assistant Surgeon Millar on the 31st ultimo.

Mr. R. Hardy, has been reported qualified for the transaction of business in the Maratha language.

Captain Stock received charge of the Post office at Belgaum from Lieutenant Morse on the 20th ultimo,

Mr. A. Spens returned to his duty in the Bombay civil service by the Honorable Company's Steamer "Victoria" on the 8th instant, with the permission of the Honorable the Court of Directors and without prejudice to his rank.

ECCLESIASTICAL DEPARTMENT*Bombay Castle, 14th April 1847.*

The Reverend J. H. Hughes, is allowed a furlough to Europe for three years, from the 1st proximo, for the benefit of his health.

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

Military**Arrivals and Departures.**

1847.

ARRIVALS.

- 8th April.—Major W. Trevelyan, 2nd Cavalry from England.
- „ „ Lieut. J. T. Keir, Artillery, from do.
- „ „ Cadet T. G. Coles, Infantry from do.
- „ „ Cadet S. Christian, ditto from do.
- „ „ Capt. Grehan, 78th Highlanders from ditto.
- „ „ Capt. T. R. Morse, 1st European Regt. from Poona.
- 9th „ Major J. D. Browne, 10th Regt. N. I. from Bhooj.
- „ „ Major T. Ottley, Invalids from Ahmedabad.
- 10th „ Lieut. C. G. Cowper, 8th Regt. N. I. from ditto.
- 12th „ Ensign Nicholson, 23rd Regt. N. I. from Belgium.
- „ „ Surgeon B. White, Vet. Battn. from Deccan.
- 14th „ Lieut. L. M. Valiant, 1st Lancers from Deesa.
- „ „ Lieut. W. H. Palin, 17th N. I. from Dharwar.

DEPARTURES.

- 7th April.—Cornet Seymour, 2nd Light Cavalry to Van Dieman's Land.
- 10th „ Assist. Surgeon McKenzie, 2nd Scinde Horse to Hyderabad.
- „ „ Lieut. A. F. Etheridge, 23rd Regt. N. L. I.
- „ „ Lieut. F. Conybeare, Horse Artillery to Kurrachee.
- „ „ Ensign R. Pitcairn, 8th Regt. N. I. to Ahmedabad.
- 11th „ Suptg. Surgeon A. Tawse, Medical Establishment to Mahableschwur.
- 12th „ Lieut. F. Macgowan, 10th Regt. N. I. to Bhooj.
- „ „ Capt. Yarde, M. P. L. I. to Vingorla.
- 13th „ Lieut. Col. J. Outram, c.b. Staff to Mahableschwur.
- „ „ Lieut. W. F. Holbrow, 12th Regt. to Kholapoor.
- „ „ Capt. G. S. Brown, Staff to Belgaum.
- Town Major's Office, 14th April 1847.*

SHIPPING INTELLIGENCE.

1847.

ARRIVALS.

8th April.—H. C. Steamer Victoria, Lieut. W. Barker, from Suez 23rd, and Aden 30th ultimo.

Passengers.—Mrs. Spens; Mrs. Trevelyan; Mrs. Ovens; Miss Spens; Miss Kinds; Miss Hughes; Miss Birch; Miss Stracher; His Excellency Lieut. General Sir W. Cotton, and a European servant; Lord A. Vane, and European servant; Mr. Spens, Bombay Civil service; Major Trevelyan, B'bay. Cavalry; Captain Graham, H. M's. 78th Highlanders; Lieut. Keir, B'bay. Artillery; Capt. Evans, B'bay. Country service; Capt. Ayers, B'bay. Country service; Mr. Parker, merchant; Mr. Wattenbach,

merchant; Mr. J. Stevenson, Cadet B'bay. Artillery; Mr. G. Coles, Cadet B'bay, N. I.; Mr. Christian, Cadet B'bay, N. I.; Mr. Brooke, Midshipman, Indian Navy; Mr. Kessally; 2nd Class; Chand Meah, ditto; 2 European female servants; 8 native servants.

11th " Ship Prince of Wales, E. Jones, from Siam 14th Feby, Singapore 1st March and Cochin 25th ditto.

Passengers.—Mrs. Burnett, & family; 20 natives; and 8 sepoys as a guard over 16 convicts.

DEPARTURES.

7th April.—Barque Rob Roy, J. Francis, to China.

Passengers.—Cornet L. W. Seymour, 2nd B'bay. Light Cavalry,

" " Steamer Sir J. R. Carnac, G. Beyts, to Surat.

8th " Brig Gen, D. Watson, to Woosung and Shanghai.

" " Faize Rubahny, R. Sargent, to China.

Passengers.—Mrs. and Miss Sargent.

10th " H. C. Steamer Indus, Mr. J. L. Galbraith, to Kurrachee.

" " Ship Strabane, J. Grierson, to Glasgow.

" " Ship Mermaid, J. B. Rodgers, to Singapore and China.

12th " Dutch Barque Falsum, F. J. Van Eysden, to Sumatra and Java.

Passengers.—Mr. M. Barsick, Supercargo.

13th " H. M's. Sloop of War Cruizer, Commander G. Peirse, to Sea.

GREGOR GRANT,

Senior Magistrate of Police.

Bombay Police office }
14th April 1847. }

List of Letters on which Southampton and Red Sea or Foreign Steam postage is due, and which are now lying unclaimed in the Bombay General Post Office.

1 Framjee Nanabhojy Sons, & Co. Bombay.
1 The Revd. F. Hinde Ditto.
1 Charles Ladner, Seaman on board the ship Eliza.
2 Capt. Evans, Paymaster 78th Highlanders Bombay.
1 A Mto. Reydo. Sacerdote a Srse Da Uncenzo Cassinelli nel Convento dei Minori Osservante Missionario Apostolico Bombay.
1 Monsieur, J. W. Brown, H. M's. Steamer Atalanta Bombay.
1 Suntoo, Gorawalla, to Capt. Hock, 1st Grenadier Regt. N. I. Esplanade Bombay.
1 Lieut. Col. Jas. Irving, Royal Engineers India.
1 J. W. Dickinson Esq. Civil Service Bombay.
1 Lieut. Aplin, late of H. M's. 23d foot. Bombay.
1 Charles Morant Esq. H. M's. 14th L. Dragoons, Bombay.
1 Capt. John Penney, 1st Bombay Light Cavalry Rajcote Bombay.
1 Sir Ralph Palmer, India.
1 Mrs. J. Read, Messrs Ritchie Stewart, Bombay.
1 James Kobertson, care of the Post office. Bombay.

A. W. RAVENSCROFT,

Post Master Genl.

Bombay, Genl. Post Office, }
7th April 1847. }

List of unclaimed ship letters in the Bombay General Post Office.

1 Allen, Mr. Thomas, European Genl. Hospital. Bombay.
1 Abbott, Esq. W. H. Solicitor. ditto.
1 Ashton, Mr. Alfred E. Post office. ditto.
2 Albuquerque, Domica Severina ditto.
3 Blair, Esq. Thomas, Infantry cadet. ditto.
1 Bull, Esq. M. V., H. M's. 19th regiment. Lahore.
1 Burdell, Captain 10th Hussars. Kirkee.
1 Bashford, Esq. Frederick. Surdah.
1 Brooks, Mr. Samuel. Bombay.
1 Barry, Corporal Michael 2nd E. L. I. Subatboo.
1 Barton, Private Wm. European regiment. Bombay.
1 Carmichael, Major 38th M. N. I. Sangor.
1 Christie, Captain C. F. 2nd B'bay. E. R. L. I. Bombay.
1 Consul General. ditto.
1 Cockburn, Mr. James Stuart, mariner. ditto.
1 Danford, Mr. George, Post Office. ditto.
1 Davies, Mr. John. Aden.
2 Evans, Captain 78th Highlanders. Bombay.
1 Evans, Lieut. H. R., H. M. 10th regt. ditto.
1 Horrest, Serjt. E. W. 2nd Regt. B. E. L. I. Aden.
1 Fogg, Thomas No. 224.—Co. Bombay.
1 Flannigan Michael, 1st Bombay Fusiliers. ditto.
1 Fernandes, Joze Maria servant of Mr. Sickler of 6th Regt. Kurrachee.
1 Graham Esq. John H. M's. 22nd Regt. Bombay.
1 Gordon Capt. M. F. 2nd B. E. L. I. Calcutta.
1 Goodman Seaman William.
1 Hall, Ths. H.A.B. Hon'ble Company's Steamer Medusa. Bombay.
1 Lindesay Capt. H. M. 63rd Regt. Madras.
1 Mackenzie, Capt. George. Bombay.
2 Mayne, Lieut. W., H. M's. 22nd foot. ditto.
1 McLachlan, Dr. Post Office. ditto.
1 Maclaren, Esq. J. W. Post Office. ditto.
1 Marsh, Mr. Geo. ditto.
1 Minion, Serjeant Robert. ditto.
1 Macklinton, 1st Bombay E. Regt. Deesa.
1 Moloney, Private Henry, 7 Comy. 1st European Regt. Fusiliers. Bombay.
1 Nuttall, Surgeon George R., 9th Regt. N.I. Nassick.
1 Nye James, No. 2185 F. Company. Karrack.
1 Osgood, Mr. John F. Aden.
2 Powlett, Esq. Frederick A. Post Office. Bombay.
1 Pullinger, Mr. Charles. ditto.
1 Reidy, Private Thomas, 1st Bombay Regt. Fusiliers. ditto.
2 Soames, George Mr. Post Office. ditto.
1 Simons, Mr. Casmire, care of Corporal Salvador Sequeira, of the Garrison Band. ditto.
1 Saldor Esq. B. Post Office. ditto.
1 Stanley Mr. Robert B. ditto.
1 Piernan, James, Engineer apprentice H. C. Steamer Auckland. ditto.
1 Walton, Mr. W. H. Belgaum.
1 Watkins, Dr. F. W. Aden.
1 Watkins, Corporal J., Town Major's Office. Bombay.
1 Wright Mr. J. C. ditto.
1 Cursodjee, Nowrojee Setty, clerk commissariat office. ditto.
1 Cossim Ali, Moonshee at Genl. V. Kennedy's. ditto.
1 Chitram Sundarlalada. ditto.
1 Dattmull Burnath. ditto.
1 Ebramjee Peeriboy Merchuud. ditto.
1 Framjee Rutonjee. Kurrachee.
1 Framjee Muncheerjee. Bombay.
3 Gholan Nubbee servant of Dr. Jackson's. ditto.
1 Jetta B. ditto.
1 Inderjee Laljee. ditto.
1 Jugjeevan Coobore. ditto.
1 Iunam Bebee, Sappers and Miners. ditto.
1 James Heerjeebhojy Rustomjee. ditto.
1 Momjee and Coowasjee Messrs. ditto.
1 Mharaly Vallybhojy. ditto.
1 Mhondapah Warapali. ditto.
1 Monackjee, Waiter. ditto.
1 Narayan Pandoorung. ditto.
1 Nouroton Jairam. ditto.
1 Purmanon Purboodass. ditto.
1 Pestonjee Bomonjee, agents. ditto.
1 Pestonjee Framjee, Meadow street. ditto.
1 Pestonjee Jemsetjee. ditto.
1 Pandoo Sinda, Peon custom house. ditto.
1 Ruttonjee Puddunsey. ditto.
1 Ragmeitulla Russuljee. ditto.
1 Ranjee Ghirthur. ditto.
1 Ranjee Bawa. ditto.
1 Rondass Bhoyall. ditto.
1 Sandass Bayragy. ditto.
1 Shaik Dawood bin Sheik Ahmed. ditto.
1 Sewram Kessow B. ditto.
1 Soorungmul Mooltanluud. ditto.
5 Shapoorjee Sorabjee. ditto.
1 Shapoorjee Heerjee. ditto.
1 Seteram Govindram. ditto.
1 Thucker Taythee Juraz. ditto.
1 Toolee Moorlee care of Bagoos Kokineel, Ward boy General Hospital. ditto.
1 Thunna Bore Zanoechawada. Poona.
1 Wamanrow Gopal, 2nd Hospital Assistant 10th regiment N. I. Bombay.

A. W. RAVENSCROFT, Post Mr. G.
Bombay, Genl. Post Office, 13th April 1847.

Unclaimed Letters.

A.

- 1 Almeida Senhor Pascoal..... Tanna.
 - 1 Andrew Manoel, fifer of N. V. Bhowndy.
 - Bt Ahmednaggur.
 - 1 Afhonesa Senhora Maria Pieda de Andrews, Capt. Edward..... Bombay.
- B.**
- 1 Bennett, Henry 60th Rifles..... Kurra chee.
 - 1 Burke, Capt..... Ahmedabad.
 - 1 Burrell, Capt. G., H. M's. 28th Regt. Deesa.
 - Bombay.
 - 1 Brady Gunner M. 2nd Bt. Arty. Kurrachee.
 - 1 Barretto W. D. Assist Surveyor. Bombay.
 - 1 Bathidass Panachund.....
 - 1 Barclay, Esq. W.C., H. M's. 86th Regt. Scinde.
 - Madras.
 - 1 Burgess Private James 57th Rt. Pooña.
 - 1 Barretto Senhor Francisco.....
 - 1 Borges, Domingos, servant to Ensign Rice..... Dhoolia.
 - 1 Braganca, Mr. A. L. de..... B'bay Harbour
 - 1 Bease, Mr. George..... Mangalore.
 - 1 Bux Sellar..... Pooña.
 - 1 Brett, Lieut. 12th Regt. N. I. Kulladghee.
 - 1 Burjorje Framjee & Co..... Bombay.
 - 1 Bareto, Senhor Francisco Carlos Constanco..... Bombay.
 - 1 Bahoo Thucker Hurrydass and Tooljeedass..... Panwell.
 - 1 Butler, T. Mr. Assist. Overseer. Khandalla.
- C.**
- 1 Campbell, C. Lieut. 17th Regt. N. I. Belgaum.
 - 1 Colegrave, Lieut. F., H. M's. 78th Highlanders..... Pooña.
 - 1 Connolly, P. 14th King's Lt. Dragoons..... Bombay.
 - 1 Campo, Senhor Baptista..... Kirkee.
 - 1 Crawford, Mrs. Mary, Depot Royal Rifles..... Bombay.
 - 1 Cage, William, H. M's. 14th Lt. Dragoons..... Umballah.
 - 1 Connors, Mrs..... Pooña.
 - 1 Campbell, Lieut. A. P. 2nd E. Lt. Infy..... Belgaum.
 - 1 Cowan, Mr. Samuel, Earl of Harewood..... Madras.
 - 3 Cearns, Mr. C..... Bombay.
 - 1 Corseillis, Lieut. 11th Regt. N.I. Kurrachee.
 - 2 Campbell, A. D. 17th Regt. By. N. I. Bombay.
 - 1 Coyne, Br. M. 3rd Company 1st Bt. Arty..... Loodiana.
 - 1 Campbell, Private James..... Kurrachee.
 - 1 Carruthers, Capt. J. 2nd Regt. Lt. Cavy..... Vingarla.
 - 1 Cassibhoy Narrondass Esq..... Bombay.
 - 1 Costa, Senhor Manoel da..... Ditto.
 - 2 Costa, Seuhor Baltazar..... Kurrachee.
 - 1 Cowasjee Adderjee Esq..... Bombay.
 - 1 Curson Madowjee Esq..... Ditto.
 - 1 Cutinho, Daniel..... Pooña.
 - 1 Cordeiro, Mr. John Adjut. or Qr. Mr's. Writer..... Deesa.
 - 1 Cox, Mrs. J. near the Cotwal's Chory..... Pooña.
 - 1 Cosby, Mrs..... Kurrachee.
 - 1 Cruz, Rozario de..... Tanna.
 - 1 Costa Illmo. Senhor Francisco.. Bombay.
 - 1 Carr, Major George Deputy Judge Advocate General, Punjab Division..... Punjab.
 - 1 Cust, Lieut. W. Piercy 7th M. Lt. Cavy..... Nowgong.
 - 1 Cordeiro, Mr. F. Assist. Apothecary..... Aden.
 - 1 Cato, Mr. Francisco care of Capt. Hutchinson, ship Faize Allum Bombay.
 - 2 Coosul Roopchund Esq..... Ditto.
- D.**
- 1 Doll, Mr. Anthony C..... Kurrachee.
 - 1 Dias, Mr. Miguel..... Tanna.
 - 1 DeMello, Senhor Manoel..... Bombay.
 - 1 Dadabhoy Pallunjee Lalcaca.. Kirkee.
 - 1 Dickson, Capt. 13th Regt. N. I. Kurrachee.
 - 1 DeMello, Bernardo, servant of Major Allon..... Bombay.

- 1 Dungeon, Lieut. R., H. M's. 17th Regiment..... Kurrachee.
 - 1 Dinsajee Muncherjee..... Ditto.
- E.**
- 1 Eustwich & Co. Messrs..... Bombay.
 - 1 Eykyn, Lieut. 15th Regt. M. N. I. Ditto.
 - 1 Essnac Soobannac, Private 10th Company Marine Battalion.. Mhow.
- F.**
- 1 Fisher, Major C. B..... Bombay.
 - 1 Fearis, C. private H. M's. 22nd Regt..... Kurrachee.
 - 1 Ferrie, Lieut. Robert, 13th Bengal N. I..... Barrackpore.
 - 1 Fraser Captain Pooña.
 - 1 Fonceica, Mr. Antonio..... Mahableschwur.
 - 1 Franco, Simaõ..... Bombay.
 - 1 Frango Simaõ baker..... Pooña.
 - 1 Faria, Xavier de..... Baroda.
 - 1 Forneid, Lorenzo de..... Bombay.
 - 1 Fernandes, Illmo. Sr. Ambrozio Ditto.
 - 1 Fernandes, Joaõ Xavier, Ditto.
 - 1 Franco, Senhor Domingos..... Goa.
 - 1 Faria, Francisco Padeiro de.... Bombay.
 - 1 Francis, Mr. kind care of Mr. P. Saldanha..... Ditto.
- G.**
- 1 Glennie, Edgar Esqr..... Bombay.
 - 1 Gunput row, Pundit..... Ditto.
 - 1 Gowams, Maxwell Mrs..... Ditto.
 - 1 Games, Mr. Micheal, on Board of Earl of Clare..... Calcutta.]
- H.**
- 1 Holder, Lieut. F. 14th Dragoons.
 - 1 Head, Lieut. M. G. 2nd Euro. Lt. Infantry..... Kurrachee.
 - Nasick.
 - 1 Henrique, Mr. Manoel, Portuguese..... Dhoolia.
 - 1 Hammond Private John..... Pooña.
 - 1 Hooolas, Cook H. M's. 10th Regiment of Foot..... Meerut.
 - 1 Hunter, Lieut. M., H. M's. 80th Regiment..... Lahore.
 - 1 Hollinsworth, John, writer Secretary office..... Bombay.
 - 1 Hogg, the Reverend J..... Deesa.
- I.**
- 1 Jackson, H. Esq..... Jessore.
 - 1 Jamsetjee Dhunjeebhoy Esq.... Bombay.
 - 1 Jeerboye..... Bombay.
 - 1 Jones, A. Esq..... Ditto.
 - 1 Johns, Author V. Esq., Lady mary Wood..... Ceylon.
 - 1 Jewrakun Sing, Subedar, 25th N. L. I..... Cawnpore.
- K.**
- 1 Kelly, Lieut. E. H., H.M's 86th Regiment..... Kurrachee.
 - 1 Kavalchund Premchund..... Bombay.
 - 1 Kershaw, Lieut. H.M's 80th Regiment..... Lahore.
- L.**
- 1 Lascar Zubar Steamer Iudus Kurrachee.
 - 1 Lobo, Aleixo, care Mr. Filiphino writer Custom Office..... Cundapoor.
 - 1 Lobo, Mr. Joaquim Francisco.. Bombay.
 - 1 Luis, Mr. Ambrose..... Pooña.
 - 1 Lanton, Lieut. G. 29th Regt. N. I..... Bombay.
 - 1 Luximonjee, Balcrustna..... Ditto.
 - 1 Lobo, Pedro Antonio..... Kirkee.
 - 1 Lobo, Senhor Sabastiao..... Bombay.
 - 1 Limons George, Fifer 4th Company..... Aurungabad.
 - 1 Lobo, Mathews de..... Amballa.
- M.**
- 1 McPherson C. R. H. M's. 17th Regiment..... Bombay.
 - 1 Mrs. MacDougal..... Pooña.
 - 1 Mendonça Senhor Sebastiao... Bombay.
 - 1 Mascarenhas, Mr. Ignacio Francisco..... Pooña.
 - 1 Mathereio, Servant..... Kurrachee.
 - 1 Monteiro, Sebastiao Joaõ Sasticar Malwan.
 - 1 Mallaly, Lieut. 13th Regt. N. I. Bombay.

1 Manasacan, Mrs. Susam.....	Allahabad.
1 Mascaren, A. S. living at Son- apoor.	Bombay.
1 Maria, Senhora Luiza.....	Poona.
1 Mathews, Mr. Diogo de Sivolin	Hydrabad.
1 Miller Mrs.....	Poona.
1 McLain, John, H. M's. 60th Rifles.....	Kurrachee.
1 Mullam Master Sherkundy.....	Bombay.

A. W. RAVENSCROFT,
Post Master General.

*Bombay, Genl. Post Office, }
14th April 1847. }*

Private Advertisements.

NOTICE.

The editor of the Victoria Press begs to inform the subscribers to the United Service List, that No. 8 is now in the press and will be published on the 15th of April, critically corrected up to the 31st of March.

The editor would also feel greatly obliged by gentlemen intending to subscribe, favouring him with their names at an early period; directed to the editor or publisher of the United Service List, Victoria press.

March 8th, 1847.

NOTICE.

Pursuant to a Decree of the Supreme Court of Judicature at Bombay bearing date the fifth day of March one thousand eight hundred and forty-seven made in a cause wherein (Madowrow Crustnarow on behalf of himself and other creditors of Dhackjee Dadajee deceased are complainants and Crustnath Narronjee and Cassinath Morojee Executors of the last will and Testament of the late Dhackjee Dadajee deceased and Cassinath Dhackjee are defendants) the creditors of Dhackjee Dadajee deceased the testator in the pleadings of this cause named are themselves or by their solicitor to come in and prove their debts on or before the first day of June next before William Brooks Esquire the Master of the said court at his chambers in the Court House Bombay, or in default, will be excluded the benefit of the said decree, dated the sixth day of April one thousand eight hundred and forty-seven.

C. M. I. POLLOCK,
Complainant's Solicitor.

W. & L. ACLAND,
Solicitors for Defendants.

Bombay Government Press.

LEGISLATIVE DRAFT ACTS.

FORT WILLIAM, HOME DEPARTMENT, LEGISLATIVE.

THE 13TH MARCH, 1847.

The following Draft of a proposed Act was read in Council for the first time on the 13th of March, 1847.

ACT No. — of 1847.

An Act for establishing a Court of subordinate Civil Jurisdiction in the City of Calcutta.

Whereas the jurisdiction of the Court of Requests for the Recovery of small Debts in and for the Settlement of Fort William in Bengal, is limited to suits brought for the recovery of Debts not exceeding 400 Sicca Rupees, and whereas it is not expedient that the jurisdiction of the said Court of Requests should be extended :

And whereas it is inconvenient to the people to be obliged to resort to Her Majesty's Supreme Court of Judicature in all suits for debt exceeding 400 Sicca Rupees, and in all other suits and actions whatsoever :

And whereas for remedy of the said inconvenience it is expedient to establish a new Court with jurisdiction over the subject matters of actions at Law, and with power to make decrees upon such subject matters according to Equity and Good Conscience following the Law :

I. It is hereby enacted, that from and after the day of

the Court of Requests for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal shall be abolished, except so far as regards suits pending therein at the time of passing this Act, which shall be proceeded in and determined as if this Act had not been passed, and that on the said day a Court for the exercise of original Civil jurisdiction in the City of Calcutta shall be established, and shall be called the Subordinate Civil Court for the City of Calcutta.

II. And it is enacted, that the said Subordinate Civil Court shall consist of as many Commissioners as to the Governor of Bengal shall from time to time seem meet, and that each of the Commissioners sitting separately shall exercise all the jurisdiction and powers herein conferred upon the said Subordinate Civil Court, except the power of making Rules under Section XXV. of this Act. Provided always, that at least one of the said Commissioners shall be a Barrister of not less than five years standing.

III. And it is enacted, that one of the Commissioners being a Barrister of five years standing, shall be the Chief Commissioner.

IV. And it is enacted, that each of the Commissioners shall receive such salary as to the Governor General in Council shall seem meet, respect being had to the qualifications of each.

V. And it is enacted, that it shall be lawful for the Governor of Bengal to appoint such and so many Ministerial Officers as to him shall seem necessary for the efficient performance of the business of the said Court, and that each of the said Officers shall receive such salary as to the Governor General in Council shall seem meet.

VI. And it is enacted, that the said Subordinate Civil Court shall have jurisdiction over all causes of Action, for which an Action may be maintained on the Plea Side of the said Supreme Court, where the debt, damages, or value of the property for which such Action may be brought does not exceed the following amounts, that is to say, where

the Action is brought, to recover any property for which an Action of Ejectment may be maintained in the said Supreme Court, the amount of Two Hundred Company's Rupees per annum, where the Action is brought for any malicious arrest, maliciously holding to Bail, or for any other malicious prosecution, or for any Libel or Slander, or for any Assault, Battery, or false imprisonment, the amount of Three Hundred Company's Rupees, and in all other Actions the amount of One Thousand Company's Rupees.

VII. And it is enacted, that the jurisdiction of the said Subordinate Civil Court shall also extend to the recovery of the unliquidated balance of a Partnership Account, to the extent of Five Hundred Company's Rupees if the Plaintiff shall be content to limit his claim to the recovery of that amount.

VIII. And it is enacted, that the jurisdiction of the said Subordinate Civil Court shall also extend to the recovery, against any Executor or Administrator or other Representative of any deceased testate, or intestate person of any demand not exceeding the amount of Five Hundred Company's Rupees for any distributive share of any property under an intestacy, or of any legacy, or residue or share of a residue, under a Will, if the plaintiff shall be content to limit his claim to the recovery of that amount in respect of such share or residue or legacy, provided always, that the said Court by this Act established shall not have jurisdiction over any such demand for such share, residue or legacy if any suit shall at the time of preferring such demand be pending in the said Supreme Court for the Administration of the Estate, out of which such share, residue or legacy is demandable.

IX. And it is enacted, that it shall not be lawful for any plaintiff to divide any cause of action into two or more suits for the purpose of bringing the same within the jurisdiction of the said Subordinate Civil Court; but any plaintiff having cause of action for debt or damages above the value recoverable under this Act may abandon the excess, and thereupon such plaintiff shall on proving his case have a decree for an amount not exceeding such value, and such decree shall be in full discharge of all demands in respect of such cause of action.

X. And it is enacted, that the jurisdiction of the said Subordinate Civil Court shall, as regards the persons to be subject thereto, extend to all persons inhabiting or seeking a livelihood within the City of Calcutta.

XI. And it is enacted, that the said Court shall on all purely legal demands for which an Action at Law is maintainable, decide according to the Law to be administered in the Supreme Court, in the like cases between the like parties, provided that the defendant may in any Action for such legal demand allege and establish an equitable defence, and thereupon the said Court shall by its decree give the defendants the benefit of such defence to the same extent and upon the same principles of Equity as would be applied in the like case by the said Supreme Court on its Equity side, provided that such defence shall not involve a cross demand to an extent exceeding the sum of One Thousand Company's Rupees.

XII. And it is enacted, that the said Subordinate Civil Court shall exercise all the powers which are exercised by Her Majesty's Supreme Court of Judicature in the issuing of process, and summoning and compelling the attendance of witnesses and the administering of oaths or solemn declarations and for punishing contempts, and all other powers

which are exercised by the said Supreme Court for trial and determination and execution in Actions at Law, and that the said Subordinate Civil Court shall have and use an Official Seal.

XIII. And whereas it is conducive to the good administration of Justice that the respectable part of the public should be associated therein: It is hereby enacted, that the Governor General in Council may, by Proclamation, order that every or any Commissioner of the said Subordinate Civil Court shall, in all suits, or in any particular class of suits, and in all proceedings therein or in any particular proceeding therein, sit with one or more Jurors, and may in the said Proclamation lay down rules for the selection, summoning and compelling attendance of the said Jurors, and for enforcing the performance of their duty by such Jurors.

XIV. Provided always and it is hereby enacted that the verdict of such Juror or Jurors shall be only for the information of the Conscience of the Court.

XV. And it is enacted, that the manner of commencing a suit in the said Subordinate Civil Court shall be as follows:

1. Each of the Commissioners of the said Subordinate Civil Court shall sit at stated hours for the purpose of receiving plaints.

2. Every plaintiff bringing a suit in the said Subordinate Civil Court shall, except as hereinafter excepted, appear in person before one of the Commissioners, and shall, orally or in writing, lay before such Commissioner the facts which constitute his claim.

3. The excepted cases in which the plaintiff shall be excused from appearing in person for the purpose of making the statement of facts mentioned in the last Clause, are the same as the excepted cases specified in Clause 15 of this Section, but the plaintiff shall in all cases be permitted to make the statement of facts, by an Agent, provided he deposit in Court the sum of Fifty Company's Rupees.

4. The sum so deposited shall be held as a security for any sum or such part thereof as it will cover, which may be, or which may become due to the defendant, or to the Government, in respect of the matter of the suit, or in respect of the mode of conducting it: if nothing shall so be, or become due, the sum shall be repaid to the plaintiff.

5. If the plaintiff lays the facts before the Commissioner orally, the facts whether stated of his own accord or elicited by examination shall be reduced into form and written down by the Commissioner or by an Officer of the Court under his direction, and shall constitute the plaint.

6. If the plaintiff lays the facts before the Commissioner in writing, the written statement shall be corrected in form by the Commissioner, or by an Officer of the Court under his direction, if it requires such correction, and in substance if it in any respect disagrees with the statement of facts elicited by the examination of the plaintiff; subject to such correction the written statement shall constitute the plaint.

7. When the statement of facts constituting the plaint has been made, the Commissioner, if he is of opinion that the defendant or the matter of the suit is not within the jurisdiction of the Subordinate Civil Court, shall make a decree accordingly.

8. If the Commissioner is of opinion that the defendant and the matter of the suit are within the jurisdiction of the Subordinate Civil Court, he shall direct a writ of summons to be issued to the defendant.

9. The writ of summons shall contain a copy of the plaint, and an order to the defendant to appear before the Court on a specified day, and to bring with him any documents which he may have in his possession, of which the plaintiff, with the

consent of the Commissioner, demands inspection, or which he the defendant may think conducive to his defence, and a list of such witnesses as he supposes may be necessary for his defence.

10. If the plaintiff satisfies the Commissioner that the defendant is likely to withdraw himself from the jurisdiction of the Subordinate Civil Court, the Commissioner may direct a warrant of arrest against the defendant to be issued together with the writ of summons.

11. If the defendant is arrested on the warrant he shall be brought with all convenient speed before the Commissioner, who may discharge him from custody if he gives sufficient security for his appearance, or if he deposits a sum which the Commissioner considers under all the circumstances of the case sufficient, or if he satisfies the Commissioner that he does not intend to withdraw himself from the jurisdiction.

12. On every day in which any of the Commissioner shall sit for the purpose of receiving plaints, all the plaints received shall be laid before the Chief Commissioner, who will distribute them among all the Commissioners, including himself.

13. In distributing the plaints the Chief Commissioner will endeavour to give to all the Commissioners a share of business which will occupy an equal portion of the time of each, and to give to each Commissioner those kinds of suits which he thinks each best qualified to decide.

14. Every plaintiff and defendant in the said Subordinate Civil Court shall appear except as hereinafter excepted, in person, on the day specified in the writ of summons, and on every other day fixed for the appearance by the Commissioner.

15. A plaintiff or defendant may be excused from appearing in person,

If ill.

If absent from Calcutta.

If engaged in the Public Service.

If exempted on account of rank by the Regulations from appearing in the Courts of the East India Company.

If of advanced age.

If of the female sex.

If there is a co-plaintiff who appears in person.

If there is a co-defendant defending jointly who appears in person.

If not personally cognizant of the matter in dispute.

16. But in all these cases the Commissioner may refuse to hold the party excused from appearing in person if he is not satisfied that the excuse is made in good faith and that the matter of the excuse exists in a sufficient degree to justify him in admitting it.

17. Whenever an Agent has been admitted in place of a party, such Agent shall be permitted to do all that the party might have done, had he appeared, and shall be liable to be examined and cross examined in the same manner.

18. And the Commissioner may if he thinks fit order that the party excused shall be examined in any way in which a witness may be examined.

19. When the Commissioner has refused to hold any party excused he may order the Agent who makes the excuse to summon the party on whose behalf it is made on a specified day, and adjourn the proceedings to that day, or he may make a decree against such party after examining his Agent.

XVI. And it is hereby enacted, that as soon as the plaintiff and defendant are together before the Commissioner to whom the suit has been assigned, he shall proceed to take the pleadings and settle the demurrers and issues of fact.

XVII. And it is hereby enacted, that the manner of pleading shall be as follows.

1. The defendant in answer to questions put by

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the Commissioner shall confess or deny each of the material allegations contained in the plaint, and shall state any matter whereby he proposes to avoid the plaintiff's right to a decree arising out of such allegations contained in the plaint, as he has confessed.

2. The defendant may demur if he thinks the plaint states a case insufficient to entitle the plaintiff to a decree.

3. The defendant shall not be precluded from demurring to any matter in the plaint because he has pleaded to it, nor shall he be precluded from pleading to any matter in the plaint because he has demurred to it.

4. The defendant shall not be precluded from denying as many of the allegations in the plaint as he does not know to be true.

5. The defendant shall not be precluded from avoiding the plaintiff's right to a decree arising out of any allegations in the plaint which the defendant has confessed by the statement of as many matters as he believes to be true.

6. The Commissioner in framing the pleadings from the statements of the parties will take care that pleas shall be kept distinct from demurrers, and that no plea shall be double.

7. The Commissioner will also take care that the pleadings shall not be argumentative and shall state matters of fact only and not evidence of matters of fact, and shall in other respects be such as to lead directly to distinct issues of law or fact, and that each issue shall have as much particularity as conveniently may be.

8. All the above rules of pleading shall be applied, as far as they are capable of such application to the subsequent stages of the pleadings.

9. The Commissioner may examine the parties and permit them to cross examine each other through himself for the purpose of framing the pleadings from their statements, which statements may also be used as evidence at any hearing for the decision of the cause, and the Commissioner may likewise examine the parties and permit them to cross examine each other through himself at any hearing for the purpose of using their statements as evidence for the decision of the cause.

10. If any demurrer results from the pleadings which the Commissioner thinks fit for argument, he will after consultation with the parties, fix a day for the argument on it.

11. If any issue of fact results from the pleadings upon which it is necessary to hear evidence the Commissioner will make a note of the names of the witnesses on both sides, and of the facts which each of them is expected to prove, and the documents which each of them is expected to produce, and will grant such subpoenas and subpoenas duces tecum as appear to him to be necessary for the purpose of justice, and will also direct each party to produce any document in his possession the production of which appears to the Commissioner necessary for the purposes of justice, and will after consultation with the parties, fix a day for the taking of evidence.

XVIII. And it is hereby enacted, that if any Commissioner, not being a Barrister, perceives while he is receiving a plaint, or while he is framing the pleadings, or in any subsequent stage, that the suit is one which in his opinion ought not to proceed before a Commissioner who is not a Barrister, he may hand over the suit to the Chief Commissioner and direct the parties to go before the said Chief Commissioner who shall proceed with the suit, or direct any other Commissioner who is a Barrister, to proceed with the suit.

XIX. And it is hereby enacted, that if it shall appear to the Commissioner at any stage of the suit, that justice cannot be done unless some person

not a party to the suit be made a party thereto, the Commissioner may summon such person to appear, and may make a decree which shall be binding upon such person, making such order regarding the costs as shall be agreeable to justice.

XX. And it is hereby enacted, that if in the course of a suit the parties shall disagree as to the balance of an account, the Commissioner may direct that the account be referred to an Arbitrator nominated by the parties, or in default of such nomination to an Officer of the Court, and such Arbitrator or Officer will report the amount due on either side, subject to any exceptions which the Commissioner will hear and decide.

XXI. And it is hereby enacted, that in all suits for the breach of a contract which may be brought in the said Subordinate Civil Court if it shall be made to appear to the Commissioner that the contract may be performed without prejudice to the plaintiff, and that the defendant is able to perform it the Commissioner may direct a specific performance of the contract, and enforce it by attachment.

XXII. And it is hereby enacted, that the Commissioner in his decree shall order how much of the amount of any fees which may have been paid or be payable to any Attorney or Barrister, shall be reckoned as costs between party and party, and what other expences incurred by the parties in prosecuting or defending the suit shall be reckoned as costs between party and party, and shall order in his decree which party shall pay cost to the other, and to what amount: provided that no fees which may have been paid or be payable to any Attorney or Barrister shall be reckoned as costs between party and party unless the Commissioner shall be satisfied that the assistance of such Attorney or Barrister was reasonably required.

XXIII. And whereas it is expedient that inconsiderate litigation should be discouraged, and that those who sue or defend inconsiderately should contribute towards the expences of the Judicial Establishment:—It is hereby enacted, that in every suit in the said Subordinate Civil Court the party or parties against whom the decree is made shall, if plaintiff or plaintiffs pay a fee equal to one-twentieth of the value claimed in the plaint, and if defendant or defendants a fee equal to one-twentieth of the value decreed.

XXIV. Provided that the Commissioner may remit such fee if he shall be satisfied that the party or parties against whom the decree is made, had reasonable ground for suing or defending.

XXV. And whereas it is expedient that parties to suits who prevaricate or wilfully make false statements should be punished:—It is hereby enacted, that whenever the Commissioner is satisfied that any party to a suit in the said Subordinate Civil Court has by himself or his Agent prevaricated or wilfully made a false statement, he may in his decree impose upon such party a fine not exceeding 200 Rs. and in default of payment may order such party to be imprisoned for a period not exceeding

XXVI. And it is hereby enacted, that the amount of the fees and fines aforesaid shall be paid monthly into the Treasury.

XXVII. And it is enacted, that the said Commissioners, or the majority of them, may from time to time make such Rules for the Regulation of the proceedings of the said Subordinate Civil Court as to them may seem meet, and as are not inconsistent with any thing in this Act contained; which Rules shall be in force from their date, and shall continue in force unless they shall be disallowed by the Governor General in Council within the space of three months from their date; provided that such Rules shall be laid before the Governor

General in Council within the space of one month from their date.

XXVIII. And it is enacted, that the Sheriff of Calcutta shall execute the process of the said Subordinate Civil Court, and shall, in respect to the execution of such process, be subject to the authority of the said Subordinate Civil Court, and shall for his trouble in executing such process receive from the Public Treasury such remuneration as to the Governor General in Council shall seem meet.

XXIX. Provided that such remuneration shall be proportioned to the quantity of labour imposed upon the said Sheriff in each month in the execution of the said process.

XXX. And it is enacted, that any suitor in the said Subordinate Civil Court who shall feel himself aggrieved by any decree thereof, may move the Supreme Court for a Rule to shew cause why the decree should not be altered or reversed, or for a Rule to shew cause why the said Subordinate Civil Court should not reconsider its decree, or for a Rule to shew cause why there should not be a new trial of the whole or any part of the facts on which its decree is founded.

XXXI. And it is enacted, that the said Supreme Court shall at its discretion grant or refuse any such Rule.

XXXII. Provided always and it is hereby enacted, that the Supreme Court shall not make absolute any such Rule if the decree of the Subordinate Civil Court be consistent with the Justice, Conscience and Equity of the case: that is to say, the Supreme Court shall be governed in its decision upon any motion to make any such Rule absolute by the principles by which an English Court of Law would be governed in its decision upon a motion to make absolute a Rule for a new trial when there has been no misdirection in point of Law by the Judge before whom the cause was tried.

XXXIII. And it is enacted, that any person deeming himself aggrieved by any commitment to prison or fine by the said Subordinate Civil Court may appeal from such commitment or fine to the said Supreme Court who shall thereupon make such order as justice may require.

XXXIV. And it is enacted, that any one of the Judges of the said Supreme Court may, when occasion shall so require, sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the business to be performed by the said Court under this Act at the same time when the other Judge or Judges, as the case may be, of the said Court, shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatsoever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes, as fully as if the proceedings were had before all the Judges of the said Court.

XXXV. And it is enacted, that the Judges of the Supreme Court, or the majority of them, may from time to time make such Rules for the Regulation of the proceedings on appeals and motions before them as to them may seem meet and as are not inconsistent with any thing in this Act contained; which Rules shall be in force from their date and shall continue in force unless they shall be disallowed by the Governor General in Council within the space of three months from their date; provided that such Rules shall be laid before the Governor General in Council within the space of one month from their date.

XXXVI. And whereas, although the several provisions hereinbefore contained for the constitution of the said Subordinate Civil Court are all copied, more or less exactly, from the provisions for the

constitution of the several sorts of Courts used in the Administration of English Law and Equity, yet the combination of the said several provisions in one Court is new and experimental; and it might happen that suitors accustomed to the Administration of Justice by Civil Action at Law in Her Majesty's Supreme Court, might feel aggrieved if they were deprived thereof, it is hereby declared and enacted, that nothing in this Act contained shall be construed to affect the jurisdiction now exercised by the said Supreme Court in Civil Actions at Law in the cases falling within the jurisdiction of the said Subordinate Civil Court.

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 13th day of November next.

G. A. BUSHBY,
Secy. to the Govt. of India,

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE.

The 13th March 1847.

The following Draft of a proposed Act was read in Council for the first time on the 13th of March 1847.

ACT No. ——— of 1847.

An Act for the Improvement of the Administration of Justice in the Supreme Court of Judicature at Fort William in Bengal.

I. Whereas by the Charter establishing the said Court, it is provided that in case the party summoned by the summons or precept in nature of a summons which the said Court is thereby empowered to award shall not appear upon the return of such summons or precept as aforesaid according to the exigence thereof, the said Court is further authorized and empowered to award and issue a writ or warrant directed to the Sheriff of Calcutta, usually called a *capias* of contempt, commanding him to arrest and seize the body of such person so making default, and to have his said body at such time and place as shall be specified in the said writ for that purpose before the said Court to answer the plaint; and whereas by the Rules and Orders on the plea side of the said Court under the "Title of the proceedings against a party in custody," it is provided that where any plaint shall be filed against any person who shall be in custody at the time of filing the same and shall have had four days notice thereof, or being arrested shall be committed for want of bail and shall not have filed an appearance the plaintiff may file an appearance with the Prothonotary for such defendant; and whereas it is desirable to abolish the power of imprisonment upon mesne process in all cases not hereinafter provided for, upon any process issued on the plea side of the said Court, and to substitute the following provisions for the said power of arrest and of entering an appearance for the defendant—It is enacted, that no *capias* of contempt shall be issued on the plea side of the said Court for the purpose of compelling or procuring an appearance to the plaint, but that if it shall appear to the satisfaction of the said Court upon the return of the writ of summons, and on affidavit or solemn affirmation of the identity of the party that the defendant against whom such plaint has been filed, or any one or more of several defendants has or have been duly summoned, and that no appearance has been entered for such defendant or defendants within the time prescribed for entering the same, then the said Court shall

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order that the said suit shall be proceeded with *ex parte* against such defendant or defendants not appearing as aforesaid, and the said suit shall thereupon be proceeded with against such defendant or defendants not appearing as aforesaid in like manner as by the said Charter, and the Rules, Orders and Practice of the said Court is required in the case of an *ex parte* suit after the issuing of a sequestration after a return of non est inventus to a writ of *capias* or summons.

II. And it is enacted, that every writ of summons which shall be issued from the said Court shall express that if the defendant shall not appear at the time mentioned in the said summons the suit will be proceeded with against him not appearing as aforesaid in his absence, and that the property of such defendant not appearing as aforesaid may be sequestered.

III. And it is enacted, that it shall be lawful for the said Court upon the application of the plaintiff in the case of such defaults of appearance as are hereinbefore mentioned upon proof of the demand by affidavit or solemn affirmation or otherwise to the satisfaction of the said Court, to award and issue a writ of sequestration against the property of such defendant which said writ shall have the like operation and effect, and be dealt with by and under the order of the said Court in like manner to all intents and purposes as is by the said Charter directed as to writs of sequestration except so far as the provisions of the said Charter as to such writs of sequestration are varied by this Act, and then in the case of such variations to be dealt with under the provisions of this Act and of the said Charter; and if judgment shall pass for the plaintiff in the said suit, the said Court is hereby authorized and empowered to award and issue a writ to the Sheriff or other Officer to whom the process of the Court may be directed, commanding him to sell or otherwise dispose of the said property according to the nature thereof so seized and sequestered, and to make satisfaction out of the same or out of the produce thereof according to the nature thereof to the plaintiff for the amount of the judgment so recovered with his costs, and to return the surplus, if any there be, after satisfying the said judgment and costs, and the expenses of the said sequestration, to the person or persons in whose possession the said property was seized, or otherwise to reserve it for the said defendant as occasion shall require; and if such property shall not be sufficient to produce after defraying the expenses of such sequestration the amount of the judgment and the said costs, the said Court is further empowered to award and issue such process of execution for the deficiency as is by the said Charter provided for levying money recovered by judgment and costs; and if judgment shall pass for the defendant against whom such sequestration shall have issued the said Court is authorized and empowered to award, and order the costs of the said suit and the expense of the said sequestration incurred by such defendant, and all other damages occasioned thereby to be paid by the plaintiff to such defendant as aforesaid, or his or their Attorney, or the person or persons in whose possession the said property was seized or otherwise as the said Court shall order, and the same shall be levied by such process as in the said Charter is provided for levying costs.

IV. And whereas by the Law of England the practice of arrest upon mesne process has been abolished except in certain cases, and it is desirable to assimilate the practice of the said Supreme Court on the plea side thereof to the Law of England in this respect with a due allowance for differing circumstances—It is therefore enacted, that no person shall be arrested upon

mesne process in any civil action, whether commenced before or after the time appointed for the commencement of this Act as hereinafter provided, under any writ issuing out of the said Court on its plea side except in the cases by this Act provided and allowed.

V. And it is enacted, that if a plaintiff in any action in which the defendant was liable to be arrested on mesne process under the law in force at the time appointed for the commencement of this Act shall by the affidavit or solemn affirmation of himself, or of any other person, shew to the satisfaction of the said Court or of a Judge thereof, that such plaintiff has a cause of action against the defendant to the amount of Company's Rupees four hundred or upwards, or has sustained damage to that amount, or if he shall by like affidavit or affirmation to be filed as aforesaid verify to the satisfaction of the said Court a case of such enormous personal wrong as in the judgment of the said Court requires such security; and that there is probable cause for believing that the defendant against whom the application is made is about to go out of the jurisdiction of the said Court unless he be forthwith arrested, or that such defendant has made or is about to make any fraudulent disposition of his property with a view to defeat or delay his creditors in general, or the plaintiff in particular, or that such defendant has evaded the service of process in the said cause, it shall be lawful for the said Court, or any Judge thereof, by a special order, to direct that such defendant shall be held to bail for such sum as such Court or Judge shall think fit not exceeding the amount of the debt or damages, and thereupon it shall be lawful for such plaintiff to sue out a writ of *capias* against any such defendant so directed to be held to bail, which writ of *capias* shall bear date on the day on which the same shall be issued.

VI. And it is enacted, that the Sheriff or other officer to whom any such writ shall be directed shall arrest the defendant thereupon, and such defendant shall when so arrested remain in custody till he shall have given a bail bond to the Sheriff, or shall have made deposit of the sum endorsed on such writ of *capias*, together with a sum for costs, including the execution of the said writ according to the practice of the said Court on its plea side for the time being, and all subsequent proceedings as to putting in and perfecting special bail, or of making deposit and payment of money into Court instead of putting in and perfecting special bail shall be according to the like practice of the said Court, or as near thereto, as the circumstances of the case will admit.

VII. And it is enacted, that any such special order may be made and the defendant arrested in pursuance thereof in any action whether commenced before or after the time appointed for the commencement of this Act at any time after the commencement of such action and before final judgment shall have been obtained therein, and that a defendant in custody upon any such arrest and not previously served with a copy of the writ of summons shall be lawfully served therewith.

VIII. And it is enacted, that it shall be lawful for any person arrested upon any such writ of *capias* to apply at any time after such arrest to the said Court, or any Judge thereof, for an order or rule on the plaintiff in such action to shew cause why the person arrested should not be discharged out of custody; and that it shall be lawful for such Court or Judge to make absolute or discharge such order or rule, and to direct the costs of the application to be paid by either party, to make such other order therein as to such Court or Judge shall seem fit, provided that any such order made by a Judge may be discharged or varied by the Court on ap-

plication made thereto by either party dissatisfied with such order.

IX. And it is enacted, that when any sequestration shall have issued in any action whether commenced before or after the time appointed for the commencement of this Act against any defendant, and the said defendant shall appear to the said action, it shall be lawful for the said Court, or any Judge thereof, to order that the said sequestration shall stand as a security for the debt and costs to be incurred in such action, or to order that the same be set aside on payment of the costs of such sequestration incurred by the plaintiff, and on the said defendants putting in and perfecting bail to the action, or on his making such deposit and payment in lieu of bail as by the practice of the said Court for the time being shall be required, and thereupon all subsequent proceedings as to the putting in and perfecting special bail, or of making deposit and payment of money into Court instead of putting in and perfecting special bail, and as to surrendering the defendant in discharge of bail, and taking the defendant for the purpose of such surrender, and all other proceedings touching the premises shall be had according to the practice of the said Court on its pleaside for the time being in like cases, or as near thereto as the circumstances of the case will admit.

X. And whereas it is desirable to amend the provisions in the said Charter contained as to the writs of Fieri Facias and Sequestration, and to extend the operation of such writs to be sued out after the time appointed for the commencement of this Act so as to embrace other property besides that which might before the time aforesaid have been seized, taken and sold under such writs respectively; and any writ of Venditioni Exponas issued to complete the execution thereof respectively, and to remove any doubts as to what property may be so seized, taken and sold—It is declared and enacted, that Money and Bank Notes, notes issued for the payment of money by the East India Company, commonly called Company's Paper, Bills of Exchange, Promissory Notes, Bankers' Cheques, Money Bonds, Specialties for payment of money, or other securities for payment of money, whether such bonds, specialties or other securities be payable on a contingency or otherwise the property of the person against whom any such writ shall be issued whether in any action commenced before or after the time appointed for the commencement of this Act; and all other debts and claims for the payment of money whether the same shall be then due and payable, or to become due and payable at some future time or times, the property of the said person against whom such writ shall have issued shall and may be seized and taken under any such writ as aforesaid in such action as aforesaid; and when any Money or Bank Notes shall be so seized and taken the said Sheriff or other Officer to whom any such writ shall be directed shall and may under any such writ retain so much of such Money or Bank Notes as may be necessary to discharge his own claim for poundage, fees, or other costs, charges and expences of such execution, and shall and may pay or deliver to the party suing out such writ, so much of the said Money and Bank Notes as may be sufficient to discharge such execution, and when any other of the property aforesaid shall be seized and taken the said Sheriff or other Officer shall proceed in all respects in the execution of such process as to such property in like manner as is by the said Charter, and by the practice of the said Court directed and required as to debts seized under such process as aforesaid, except where the said mode of procedure is varied by this Act, and from the time of such seizure all sums of money due or to

become due on any of the said hereinbefore mentioned instruments so seized as aforesaid, or due or to become due in respect of any debts or claims whether seizable under the Charter, or under the provisions of this Act, and so seized as aforesaid, shall be paid and payable in such manner and form and no other as the said Supreme Court of Judicature at Fort William in Bengal, when the same shall be extended and returned into the said Court shall appoint, and such payment and no other shall. from thenceforth be an absolute and effective discharge of the said sums of money and every of them respectively; and it shall not be lawful for the said Sheriff or other Officer to sell any of the said property hereinbefore mentioned, including therein debts seizable under the provisions of the said Charter so seized as aforesaid without the special order of the Court, and the said Sheriff or other Officer shall have power to sue in his own name to recover the money payable on such Notes, Bills of Exchange, Promissory Notes, Bankers' Cheques, Money Bonds, Specialties or other securities as aforesaid, and to recover the amount of such debts or claims as aforesaid, and the said Court shall have power to make such orders in the matters of such executions, and to make such alterations in the forms of the said writs as may be necessary to give effect to the provisions of this Act hereinbefore and hereinafter contained in respect of such executions, and to frame, if necessary, any new writ or writs for such purpose, provided that no such Sheriff or other Officer shall be bound to sue any party liable upon any such Note, Bill of Exchange, Promissory Note, Cheque, Bond, Specialty, or other security, or liable in respect of such debt or claim as aforesaid unless the party suing out such execution shall enter into a Bond with two sufficient sureties for indemnifying him from all costs and expences to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof, the expense of such Bond to be deducted out of any money to be recovered in such action. Provided always, that when such debt shall have been recovered in any action, or paid after action brought the surplus only of such debt over the taxed costs which the plaintiff may be liable to pay his own Attorney, and to the payment of which the opposite party in the cause shall not be liable, provided that the same have not been incurred unnecessarily and are not unreasonable in amount, shall be deemed and taken to be levied under such execution as aforesaid.

XI. And it is enacted, that all Houses, Lands or other real property held in trust for the person against whom such writs as aforesaid shall be issued at the time of the delivery thereof to such Sheriff or Officer as aforesaid, or any Equity of Redemption of the said party in such Houses, Lands or real property, as also all Lands, Houses or other real property over which such person shall at the time of the delivery of such writ to the Sheriff, or at any time afterwards have any disposing power which he might without the assent of any other person exercise for his own benefit shall and may be seized, taken and sold, mortgaged or delivered to be held by the execution creditor subject to an account as hereinafter mentioned, or shall be subject to have a Receiver appointed for the same, or be otherwise dealt with under any such writ to be sued out in any action whether commenced before or after the time appointed for the commencement of this Act according to the respective natures thereof under the provisions in this Act and in the said Charter, or in either of them contained as to any such executions in like manner, or as near thereto as may be, as if the interest of the said execution debtor therein were legal and not equitable.

XII. And it is enacted, that if any person against whom any such writ as aforesaid shall be issued out of the said Court in any action whether commenced before or after the time appointed for the commencement of this Act shall have any share of, or in any public Company within the reach of the process of the said Court, whether such Company be incorporated or not, standing in his name in his own right, or in the name of any person in trust for him, or shall be entitled to any sum of money in the said Court, or in the hands of any Receiver appointed by the said Court, it shall be lawful for the said Court, or any Judge thereof, on the application of the execution creditor to order that such shares or money, or such of them, or such part thereof as such Court or Judge shall think fit shall stand charged with the payment of the amount for which such execution shall have issued, together with the amount of the costs of obtaining such order; and such order as to any such shares as aforesaid shall entitle such creditor to all such remedies as he would have been entitled to if such charge had been made in his favour by the execution debtor in the mode most favourable to such creditor, provided that no proceedings shall be taken to have the benefit of such charge as to any such shares until after the expiration of six calendar months from the date of such order, and such order as to such money aforesaid shall entitle the said creditor to move to have the said money paid out of Court, or by such Receiver to him and the said Court shall have power to make such order accordingly, provided always that no such order for payment shall be made without previous notice to all such parties as may have any charge upon or interest in such money as aforesaid.

XIII. And whereas by the said Charter, Houses, Lands and other real property of execution debtors may be sold under the said writs, it is desirable to protect such debtors against any unnecessary sacrifice of their property by such sales, due regard being at the same time had to the rights of execution creditors—It is therefore enacted, that it shall be lawful for the said Court upon the application of any such debtor whether such execution shall have been sued out before or after the time appointed for the commencement of this Act if it shall be made to appear to the said Court that a sale of the Lands, Houses or other real property of such debtor would probably be attended with great and unnecessary loss to such debtor, and that the debt might be discharged by other means than a sale of the property, to order the said Sheriff or other officer not to proceed to a sale thereof and to appoint a Receiver of the said property, and to direct a competent sum to be raised by mortgage of the property for the satisfaction of the demand of the execution creditor, and of all poundage, costs, charges and expenses of the said execution, or to direct that the same shall be paid out of the rents and profits of the said property; and the said Court shall have power instead of appointing such Receiver by its writ to be issued for that purpose to order the said Sheriff or other Officer to make and deliver execution unto such creditor with his assent, of the Lands, Houses and other real property of such debtor, which Lands, Houses and other real property of such debtor shall by force and virtue of such execution be held and enjoyed by the party to whom such execution shall be so made and delivered, subject to an account in the said Court out of which such execution shall have issued, which said account the said Court shall have power on application

on its Equity side to order to be taken upon petition without any bill, filed for that purpose, provided always that such party to whom such execution shall be made and delivered as aforesaid shall be liable to pay the Government revenue and other payments and charges in respect of the Ownership of such lands, Houses and other real property, to the extent of the rents and profits thereof in like manner as the party against whom such execution shall have issued would have been bound to make, perform and render in case such execution had not issued, and shall be charged in account only with the surplus of such rents and profits over and above such Government revenue, costs and charges which he shall have paid and shall be entitled to hold the said Lands, Houses and real property aforesaid until the said execution shall be satisfied, together with the amount of all such payments and all necessary costs incurred by him, under the provisions aforesaid.

XIV. And it is enacted, that no execution creditor, who under the powers of this Act, or in the said Charter contained, shall be entitled under any such seizure as aforesaid to any charge on any property, or to any debt or security or sum as aforesaid, shall afterwards and before the property so charged or secured shall have been converted into money or realized, and the proceeds thereof applied towards payment of the said debt cause the person of the execution debtor to be taken or charged in execution upon such judgment without the previous order of the said Court; and in case such creditor shall obtain such order and shall take or charge the person of such debtor in execution under the same upon such judgment, such creditor shall be deemed and taken to have relinquished all right and title to the benefit of such property, debt, security or sum as aforesaid.

XV. And it is further enacted, that the property of the party against whom any Fieri Facias or Sequestration shall be issued in any action whether commenced before or after the time appointed for the commencement of this Act shall be held to be bound as against the said party and all others claiming by succession from him, or by means of any gift, grant, transfer or conveyance by him, or with his direction or consent otherwise than for any valuable consideration by the delivery of such writ or sequestration to the Sheriff for the purpose of executing the same, and that as well against any Assignee of any Insolvent Debtor, or any person claiming under such Assignee as against all other persons than those hereinbefore mentioned such property shall be bound only from the time of the seizure under the same; provided always that nothing herein contained shall be construed to give validity to any transfer or conveyance or delivery or other disposition of or dealing with the said property which before and at the time appointed for the commencement of this Act would be held to be fraudulent and void against creditors.

XVI. And it is enacted, that if it shall appear either from the pleadings or particulars, or any copy of any instrument or writing annexed to the pleadings in any action in the said Court, or upon the evidence that the form of action has been misconceived either as to the whole or part of the subject matter of such action, the Court shall have power at any stage of the cause before judgment to amend the proceedings either by amending the form of the plaint and other pleadings, or by striking out any count or counts or part thereof, or by causing the verdict to be vacated in part and entered upon any count or counts instead of generally, or otherwise, upon such terms as to costs or

otherwise as to such Court shall seem just and fit, and if in any such case as aforesaid the said amendments cannot be made without a new trial by reason of the difficulty of apportioning the damages or otherwise, then it shall be lawful for the said Court at any time upon objection taken after verdict and before judgment to order a new trial to be had, and to cause such amendments to be made on the record and proceedings as to such Court shall seem just and fit; and provided always that if the said Court shall be of opinion in any such case as aforesaid that the defendant has been misled or otherwise prejudiced by the improper form of the action either as to the whole or any part thereof, and that a postponement of the trial or of the inquiry is necessary for the attainment of justice the said Court shall postpone the said trial or inquiry, and make such order and impose such terms on either party as to amendments or otherwise, and as to costs as under the particular circumstances of the case shall be just and fit.

XVII. And it is enacted, that if there be any misjoinder of counts in any action in the said Court the Court shall have power at any time and at any stage of the cause to amend the proceedings either by striking out one or more counts, or parts thereof, or otherwise, upon such terms as to costs or otherwise as to such Court shall seem just and fit.

XVIII. And it is enacted, that if there be a misjoinder of different rights of action in any action in the said Court, and the said misjoinder shall be objected to, the said Court shall have power at any stage of the cause before judgment to amend the proceedings either by striking out one or more counts or parts thereof, or otherwise, upon such terms as to costs or otherwise as to such Court shall seem just and fit.

XIX. And it is enacted, that every right of action for mesne profits, or other damages to which a person dying after the time appointed for the commencement of this Act shall have been solely entitled at his death, for any unlawful possession of, or other trespass, injury or wrong in his life time to his lands and hereditaments, whether arising from commission or omission of any act or duty, shall survive to his Executors Administrators or Representatives.

XX. And it is enacted, that if upon the trial of any action in the said Court, it shall appear upon evidence that too many persons are joined as defendants therein no objection shall be allowed at the said trial on the ground of variance or otherwise by reason of such misjoinder. Provided always, that the said Court shall upon such trial give its verdict for such defendant or defendants as shall not be proved to be liable to the demand of the plaintiffs in respect of the subject matter of such action; and provided always, that if any such misjoinder appear from the pleadings and particulars, or any copy of any instrument or writing annexed to the pleadings and be not demurred to, no motion in arrest of judgment shall be made on the ground of such misjoinder, and that if such misjoinder be demurred to, the Court shall have power as well before as after the argument of such demurrer to cause the record to be amended by expunging the name of such person as shall be improperly joined as defendant therein.

XXI. And it is enacted, that no plea in abatement of any action in the said Court shall be pleaded for any nonjoinder of any person as plaintiff or defendant in the said action, and that the objection shall be taken in any such action to such nonjoinder in this mode only, viz. by plea to be termed a plea of nonjoinder of parties, which plea shall be in the form of a plea in abatement for such nonjoinder except that it shall not pray judgment of the plaintiff and

that the same may be quashed; and after any such plea shall be pleaded it shall be lawful for the said Court to amend the proceedings by the addition thereto of such person or persons as it may be proper to add thereto, and to make such order as to costs and otherwise as to the said Court shall seem just and fit, and no such action shall abate by reason of any such nonjoinder; and if the said defect appear from the pleadings, particulars or any copy of any instrument or writing annexed to the pleadings, it shall not be a ground of demurrer or of any motion to arrest the judgment in such action. Provided always, that to any such plea of nonjoinder of a defendant the plaintiff may reply that such person named therein has been discharged by bankruptcy and certificate, or by a final order under an Act for the Relief of Insolvent Debtors; and provided always, that if upon any such plea of nonjoinder of a defendant the plaintiff shall cause the proceedings to be amended by adding as defendant the person named in such plea, and such defendant shall be discharged therefrom by the verdict or judgement of the Court upon the ground that he or they ought not to have been joined as a co-defendant the plaintiff shall be entitled to recover over such costs as he shall be liable to pay to such defendant for whom such verdict or judgement shall be given, from such other defendant so pleading the nonjoinder as aforesaid. Provided always, that any such defendant who shall have pleaded the nonjoinder of any other person as defendant in such action who shall have been added by the plaintiff as defendant in consequence of such plea shall be at liberty to produce proof for the purpose of establishing the liability of such defendant so added as aforesaid. Provided always, that nothing herein contained shall in any way affect the right of any defendant against whom a judgement has been given to recover contribution where an action for contribution is by law maintainable in any action to be brought in any Court against any party or parties so joined as defendant and discharged as aforesaid. Provided always also, that no right of set-off shall be prejudiced by any provision in this Act contained, and that it shall be competent for any defendant to plead a set-off in like manner if the party to whom such set-off is alleged to be due was the only defendant which plea of set-off shall aver that he is alone liable to the plaintiffs demand in that action.

XXII. And it is enacted, that an action at law shall be maintainable on the plea side of the said Court between one or more of several co-partners, joint contractors or joint owners, whether they be such as Executors, Administrators or Representatives, or otherwise, against his or their co-partners, joint contractors or joint owners for any demand of such a nature that the same between any parties would be the subject of an action at law, and that no such action shall be defeated by reason merely of the plaintiff and defendant, or any other person interested or concerned in such action being or having been members of the same partnership or such joint contractors or joint owners as aforesaid.

XXIII. And it is enacted, that the provisions in this Act contained as to such action between co-partners, co-contractors and joint owners as aforesaid are hereby extended to and shall include all causes of action arising between different bodies of persons who may be co-partners, co-contractors or joint owners inter se, though any such body may have some one or more of its members a common member or members of such different bodies, and in such cases such common member or members may be both plaintiff or plaintiffs, and defendant or defendants in the same suit.

XXIV. And it is enacted, that in any such ac-

tion between co-partners, co-contractors and joint owners as aforesaid, the defendant may plead as a set-off any matter for which he could maintain an action at law against the plaintiff and which may be the subject matter of a set-off.

XXV. And it is enacted, that a demand in respect of any chose in action assignable in Equity and which is by this Act made assignable at law may be set-off in any action at law wherein a plea of set-off is allowed, provided that the same is of such a nature as to be the subject matter of a set-off, and in any action brought by a trustee, any sum due from or claim upon the cestui que trust to or by the defendant which is of such a nature as to be the subject matter of a set-off may be set-off against the demand of the plaintiff in such action; subject always to any line of such plaintiff on the trust fund for his indemnity.

XXVI. And it is enacted, that in every action in the said Court wherein a set-off shall be pleaded if the defendant shall prove a larger sum to be due to him than the sum which the plaintiff shall prove to be due to him, then the Court shall have power to give a verdict for the defendant for the balance found due to him if it shall appear to the said Court that the same may with a due regard to justice be done. Provided always, that every set-off under this Act shall be pleaded in all causes where it is now necessary to plead a set-off.

XXVII. And it is enacted, that all legal choses in action which are the subjects of an action at law, and which are or may be assignable in Equity shall be assignable at law for the same considerations and in the same manner as the same are assignable in Equity, and any assignee of any such chose in action may bring an action in his own name on the plea side of the Court in respect of any such matter or thing as aforesaid so assigned to him against the party originally liable thereon which said party so originally liable shall be sued in the like form as if the action were brought in the name of the original assignor, and in any such action it shall be sufficient for such assignee in alleging his title to sue to state that the title of the original assignor came to him by assignment without stating any intermediate assignments, and in any such action payment or other satisfaction to the original assignor any intermediate assignee whether before or after assignment to the plaintiff may be pleaded, which plea of payment or satisfaction as aforesaid if after assignment to the plaintiff shall contain an averment that the defendant had not notice at the time of such payment or satisfaction of the assignment to the plaintiff, and upon any issue joined upon a traverse of such notice, proof of any facts which would constitute notice in a Court of Equity of such assignment in the like case shall be deemed to be sufficient proof of such notice.

XXVIII. And it is enacted, that in all cases in which by reason of the loss of any instrument the party entitled, but for such loss to sue upon the same in an action at law would before the time appointed for the commencement of this Act have been forced to sue in a Court of Equity it shall be lawful to sue in the said Court in an action at law on the plea side thereof in like manner as if no such loss had occurred; and it shall be lawful for the said Court upon the application of the party sued upon such lost instrument to stay proceedings in such action till the plaintiff shall give security to indemnify the defendant against any claims upon such instrument in case the same shall be afterwards produced in like manner and to the same extent as a Court of Equity would direct in the like case. Provided always, that in any action upon such instrument the plaintiff shall describe the same in his plaint as lost.

XXIX. And it is enacted, that in any action in

the said Court whether commenced before or after the time appointed for the commencement of this Act it shall be lawful for the said Court upon the motion of either party on the plea side thereof upon affidavit or solemn affirmation disclosing such facts and circumstances that in the opinion of the Court the party so applying would be entitled to a discovery in support of or with a view to establish a defence to the said action according to the principles upon which the said Court on its Equity side would act in giving discovery in the like cases, to grant a rule calling on the opposite party or parties, or any of them, to shew cause why such discovery should not be had and the proceedings stayed in the mean time, and the Court upon granting such rule shall if it think fit order the proceedings to be stayed, and upon the shewing cause against such rule, or if cause be not shewn against such rule shall if it shall think fit, make such order for the examination of the party or parties by interrogatories in writing to be exhibited by the party applying for such discovery and by examination *viva voce* at the trial or other previous stage of the cause, or by either of the modes aforesaid as it shall think fit, and the said Court shall have power to order from time to time such interrogatories to be amended and such further interrogatories to be added as it shall consider the justice of the case to require, and to make such order for production of documents as it might make in the like case of a bill had been filed for discovery in such action, and to impose such terms upon the party so applying for such discovery as to the said Court shall seem reasonable and just, and to make such order as to costs, and such other orders as may be necessary to enforce such discovery either by commitment for contempt or by ordering the matter of which discovery is sought to be taken *pro confesso*.

XXX. And it is enacted, that nothing in this Act contained whereby any jurisdiction is given to the said Court on the plea side thereof over matters which before the time appointed for the commencement of this Act were cognizable by the said Court on the Equity side thereof shall have the effect of ousting the said Court of its jurisdiction over such matters on the Equity side thereof, or shall deprive any party of his remedy on the Equity side of the Court in respect of such matters.

XXXI. And it is enacted, that it shall be lawful for the said Court in any case in which a party shall be entitled to file a bill for an account on the Equity side thereof upon the petition of the party so entitled to the said Court on the Equity side thereof, supported by affidavit or solemn affirmation, and upon due notice thereof to such persons as would have been necessary parties in case such bill had been filed to direct such account to be taken, and such account shall be taken accordingly and it shall be lawful for the Court in like manner to make such further orders in the matter of the said account as might be lawfully made in case such bill had been filed.

XXXII. And it is enacted, that in any case in which any party shall be entitled to file a bill of interpleader in the said Court on the Equity side thereof, it shall be lawful for the said Court upon the petition of the party so entitled as aforesaid, supported by affidavit or solemn affirmation, and upon due notice thereof to such persons as would have been necessary parties in case such bill had been filed to make such orders in the matter of the said petition as the said Court might make if such bill had been filed.

XXXIII. And it is enacted, that it shall be lawful for the said Court in any case in which a party shall be entitled to file a bill on the Equity side thereof for the payment of a legacy, or any

residue or share of a residue, or for any distribution of property under any right of succession, ab intestato or otherwise upon the petition of the party so entitled on the Equity side of the said Court supported by affidavit or solemn affirmation, and due notice thereof to such persons as would have been necessary parties in case such bill had been filed to make such orders thereupon in like manner as if such bill had been filed.

XXXIV. And it is enacted, that in any case in which a party shall be entitled to file a bill on the Equity side of the said Court for the purpose of obtaining the construction of any instrument, it shall be lawful for the Court upon the petition of the party so entitled to the said Court on the Equity side thereof, supported by affidavit or solemn affirmation, and upon due notice to such persons as would have been necessary parties in case such bill had been filed, to declare the construction of such instrument notwithstanding that the said petition may involve other matters, and to make such further orders in the matter of the said petition as might be lawfully made in case a bill had been filed.

XXXV. And it is enacted, that it shall be lawful for the Court to make such orders for compelling appearance to such petitions as aforesaid, and in default of appearance upon such petitions as shall be necessary to give effect to the provisions in this Act contained as to such petitions, and that all orders made on such petitions shall be binding in like manner, and shall be enforced against such persons and in the same manner and by the like process as decrees or orders to the like effect would have been enforced in case a bill had been filed.

XXXVI. And it is enacted, that it shall be lawful for the said Court upon any suit in Equity for the specific performance of an agreement if the Court shall be of opinion that there ought not to be a specific performance to award damages for the non performance of the agreement in like manner as the Court might award damages in an action at law for the breach of the agreement; and in case the Court shall not be able to assess the same, then to direct a reference to the Master, or an issue for ascertaining the amount of the same and it shall also be lawful for the said Court to direct the re-payment of the purchase money, or so much thereof as shall have been paid, or of the deposit and of interest on the said purchase money or deposit.

XXXVII. And it is enacted, that in any Equity suit in the said Court when any answer shall have been reported insufficient, and no exceptions shall have been filed to such report or such exceptions shall have been overruled in the whole or in part, or not proceeded with, it shall be lawful for the Court, if it shall see fit, to direct the defendant to be examined upon interrogatories or *vivâ voce* in open Court, and to commit him till he shall have fully answered and shall have paid such costs as the Court shall award.

XXXVIII. And it is enacted, that where any party in any suit in the said Court, whether instituted before or after the time appointed for the commencement of this Act, is directed to do any act either in any suit or proceeding by petition in manner aforesaid on the Equity side thereof, or under the jurisdiction hereby given to the said Court on the plea side thereof over matters which before the time aforesaid were matters subject to the jurisdiction of the said Court on its Equity side only, and shall be in contempt for the non-performance thereof, it shall be lawful for the said Court to direct the same to be performed by some Officer of the Court, whether the party be in custody for such contempt as aforesaid or not, and without prejudice to the right to proceed for such contempt with a view only to the recovery of any cost which the

party in contempt would have been liable to pay before being discharged from his contempt.

XXXIX. And it is enacted, that in the administration of assets by any Executor or Administrator under any Probate or Letters of Administration to be granted after the time appointed for the commencement of this Act, or in any suit for the administration of assets to be brought in the said Court after the time aforesaid, all assets, whether legal or equitable, shall be distributable and distributed *pari passu* amongst the creditors in like manner and according to the same rules as if the whole were equitable assets distributed under a decree of a Court of Equity.

XL. And it is enacted, that the said Court shall have power on the Ecclesiastical or Admiralty side thereof as fully to all intents and purposes, and in the like manner and subject to the like conditions as on the Equity side thereof, to direct and issue to be tried on the plea side of the Court, and every issue directed by the said Court on any of its sides so to be tried as aforesaid, shall be set down for trial on the plea side of the Court upon production to the proper Officer of the Court of a copy under the seal of the said Court of the order of the Court directing such issue unless the order be made on the plea side of the Court, in which case it may be set down to be tried upon the original order which said copy, or which said order, as the case may be, shall alone be considered as the record on which such trial shall proceed, and the verdict shall be entered thereon, and no pleadings shall be had with a view to the trial of any such issue, nor shall there be any other record than as aforesaid upon any such direction of an issue as aforesaid, and the said Court shall have power at any time after the making of such order for the trial of an issue as is aforesaid to issue process for the attendance of witnesses on the trial of such issue, and shall have all the powers to issue commissions for the examination of witnesses, or to take the evidence of witnesses *debene esse*, or for summoning witnesses, or for proceeding against any who may have been summoned for disobedience to the process whereby they were summoned, as well as in respect of all other matters and things, except as herein otherwise provided which it might exercise in any action, on the plea side of the Court and every person wilfully swearing or affirming falsely upon such trial, or in any deposition under any commission issued for the purpose of such trial, or in any affidavit or solemn affirmation relating thereto as to any matters material to the question then depending, shall be liable to be indicted for wilful and corrupt perjury if he shall have sworn falsely as aforesaid, or if he shall have affirmed falsely as aforesaid, he shall be subject upon a conviction for a misdemeanor for the said offence to the same pains, penalties and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject.

XLI. And it is enacted, that in all suits on the Equity, Ecclesiastical or Admiralty sides of the Court wherein before the time appointed for the commencement of this Act the evidence was taken by written deposition before the Examiner or other Officer of the Court, and wherein after the time aforesaid it shall be necessary to take the examination of witnesses, the witness shall be examined *vivâ voce* in open Court. Provided always, that the evidence of such witnesses shall be reduced into writing and signed by the said witnesses and filed of record in the said Court. Provided always, that nothing herein contained shall be construed to extend to prevent the use of affidavits or solemn affirmations where such affidavits or solemn affirmations are by the course and practice of the said Court now admissible in any interlocutory proceedings in any suit on the said several sides of the

said Court, or upon any application for Probate or Letters of Administration, or ad colligendum bona, or for the appointment of a Curator, next friend, Guardian, Receiver, Trustee, or for the issuing or return of any commission, writ or other process of the said Court, or relating to the service or execution thereof, or upon any motion or petition, or summary application to the said Court on any of the said sides thereof respectively. Provided always, that nothing herein contained shall be construed to extend to any proceedings under any commission for the examination of witnesses, nor to abridge the power of the said Court to issue any such commission.

XLII. And it is enacted, that the Court shall have power to take the examination debene esse of any witnesses in open Court in any suit on the said several sides of the Court in like manner and subject to the same conditions, rules and provisions which apply to the examination of witnesses debene esse on the plea side of the said Court.

XLIII. And it is enacted, that every inquisition of lunacy to be holden within the local limits of Calcutta shall be holden before the said Court, any former practice or usage to the contrary notwithstanding, and the trial shall be by a special jury of twelve men who shall be summoned in the usual manner of summoning a special jury.

XLIV. And whereas by the Charter establishing the said Supreme Court, the said Court is authorized and empowered to frame such rules of practice, and to make such standing orders for administration of justice and the due exercise of the Civil, Criminal, Admiralty, and Ecclesiastical Jurisdiction thereby created, and to do all such other things as shall be found necessary thereto so as the said Court shall from time to time transmit the same under the Seal thereof to Her Majesty, Her Heirs or Successors in Her or their Privy Council for the approbation, control, or alteration of Her Majesty, Her Heirs or Successors. And whereas by an Act passed at a Session of Parliament holden in the second and third years of the Reign of Her present Majesty, entitled "An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras, and to empower the same Courts and the Supreme Court of Judicature of Bombay, to make Rules and Orders concerning Pleadings"—it was enacted amongst other things that the Supreme Court of Fort William should and might by any other Rules and Orders to be from time to time passed by such Court make such further alterations in the mode of pleading in the said Court, or in the mode of entering and transcribing, pleadings, judgments and other proceedings in actions at law or suits in Equity, or any Civil or Ecclesiastical causes, and such regulations as to the payment of costs and otherwise for carrying into effect any such alterations as to the said Court might seem expedient, subject to the provisos in that Act contained as to the confirmation or disallowance thereof by the Governor General of India in Council, and the altering or reconsidering thereof by Her Majesty, Her Heirs or Successors, and as to the power of pleading the general issue and giving the special matter in evidence in the cases therein mentioned. And whereas it is desirable to prevent any doubts arising as to the power of the said Court to make such Rules and Orders and Regulations as may from time to time be necessary to give full effect to the provisions in this Act contained—It is enacted, that the said Court shall and may make from time to time such Rules, Orders, and Regulations as may be necessary to give full effect to all the provisions in this Act contained, and all such Rules, Orders, and Regulations shall be submitted for con-

firmation or disallowance to the Governor General of India in Council immediately upon the making of the same, and every such Rule, Order or Regulation shall to all intents and purposes have full effect after it shall have been confirmed by the said Governor General of India in Council, but any such Rule, Order, or Regulation when so confirmed shall be transmitted to Her Majesty, Her Heirs or Successors in Council, and shall be subject at any time to be altered or rescinded by Her said Majesty, Her Heirs or Successors in Council. Provided always, that no Rule, Order or Regulation to be made by virtue of this Act shall have the effect of depriving any person of the power of pleading the general issue, and giving the special matter in evidence in any case wherein he is now or hereafter shall be entitled to do so by virtue of any Statute or Act now or hereafter to be in force.

XLV. And it is enacted, that the word joint owners in this Act shall be construed to include all joint tenants, tenants in common, co-partners or other joint proprietors, and the words plaintiff or defendant to include all the plaintiffs and defendants, or some of them, and whenever in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used in this Act the same shall be taken to include several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing respectively, and the term person or party shall be taken to include and shall be applied to a body corporate, unless in any of the before mentioned cases there be something in the subject or context repugnant to such construction.

XLVI. And it is enacted, that this Act shall come into operation on the day of _____ and that nothing herein contained shall affect or extend to any action, suit, or other proceeding commenced before the time aforesaid except where it is otherwise provided.

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 13th day of November next.

G. A. BUSHBY,

Secy. to the Govt. of India.

FORT WILLIAM,
HOME DEPARTMENT,
LEGISLATIVE.

The 13th March 1847.

The following Draft of a proposed Act was read in Council for the first time on the 13th of March 1847.

ACT No. — OF 1847.

An Act for facilitating the execution of the Process of the Supreme Court of Judicature at Fort William in Bengal, and the taking of affidavits without the local limits of the jurisdiction of the said Court.

I. Whereas by the Charter of the Supreme Court of Judicature at Fort William in Bengal, the process of the Court, except in certain cases, is required to be addressed to and executed by the Sheriff of Calcutta, which in the case of parties resident without the local limits of the jurisdiction of the Court is often attended with unnecessary expense and other inconvenience. And whereas it is desirable to make provision for the execution of the process of the said Supreme Court without the local limits of its jurisdiction similar to those made for the execution of the process of the Courts of the Hon'ble the East India Company within the local limits of the jurisdiction of the said Supreme Court. It is enacted, that from and after the passing of

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this Act it shall be lawful for the said Supreme Court, notwithstanding the terms of the said Charter when any process of the said Court is to be executed against any person subject to the jurisdiction thereof, and not resident within the local limits thereof or against any property without such limits, to issue any process which the said Court is or may be empowered to issue, and to address the same to such person as it shall think fit, and to direct the execution thereof in the manner hereinafter provided, and that the same shall be executed accordingly, and that upon the same being executed and returned in the manner provided for by this Act it shall be lawful for the said Court to proceed thereupon in like manner as if the same had been executed according to the practice of the Court before the passing of this Act.

II. And it is enacted, that it shall be lawful for the said Supreme Court or for any Judge thereof by a letter of request addressed to any Court, Judge, Magistrate, or Justice of the Peace, without the local limits of the said Supreme Court enclosing or accompanied by two duplicate originals of any such process as aforesaid to request that such process may be executed within the limits of the jurisdiction of such Court, Judge, Magistrate or Justice of the Peace, pursuant to the directions therein contained, and that such letter and each of such duplicates shall be signed by one of the Judges of the said Supreme Court and sealed with the seal of the said Court, and the production thereof purporting to be so signed and sealed as aforesaid shall be sufficient evidence of the issuing of such process, and that the requisition thereof shall and may be performed by any person or persons for the time being, constituting such Court, or discharging the duties of such Judge, Magistrate, or Justice of the Peace.

III. And it is further enacted, that upon the production of such letter of request, together with such duplicates as aforesaid, any Judge of such Court, or such Judge, Magistrate or Justice of the Peace shall, by endorsement upon one of such duplicates respectively under his hand, direct the said process to be executed pursuant to such directions as aforesaid by such person or persons as such Court, Judge, Magistrate, or Justice of the Peace shall appoint to execute the same, and shall deliver one of such duplicate to such person or persons so appointed to execute the same and that the same shall be executed accordingly; and if the same shall require to be executed beyond the limits of the jurisdiction of the Court, Judge, Magistrate, or Justice of the Peace, to which or to whom such letter of request may be addressed, then such duplicate may be executed by any other Court, Judge, Magistrate, or Justice of the Peace, having jurisdiction over the subject matter of such process in like manner as the original process of the Court, Judge, Magistrate, or Justice of the Peace to which or to whom such letter of request may be addressed may be executed beyond the limits of the jurisdiction of such Court, Judge, Magistrate, or Justice of the Peace. Provided always, that when such process shall be executed by any Court, Judge, Magistrate, or Justice of the Peace to which or to whom the letter of request aforesaid was not addressed, a Judge of such Court, or such Judge, Magistrate or Justice of the Peace so executing the same shall certify in writing under his hand the execution of such process, and shall forward such certificate to the said Court, Judge, Magistrate, or Justice of the Peace to which or to whom such letter of request was addressed, of which said certificate purporting to be signed as aforesaid the production alone shall be sufficient evidence.

IV. And it is further enacted, that when such process shall have been executed, in manner aforesaid, any Judge of such Court as such Judge, Magistrate, or Justice of the Peace as aforesaid to which or to whom such letter of request as aforesaid was addressed shall by endorsement upon the other of such duplicates under his hand certify the execution thereof, and shall deliver such duplicate so endorsed to the party or parties by whom the same was originally produced, or his or their agents, and the production of such duplicates so endorsed and appearing to be so signed as aforesaid shall be sufficient evidence of the execution of such process.

V. And it is enacted, that upon the delivery of

such duplicates of any civil process as aforesaid, to such Court, Judge or Magistrate as aforesaid the said Court, Judge, or Magistrate shall cause the date of such delivery to be endorsed on such duplicates, and shall cause the said process to be executed in like manner or as near thereto as if the same had been issued from or by such Court, Judge or Magistrate as aforesaid at the time of the said delivery; and no distinction shall be made as to priority or otherwise between the execution of such process as aforesaid, or any other process of or by the said Court, Judge or Magistrate. But every process, whether original or otherwise, shall as between each other, be subject to the same rules touching the mode and order of execution as are now or may be from time to time established in respect of process originally issued by such Court, Judge or Magistrate.

VI. And it is further enacted, that where any process of the said Supreme Court for the appointment of a Receiver of any lands out of such local limits, or any other process of the said Supreme Court against such lands shall be issued for the purpose of being enforced or executed by any other Court, Judge or Magistrate, under the provisions of this Act, a copy of the judgement, decree or order of the said Supreme Court, by virtue of which such process issued, signed by one of the Judges, and under the seal of the Court, shall, if the said local Judge or Magistrate shall so require, be registered in the Court to which such process is forwarded to be executed, and that a copy of such judgment, order or decree shall be forwarded, sealed with the seal of the said Supreme Court for the purpose of such registry.

VII. And it is further enacted, that persons wilfully neglecting to execute such process, or obstructing the execution thereof, shall be liable to be punished in like manner and by the like Courts, Judges, Magistrates, or Justices of the Peace, as if such process had been issued originally by such Court, Judge, Magistrate, or Justice of the Peace, provided that nothing herein contained shall deprive the said Supreme Court of its power to punish such persons for a contempt, in case they shall not be otherwise punished.

VIII. And it is enacted, that no action or other proceeding shall be had or maintained against any person or persons constituting such Court, or any such Judge, or Magistrate or Justice of the Peace, or any person or persons acting under his or their orders, for or in respect of any act, matter or thing bona fide done or omitted to be done in the execution or service of any such process though the authority given be not strictly pursued, and that it shall be lawful for the said Supreme Court upon application thereto to stay any such action or proceeding commenced in the said Court, and to order the party commencing or prosecuting the same to pay the costs thereof as between Solicitor and Clients.

IX. And it is enacted, that every Judge, Magistrate, or Assistant Judge or Magistrate of the Hon'ble the East India Company within the Presidency of Bengal and its dependencies, and every Justice of the Peace under any Commission of the Peace issued in the name of Her Majesty the Queen within the said Presidency and its dependencies, shall be by virtue of his office as a Commissioner of the said Supreme Court for the purpose of taking affidavits or affirmations, and shall as such Commissioner be empowered to take any affidavit or affirmation of any person or persons to be used in any proceedings pending or intended to be instituted in the said Supreme Court, or the Insolvent Court, and to swear such party or parties, or to take his or their affirmation to the truth of such affidavit or affirmation respectively, and shall certify in writing upon such affidavit or affirmation that such affidavit or affirmation was made or taken before him, and shall sign such certificate and any exhibits annexed to such affidavit or affirmation, and the production of such affidavit or affirmation, and such certificate appearing to be so signed as aforesaid shall be sufficient proof of such affidavit or affirmation.

X. And it is enacted that any person wilfully so swearing or affirming falsely shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to be transported for a period not exceeding

fourteen years, or imprisoned for any period not exceeding three years with or without hard labor, and any person forging or uttering any instrument purporting to be an affidavit or affirmation so made or affirmed as aforesaid shall be guilty of felony, and upon conviction thereof shall be liable to be transported for any period not exceeding fourteen years, or imprisoned for any period not exceeding three years with or without hard labor.

XI. And it is enacted, that any copy of any judgment, decree or order of the said Supreme Court which is by this Act required to be registered, and any process of the said Court to be executed by any other Court, or by any Judge, Magistrate, or Justice of the Peace, under the provisions of this Act, and any proceeding by any such Court, Judge, Magistrate, or Justice of the Peace thereupon may be transmitted by such Supreme Court to such other Court, Judge, Magistrate, or Justice of the Peace, or by such other Court, Judge, Magistrate, or Justice of the Peace to the said Supreme Court by dawk or by any private hand.

XII. And it is enacted, that the word process in this Act shall extend to and include all Criminal and Civil process of the said Supreme Court which require to be executed without the local limits of the jurisdiction of the said Court, and any order for

the appointment of a Receiver of any lands whether the same be a distinct order or be contained in any decree or decretal order of the said Court, and any notice of any proceedings instituted or to be instituted in the said Court, or of any step to be taken or application made in or in respect of such proceedings; and the word lands shall extend to and include any immoveable property, and any word denoting the singular number or masculine gender shall extend to and include more persons, matters or things than one, and females as well as males.

XIII. And it is enacted, that the said Court shall from time to time frame such forms of letters of request, and of any process of the said Court which is to be addressed and executed under the provisions of this Act as may be necessary to give full effect to the provisions herein before contained.

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 13th day of November next.

G. A. BUSHBY,
Secy. to Govt. of India

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