



# Bombay Government Gazette.

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THURSDAY, 22ND 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.**

The accommodation of the Hon'ble Company's Steam Vessel "Atalanta" to leave this for Suez on the 1st proximo, will be allotted at the Master Attendant's office on Friday next the 23rd instant, at 11 o'clock, at which time the attendance of the passengers proceeding on her is requested.

By order.

H. B. LYNCH,  
Assist. Supt. I. N.

Superintendent's Office  
Bombay, 19th April 1847. }

**Notice.**

Is hereby given, that (7) seven coils of Spun Yarn will be sold by public auction on Friday the 30th instant, at 1 P. M. at the Commissariat Stores, Military Store Lane.

Terms of sale—immediate payment, and the lots to be cleared away forthwith.

E. WHICHELO, Capt.

Deputy Commy. General.

Bombay, Depty. Commy. Genl. }  
Office, 20th 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.**

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. }

**Notice.**

It is hereby notified for general information that the Overland Mail will be closed at this office on Saturday the 1st May 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, }  
21st April 1847. }

**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. }

**Notice**

Is hereby given, that 3 pairs of Elephant teeth bangles with gold covers, silk and cotton piece goods of various kinds, and sundry other goods will be sold by public auction at the Town Custom House on Friday the 30th instant, at 12 o'clock.

A deposit of 25 per cent will be required, and further conditions will be made known at the time of sale.

H. YOUNG,  
Collector of Customs.

Bombay, Custom House, }  
19th April 1847. }

**जाहिर नांमु**

अहेवुने शुना अे मढावेला इतीदातना युदाना नोड ३ तथा तरेह तरेहनु रेशे मी तथा शुतराडु कपड वगारे परयुरए शाभांन यावता मडीनानी तारीम ३० मी शुकरवा रने रोवे भाववागत फोट माहिली माडवी म घे जाहरे लेलाव करीने येयाभां आवशे क

एर शेकडे टका २५ परभाणे अवेव अभां नत राभवो निधये तथा अे शीवाय भी जा करार येयांए वमत मायुंन करामां आ वशे क

नीशांनी  
अेय—अंठा

कशरंमना फालेकर

तारीम १८ माहे अेपरले शने १८४७  
कशवी मुकाम मुजल माडवी

W. ESCOMBE, Secy. to Govt.

**जाहीर नामा**

रेसाज सोन्यागे मढबिलेले दक्षिदंताचे चुयाचे जोड ३ व त हेतवेचें रेगमी व सुतो कापड वगरे किरकोळ सामान चाल तेमद्विन्याची तारीख २० अकरवारचे रोजी वारा वाजतां को टांतील मांडवीमधें जाहीर लेलाव करून विकलें जादल दरशेंकडा टके २५ प्रमाणे रेवज अमानत वेविला पाचि अे व याखेरीज दुसरे करार विकरीचे समद मालुम कोलेजा तील

निशाणी  
एच - अंग  
कष्टमचे कालेकटर

तारीख १८ माहे एप्रिल सन १८४७ इसवी सु॥ सु'वर मांड वी

W. ESCOMBE, Secy. to Govt.

**INSOLVENT DEBTORS COURT.**

*Petitions and Assignments.*

Muddon Damajee, a Clerk in the Quarter Master General's office, Hindoo, formerly residing at Cowasjee Patell's Tank, without the fort of Bombay, filed 15th April 1847.

*Days appointed for hearing.*

John Vencent Lobo, (sued by the name of John Vintoor Lobo,) 1st Monday in May next, at 11 o'clock A. M.

Gopalljee Natha, . . . ditto . . . ditto.

Natha Ramjee, . . . ditto . . . ditto.

Luxamon Gungajee, and Gunnoo Gungajee

ditto . . . . ditto.

Opposing creditors must file their claims verified by affidavit, and pay the usual fees at the Chief Clerk's office at least 3 days before the hearing. The insolvents have filed schedules of their debts, estates, and effects in my office.

C. M. I. POLLOCK.

Bombay, Chief Clerk's Office, } Chief Clerk.  
this 21st day of April 1847. }

नमला देवादारोनी फोट मघे

अरल तथा ह्वालो

मदंन दामाज कुवारतर माशतर जनराल नी हांश्रीशामो अेक लमनारो इतो डीनकु आगल श्री मुभाजनां फोटपाहार कावशल परेलना तलाव आगल रेहेतो इतो तेनी ता रीम १५ मी अेपरले शने १८४७ ने दाडे दाजल करीके क

शांतलववना दाडा इरावेला

जांन वेनशोनत लोणी तेनी कूपर जान वीनगुर लोणीने नामे प्ररीआही करीके १ लो शीमवार आवता मेअे मडीनांमो ११ कलाके शवारने पोरे क

गोपालल तथा दाडा कूपर लमा परमां एे क

नाथा रामल तथा दाडा कूपर लमा परमां एे क लमशीमंत गंगाळ तथा गनु गंगाळ दा डो कूपर लमा परमां एे क

आडा आवतार लेगादारो पोताना दावा शीगंननामाधी शाश्रुत करेला शाश्री श्री क लारक शाडिभनी हांश्रीशामो अेकांमो अेकां दीन ३ अगाळुथी दाजल करवा निधये ने तेनी इरावेली प्री अेटले दशगुरी पंए आप वी ते फंगालोअे पोत पोताना देवानी तथा माल मीलकतनी दीप ह्मारी हांश्रीशामो नोधावीके क

यारलश—अेम—आज—पालाक शाअेज  
श्री कलारक शडी

नीवती अे एभलीकू फेरर शाडिभ  
श्री मुभाजनां श्री कलारक शाअेजनी  
हांश्रीश तारीम २१ मी अेपरले शने १८४७

A True translation,  
J. VAUPELL, Chief Translator.

# General Orders.

BY THE HON'BLE THE GOVERNOR IN COUNCIL.

MILITARY DEPARTMENT.

BOMBAY CASTLE, 15TH APRIL 1847.

No. 280 of 1847.—Captain Margary is appointed 1st Assistant Executive Engineer at Aden, vice Tremeneere proceeded to Europe.

No. 281 of 1847.—Mr. Robert Lewis Pitcairn having furnished the prescribed certificates of qualification, is admitted to the service as a cadet of infantry on this establishment from the 30th March 1847, his date of rank having already been settled by Government General Order of the 24th February 1847.

No. 282 of 1847.—The following native promotions are made.

*10th Regiment Native Infantry.*

*Date of rank.*

Jemedar Abdoola Khan to be Subedar, and Color Havildar Malnac Lucnac to be Jemedar, }  
in succession to Newaz Khan pensioned..... } 1st Jany. 1847.

Color Havildar Kanai Ram to be Jemedar, vice Davee Deen pensioned..... 1st do. do.

No. 283 of 1847.—Brigadier General S. Hughes, c. n. commanding the northern division of the army, is permitted to remain at the Mahabeshwur hills from the 1st to the 30th April on medical certificate.

No. 284 of 1847.—The following orders are confirmed.

An order by Captain E. Skipper, dated the 23rd March 1847, appointing Lieutenant Brodie to act as Adjutant to the 7th regiment native infantry, during the absence of Lieutenant Wheatstone on sick certificate.

An order by Major J. D. Browne, dated the 14th March 1847, appointing Lieutenant Gell to act as Adjutant during the absence of Lieutenant Coley on leave.

An order by Lieutenant Colonel W. J. Browne c. n. dated the 26th March 1847, appointing Lieutenant Thompson to act as interpreter to the 8th regiment native infantry, during the absence of Lieutenant F. W. McKenzie, or until further orders.

No. 285 of 1847.—Gunner John Jupp of the 2nd troop Horse brigade, having paid into the company's treasury the sum required by general order dated the 7th January 1837 is allowed his discharge from the army.

No. 286 of 1847.—The following native promotions are made.

*1st Belooch Regiment.*

*Date of rank.*

Abdoola Khan enlisted as Subedar..... 8th May 1844.

Copper Khan enlisted as Jemedar..... 9th Jany. 1845.

No. 287 of 1847.—The Hon'ble the Court of Directors have appointed Assistant Surgeon Richard De Conrey Peele to the office of oculist at Bombay, in succession to surgeon Stovell transferred to another appointment.

*Bombay Castle, 16th April 1847.*

No. 288 of 1847.—The services of Lieutenant R. H. Keating of the artillery, are placed at the disposal of the government of the N. W. Provinces.

*Bombay Castle, 17th April 1847.*

No. 289 of 1847.—The following order is confirmed with effect from the 27th December 1846.

An order by Brigadier Robertson, dated the 30th December 1846, appointing surgeon A. J. Montifore, of the 1st regiment light cavalry (Lancers) to conduct the duties of superintending surgeon N. W. D. Guzerat.

No. 290 of 1847.—The following order is confirmed.

An order by Brigadier Robertson, dated the 1st February 1847, appointing surgeon A. J. Montifore of the 1st regiment light Cavalry Lancers to conduct the duties of the Superintending Surgeon N. W. D. of Guzerat, during the absence of Superintending Surgeon Tause on medical certificate to Bombay, or until further orders.

No. 291 of 1847.—The Honorable the Governor in Council having had under consideration the rules which limit within certain ranks the tenure of staff appointments, is pleased to publish the following revised list in supercession of that attached to the G. G. O. of the 17th October 1835, vide Jameson's Code Page 802, Arts. 26 and 27.

*Appointments without limitation.*

Residents at Native Courts or high diplomatic missions.  
Command of Divisions.

*Appointments to be vacated on promotion to the rank of Major General.*

Secretary to Government, Military Department.

Adjutant General.

Quarter Master General.

Commissary General.

Military Auditor General.

Judge Advocate General.

Stipendiary Member of the Military Board.

Brigadiers.

Commanding Subsidiary or Field Forces, Districts or Garrisons.

*Appointments to be vacated on promotion to Major General, Regimental Colonel or Lieut. Colonel Commandant, Acting Commandant of Artillery, or Acting Chief Engineer.*

- Chief command in the armies of native allied powers.
- Town Major.
- Deputy Adjutant General.
- " Quarter Master General.
- " Commissary General.
- " Auditor General.
- Secretary to the Military Board.
- Principal Commissary of Ordnance.
- Personal Staff of the Governor and Commander-in-Chief.
- Political Agents at inferior Native Courts.
- Commandant of Sappers and Miners.

*Appointments to be vacated on promotion to Lieut. Colonel regimentally.*

- Assistant to a resident at a Native Court or high diplomatic mission.
- Assistant Commissary General.
- Assistant Auditor General.
- Agent for Gun Carriages.
- " " " Powder.
- " " " Army Clothing.
- Director of the Artillery Depôt of Instruction.
- Joint Remount Agent.
- Presidency Pay Master.
- Commandant of Local or Irregular Corps.

*Appointments to be vacated on promotion to Major regimentally.*

- All Assistants, Deputy Assistants, or Sub-Assistants in staff offices or public departments not included above.
- Deputy Judge Advocates General.
- Pay Masters.
- Brigade Majors.
- Surveyors, land or river, if not Engineer officers.
- Secretaries or Persian Interpreters to General officers or Brigadiers in command &c.
- Aides-de-camp to general officers.
- Secretary to clothing board.
- Superintendent of Pensions and Family payments.
- Superintendent of Roads and Tanks if not an Engineer officer.
- Superintendent of Bazars when not a commissariat officer.
- Commissaries of Ordnance.
- Senior Deputy Commissary of Ordnance.
- Superintendent of Government Schools.
- Fort Adjutants at Bombay.
- Political or other civil situations inferior to 1st Assistant to a Resident or to a Civil Commissioner.
- Appointments in the Mint.
- Command of Residents guards' or escort.

*Appointments to be vacated on promotion to Captain regimentally.*

- Barrack Master.
- Assistant Superintendent of Bazars.
- Post Masters.
- Deputy Commissary of Ordnance, and all appointments not mentioned above.

*Bombay Castle, 19th April 1847.*

No. 292 of 1847.—Brevet Captain Creed, of the regiment of artillery, is allowed a furlough to Europe, for three years on medical certificate.

No. 293 of 1847.—The order by Major Hobson, dated the 13th March 1847, appointing 2d Lieutenant Gray to act as interpreter to the 1st European regiment fusiliers, vice Gordon appointed acting quarter master to the camel baggage corps, is confirmed.

No. 294 of 1847.—The station order by Major General Hunter c. n. under date the 29th July 1846, appointing assistant Surgeon Heffernan, H. M.'s 17th regiment, to the charge of the staff and medical store at Sukkur, vice assistant Surgeon Thomson proceeding with his regiment, is confirmed.

*Bombay Castle, 20th April 1847.*

No. 295 of 1847.—The undermentioned gentlemen are admitted to the service in conformity with their appointments by the Honorable the Court of Directors as cadets of artillery and infantry on this establishment. The cadets for the infantry are promoted to ensigns leaving the dates of their commission for future adjustment.

<i>Rank in G. G. O. of the 24th Feby. 1847.. }</i>	<i>Artillery,</i>	<i>Date of arrival at Bombay.</i>
	No. 591 Mr. Walter James Hodgson Stevenson.....	8th April 1847.
	<i>Infantry.</i>	
	No. 604 Mr. Thomas Gordon Coles.....	} 8th ditto ditto.
	No. 652 Mr. Samuel Christian.....	

The undermentioned officers have returned to their duty without prejudice to their rank by permission of the Hon'ble the Court of Directors.

Brevet Major W. Trevelyan of the 2nd Regt. Lt. Cavalry ..... }  
 Lieutenant J. T. Keir of the Artillery ..... } 8th April 1847.

No. 296 of 1847.—Assistant Apothecary Thomas Robinson, attached to the Marine hospital at Aden, is relieved from the Indian Naval department, and acting assistant apothecary J. Roach is appointed to succeed him.

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

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

**MARINE DEPARTMENT.**

BOMBAY CASTLE, 15TH APRIL 1847.

No. 43 of 1847.—Mr. Alfred Bainbrigg Brooke, volunteer for the Indian Navy, arrived from England on the 8th April 1847.

*Bombay Castle, 16th April 1847.*

No. 44 of 1847.—Mr. Quinten Kennedy Jolliffe, midshipman, having passed the requisite examination is placed on the list of mates from the 20th May 1846.

*Bombay Castle, 20th April 1847.*

No. 45 of 1847.—Assistant Apothecary Thomas Robinson, attached to the Marine Hospital at Aden, is relieved from the Indian Naval department, and Actg. Assistant apothecary J. Roach is appointed to succeed him.

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

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

**Advertisement.**

To be sold by public outcry at the Mazagone Dock Yard, on Friday the 23rd instant, at 12 o'clock in the forenoon, a quantity of refuse timber, collected from the works carried on in the Dock Yard.

**TERMS OF SALE.**

The lots to be paid for on the spot when knocked down, and to be cleared away within three days.

**J. HARRISON,**

*Assist. Indian Naval Storekeeper.*

*Bombay, }  
 Indian Naval Storekeeper's }  
 Office, 21st April 1847. }*

**Notice.**

Verbal tenders will be received at this office at 2 o'clock on Tuesday next the 27th instant, for the supply of the following articles, and such others as may be called for during the intermediate period viz:

- 20 Cwt. Steel Blister.
- 5000 Pounds Biscuit.
- 1500 Ditto Flour.
- 3 Horns Bugle Small.
- 2 Desks Teakwood new.

An immediate deposit of ten per cent will be required to be made by the lowest bidders upon the amount of their offers, which sum will be forfeited in the event of refusal or delay in making the supply within the limited time, all further particulars may be learnt on application at this office from 10 till 5 o'clock daily.

**E. WHICHELO, Capt.**

*Deputy. Commy. General.*

*Bombay, Depty. Commy. Genl. }  
 Office 21st April 1847. }*

**Advertisement.**

To be sold by public outcry at the Bombay Dock Yard and New Ground on Tuesday the 27th instant, at 12 o'clock in the forenoon, a quantity of refuse timber and chips collected from the works carried on in the Dock Yard.

**TERMS OF SALE.**

The lots to be paid for on the spot when knocked down, and to be cleared away within three days.

**J. HARRISON,**

*Assist. Indian Naval Storekeeper.*

*Bombay, Indian Naval Store- }  
 keeper's Office, 21st April 1847. }*

**Notice.**

On Friday the 30th instant there will be offered for sale by public auction at the Opium Agent's office a small quantity of confiscated Opium.

**H. YOUNG,**

*Opium Agent.*

*Bombay 21st 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,**

*Post Mr. Genl.*

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

*List of Unclaimed Packages in the Custom House.*

No. of Packages.	TO WHOM ADDRESSED.	When Imported.	By what Ship Imported.
1 Case...	J. Bowstead, 2d Grenadier Regt. N. I.....	17th Sept. 1845.	Persia.
1 Ditto	Officers of the 7th Regt. B. M. C. Bombay.....	29th Nov. ditto.	Owen Glendower.
2 Ditto	Lieut. F. W. Hopkins H. E. I. C. care of Capt. Mon- trion, Hastings Receiving ship.....		
1 Parcel	A. Bettington Esq. Bombay c. s. care of Nicol and Co..	2nd Jany. 1846.	Duncan Ritchie.
1 Box ..	Major Ainsley, care of Frith and Co.....	12th Feby. ditto.	Str. Seaforth.
1 Trunk ..	Mr. F. Hora I. N. care of Campbell Dallas and Co....	25th June ditto.	Kilblain.
1 Parcel ..	Lt. John Stewart Talloh, 2d Co. 7th Batn. Bengal Artillery Ferozpoore, care of Lt. Col. Dunsterville.....	27th July ditto.	Simon Taylor.
1 Case...	C. D. Campbell, Esq. I. N.....	19th Dec. ditto.	Str. Berenice.
1 Ditto ..	M. A. Moore, (Mrs. Madean).....	28th Jany. 1847.	Owen Glendower.
1 Package.	Alexander Campbell Esq. Surgeon H. M's. 22nd Regt..	Ditto ditto.	Ditto.
1 Parcel ..	Messrs. Forbes and Co.....	3rd March ditto.	Str. Cleopatra.
1 Ditto ..	Lord Beaucleck.....	29th ditto ditto.	Str. Semarimes.
2 Qr. Casks	Marked <b>S. R.</b> .....	Ditto ditto.	Ditto.
1 Case...	S. R. Parson, Assist. Surg. 23d Regt. Dharwar.....	21st May 1846.	Pattimary Luxumes.
29 Ditto ..	Marked <b>C. D. S.</b> care of Frith and Co.....	29th ditto ditto.	China.
1 Ditto ..	Mr. Dashwood.....	1st July ditto.	Bombay.
3 Casks ..	1st Regt. Bombay Fusiliers.....	9th ditto ditto.	Kilblair.
1 Case...	Lieut. Col. Burnside, H. M's. 61st Regt.....	14th Nov. ditto.	Lysander.
1 Package.	Lieut. Twynam.....	25th ditto ditto.	Unknown.
3 Bales. ..	} 24th Regiment, Bombay.....	5th Dec. ditto.	Str. Sir Charles Forbes.
4 Cases. ..			
1 Chest ..	No mark or address.....	9th ditto ditto.	St. Lawrence.
1 Box....	Mess 33d Regt.....	22nd ditto ditto.	Buglo Khodabux.
1 Parcel ..	Marked (Publication) Munaz Esq.....	9th Jany 1847.	B. S. N. C. St. Victoria.
1 Box....	Major Blenkins, Assistant Commissary Genl. Kurrachee.	30th ditto ditto.	Ann.
3 Ditto ..	Marked <b>A. Wm.</b> Moncrief Esq.....	11th Feby. ditto.	B. S. N. C. St. Victoria.
1 Case...	Charles Reade Esq. Mangalore.....	24th Feb. ditto.	Lord Hardinge.
1 Ditto...	Mr. J. Montgomery, Assist. Genl. Office Bengal.....	10th March ditto.	John Brewer.
1 Ditto...	Secretary of the Sholapure Library.....	Ditto ditto.	Ditto.
2 Cannisters	Captain William Napier, Kurrachee.....	27th ditto ditto.	Rajasthan.
2 Cases. ..	Officer Commanding 15th B. N. I.....	Ditto ditto.	Ditto.
1 Parcel...	The Hon'ble G. R. Clerk, Esq. Governor of Bombay...	Ditto ditto.	Ditto.
1 Ditto...	Mr. J. M. de Souza.....	9th April ditto.	B. S. N. C. St. Victoria.
1 Ditto...	Captain N. B. Chamberlain.....	Ditto ditto.	Ditto.

H. YOUNG,

Coltr. of Customs.

Bombay, Custom House, }  
21st April 1847. }

**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.
A Steamer.....	Superintendent Indian Navy.....	1st May.....	Suez.....	Aden.
Ditto.....	ditto.....ditto.....	19th Ditto.....	Aden.....	
Ditto.....	ditto.....ditto.....	20th Ditto.....	Suez.....	Aden.
Phillip Laing.....	Messrs. Remington & Co.....	24th Instant.....	Liverpool.....	
Ann Lockerby.....	" Ditto.....	Ditto.....	ditto.....	
Equestrian.....	" Frith & Co.....	Ditto.....	London.....	
Scalesby Castle.....	" Remington & Co.....	25th Ditto.....	ditto.....	
General Wood.....	" Ditto..... ditto.....	Ditto.....	China.....	
Quintin Leitch.....	" Ritchie Stewart & Co.....	Ditto.....	Liverpool.....	
Eliza.....	" Brownrigg & Co.....	Ditto.....	China.....	
Allerton.....	" Peel Cassels & Co.....	30th Ditto.....	Liverpool.....	
Lowjee Family.....	" Forbes and Co.....	28th Ditto.....	China.....	
Rajasthan.....	" Ritchie Stewart & Co.....	1st Proximo.....	Liverpool.....	
Fairlie.....	" Lancaster & Co.....	2nd Ditto.....	China.....	
Child Harold.....	" Bryant Giles & Co.....	5th Ditto.....	London.....	
Highfyver.....	" Waghorn & Co.....	Despatch.....	Calcutta.....	

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

A. W. RAVENSCROFT

Bombay, General Post Office, 21st April 1847

Post Master General,

**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.	
<b>BEEF.</b>			<b>PORK FRESH AND SALT.</b>			<b>OIL, CANDLES, &amp; SOAP, (continued).</b>			
Prime pieces..... 1st sort	10 lbs.	1	Pork..... 10 lbs.	1	Candle, Goa..... per md. of 28 lbs.	22			
Ditto..... 2nd do.	12 do.	1	Pig, roasting, large size..... each.	1	Ditto Cochin..... ditto	21			
Ditto..... 3rd do.	14 do.	1	Ditto ditto small do..... do.	1	Soap Country..... ditto	1			
Brisket and round..... 1st do.	10 do.	1	Pigs head..... 20 lbs.	1	<b>SUGAR OF SORTS.</b>				
Ditto..... 2nd do.	12 do.	1	Sausages..... 4 do.	1	Pinfa sugar..... per md. of 28 lbs.	8			
Ditto..... 3rd do.	14 do.	1	Trotters, large..... per four.	1	Sugar candy, 1st sort..... ditto.	5			
Meat for Soup..... 1st sort, each.	1	1	Ditto..... small..... do.	1	Ditto do..... 2d do..... ditto.	4			
Shin..... 1st sort, each.	1	1	Pigs Liver & heart..... do.	2	Soft sugar, 1st do..... ditto.	4			
Ditto..... 2nd do..... do.	3	3	Salt Pork, country..... 10 lbs.	1	Ditto do..... 2d do..... ditto.	4			
Ox Tails..... do..... do.	3	6	<b>POULTRY.</b>			Brown..... ditto.	3		
Tongue..... Large..... do.	4	4	Geese..... each.	4	Jagree..... ditto.	2			
Ditto..... small..... do.	3	3	Turkey cock, Bombay..... do.	5	<b>GHEE OF SORTS.</b>				
Heart..... Large..... do.	3	3	Ditto hen, do..... do.	2	Ghee Carrachee..... per md. of 28 lbs.	8			
Ditto..... small..... do.	2	2	Ditto cock, Goa..... do.	3	Ditto Surat..... ditto	9			
Marrow-Bone..... do.	1	1	Ditto hen, do..... do.	2	Ditto Bhowuggur..... ditto	8			
Ox Palates..... do..... do.	8	8	Ditto large, do..... do.	2	Ditto Balghanty..... ditto	8			
Feet, four..... do..... do.	4	4	Fowls, large, Surat..... do.	1	Ditto Rajapoory..... ditto	8			
Suet..... per pound.	4	4	Ditto small do..... do.	1	Ditto Ghanty..... ditto	8			
<b>VEAL SMALL.</b>			Ditto large, Sindy..... do.	1	Ditto Jaffrabad..... ditto	10			
Hind Quarter..... 1st sort	2 1/2 lbs.	1	Ditto small do..... do.	1	<b>GRAIN OF SORTS.</b>				
Ditto..... 2nd do.	3 do.	1	Ditto large, Bombay..... do.	8	Wheat, Hania,..... { pr. Cdy. of				
Ditto..... 3rd do.	3 1/2 do.	1	Ditto small do..... do.	6	Ditto Jamboser 1st sort..... do.	28			
Fore Quarter..... 1st do.	3 do.	1	Chickens, large..... per dozen.	2	Ditto ditto 2d do..... do.	27			
Ditto..... 2nd do.	3 1/2 do.	1	Ditto small..... do.	1	Do. Bhowuggur 1st do..... do.	26			
Ditto..... 3rd do.	4 do.	1	Ducks large..... each.	10	Ditto ditto 2d do..... do.	21			
<b>VEAL LARGE.</b>			Ditto small..... do.	7	Ditto Ghanty..... do.	19			
Hind Quarter..... 1st sort	3 lbs.	1	Hens' eggs..... do.	3	Ditto Sindy..... do.	24			
Ditto..... 2nd do.	3 1/2 do.	1	Ducks do..... do.	2	Gram, Jumboser..... do.	17			
Ditto..... 3rd do.	4 do.	1	<b>FRUITS OF SORTS.</b>			Ditto Bengal..... do.	23		
Fore Quarter..... 1st do.	3 1/2 do.	1	Pine apples, Bombay..... 1st sort each.	8	Ditto Gogaree, 1st sort..... do.	24			
Ditto..... 2nd do.	4 do.	1	Ditto ditto ditto..... 2d do.	1	Ditto ditto..... 2d do.	23			
Ditto..... 3rd do.	4 1/2 do.	1	Ditto ditto Goa..... 1st do.	4	Ditto Ghanty..... 1st do.	25			
Head..... 1st do. each.	10	10	Ditto ditto do..... 2d do.	3	Ditto ditto..... 2d do.	23			
Ditto..... 2d do. do.	8	8	Pomeles..... 1st do.	1	Wooreed Ghanty..... do.	17			
Ditto..... 3d do. do.	8	8	Ditto..... 2d do.	12	Ditto Cutchey..... do.	18			
Feet, four..... 1st sort	3	3	Guavas..... 1st do.	4	Ditto Malabar..... do.	17			
Ditto..... 2d do.	3	3	Ditto..... 2d do.	4	Ditto Gogaree..... do.	18			
Ditto..... 3d do.	3	3	Oranges..... 1st do.	1	Mutt ditto..... do.	15			
Liver & heart..... 1st do. each.	1	1	Ditto..... 2d do.	9	Ditto Ghantees..... do.	14			
Ditto..... 2d do. do.	1	1	Black Graps..... per seer	2	Ditto Cutchey..... do.	15			
Ditto..... 3d do. do.	1	1	Green..... ditto.	2	Bazaree Ghanty..... do.	12			
<b>MUTTON FOR EUROPEANS.</b>			Water melons large..... do.	4	Ditto Bhowuggur 1st sort do.	15			
Saddle..... 1st sort per lb.	3	3	Ditto ditto small..... do.	3	Ditto ditto..... 2d do.	14			
Leg, Loin, Shoulder..... 1st do. ditto.	2	2	Musk ditto large..... do.	2	Ditto Rajahpoor..... do.	13			
and Neck..... do.	6	6	Ditto ditto small..... do.	2	Ditto..... 1st sort..... do.	15			
Breast..... 1st do. ditto.	1	1	Plantains red large..... do.	8	Door..... 2d do. do.	14			
Saddle..... 2d do. ditto.	2	2	Ditto..... do. small..... do.	6	Toor..... 1st do. do.	23			
Leg, Loin, Shoulder..... 2d do. ditto.	1	1	Ditto yellow large..... do.	4	Ditto..... 2d do. do.	20			
and Neck..... do.	6	6	Ditto ditto small..... do.	3	Joaree..... do. do.	16			
Breast..... 2d do. ditto.	1	1	Sweet limes large..... do.	1	Nacheny..... do. do.	10			
Saddle..... 3d do. ditto.	1	1	Ditto ditto small..... do.	1	Vattana..... do. do.	19			
Leg, Loin, Shoulder..... 3d do. ditto.	1	1	Limes..... do.	1	Chall Broach..... per phara.	2			
and Neck..... do.	6	6	Potatoes Neilgherry large..... per seer.	9	Ditto ditto..... ditto	3			
Breast..... 3d do. ditto.	1	1	Ditto..... ditto small..... ditto	8	Ditto Surat..... ditto	4			
Tongue..... each.	4	4	Ditto Mahabeshwur large..... ditto	9	<b>UNBOILED RICE OF SORTS.</b>				
Brains..... do.	1	1	Ditto ditto small..... ditto	6	Rice Putney..... per phara.	2			
Feet, four..... do.	3	3	Ditto Surat large..... ditto	5	Ditto Sindy red..... ditto	2			
Liver and heart..... do.	1	1	Ditto ditto small..... ditto	6	Ditto Raw..... ditto	2			
Kedneys..... do.	6	6	Yams..... ditto	2	Ditto Red..... ditto	1			
Suet..... per pound.	4	4	Onions..... ditto	2	<b>BEATEN RICE OF SORTS.</b>				
<b>MUTTON FOR NATIVES.</b>			<b>DRY FRUITS OF SORTS.</b>			Rice Jerasual 1st sort..... per phara.	4		
First sort..... 12 pounds.	1	1	Plumbs fine..... per seer weight.	2	Ditto ditto 2d do..... ditto	3			
Second do..... 14 ditto.	1	1	Ditto coarse..... ditto.	1	Ditto Vergole 1st do..... ditto	3			
Third do..... 16 ditto.	1	1	Currents fine..... ditto.	6	Ditto ditto 2d do..... ditto	2			
Head, feet, liver & heart..... each.	3	3	Ditto coarse..... ditto.	8	Ditto ditto Sindy ratra..... ditto	12			
Brains..... each.	6	6	Prunes new..... ditto.	2	Ditto ditto Segundee..... ditto	8			
<b>KID SMALL.</b>			Ditto old..... ditto.	1	Ditto Putney..... ditto	2			
Hind Quarter..... 1st sort	3 1/2 lbs.	1	Almonds 1st sort..... ditto.	1	Ditto Raw..... ditto	2			
Ditto..... 2d do.	4 do.	1	Ditto..... 2d do. ditto.	3	<b>MANGALORE RICE OF SORTS.</b>				
Ditto..... 3d do.	4 1/2 do.	1	<b>BREAD, FLOUR, ROLONG, &amp;c.</b>			Rice Unboiled 1st sort..... per robin.	2		
Fore Quarter..... 1st do.	4 do.	1	A loaf of 1st..... poiz. 13 oz. each.	4	Ditto ditto 2d do..... ditto	2			
Ditto..... 2d do.	4 1/2 do.	1	Ditto of 2d do..... do. 13 do.	1	Ditto Boiled 1st do..... ditto	2			
Ditto..... 3d do.	5 do.	1	Ditto brown do..... do. 32 do.	1	Ditto ditto 2d do..... ditto	2			
Head, feet, liver & heart..... do.	3	3	Ditto do. do..... do. 16 do.	2	Ditto ditto 2d do..... ditto	2			
<b>KID LARGE.</b>			Flour wheat..... per seer measure	3	<b>BENGAL RICE OF SORTS.</b>				
Hind Quarter..... 1st sort	4 1/2 lbs.	1	Rolong..... ditto	4	Rice Unboiled 1st sort..... { per bag of				
Ditto..... 2d do.	5 do.	1	Sagoo fine..... ditto weight.	3	Ditto ditto 2d do..... do. do.	7			
Ditto..... 3d do.	5 1/2 do.	1	Ditto coarse..... ditto do.	8	Ditto Boiled 1st do..... do. do.	8			
Fore Quarter..... 1st do.	5 do.	1	Arrowroot..... ditto do.	1	Ditto ditto 2d do..... do. do.	4			
Ditto..... 2d do.	6 do.	1	<b>MILK AND BUTTER.</b>			BATTY.			
Ditto..... 3d do.	7 do.	1	Cows milk..... per seer measure.	4	Batty Putney per moora of 25 pharas	26			
Head, feet, liver & heart..... do.	3	3	Ditto butter..... per cup of 2 oz.	1	Ditto Raw..... ditto..... ditto	24			
<b>LAMB SMALL.</b>			Buffaloe milk..... per seer measure.	4	Ditto Red..... ditto..... ditto	21			
Hind Quarter..... 1st sort	5 1/2 lbs.	1	Ditto butter..... per cup of 2 oz.	1	<b>SUNDRIES.</b>				
Ditto..... 2d do.	6 do.	1	<b>FIREWOOD.</b>			Saltpetre Europe..... per md. of 28 lbs.	2		
Ditto..... 3d do.	7 do.	1	Babool..... per candy of 28 mds. 784 lbs.	12	Ditto..... Bengal..... ditto ditto	3			
Fore Quarter..... 1st do.	6 do.	1	Khair..... ditto ditto do.	6	Ditto..... Rajapoor..... ditto ditto	1			
Ditto..... 2d do.	7 do.	1	Aine..... ditto ditto do.	2	Pepper black 1st sort..... per seer.	2			
Ditto..... 3d do.	7 1/2 do.	1	<b>OIL, CANDLES, AND SOAP.</b>			Ditto ditto 2d do..... ditto	1		
Head, feet, liver & heart..... do.	3	3	Cocoanut oil, 1st sort pr. md. of 28 lbs	14	Garlick 1st sort..... ditto	10			
<b>LAMB LARGE.</b>			Ditto..... do. 2d do. ditto..... do.	13	Ditto..... 2d do..... ditto	10			
Hind Quarter..... 1st sort	6 1/2 lbs.	1	Jeenglea..... ditto do.	3	Camphire..... per pound.	8			
Ditto..... 2d do.	7 do.	1	Erandia..... ditto do.	14	Table Salt..... do. seer.	5			
Ditto..... 3d do.	7 1/2 do.	1	Candle, Europe..... per md. of 28 lbs.	25	Common white salt..... do. ply.	1			
Fore Quarter..... 1st do.	7 do.	1				Ditto Black..... do. ditto	1		
Ditto..... 2d do.	8 do.	1				Ginger..... do. ditto	9		
Ditto..... 3d do.	8 1/2 do.	1					5		

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 Phyles one Phara—8 Pharas one Candy—25 Pharas one Moora.  
A Robin of Rice averages about 15 Phyles.

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

**Notice.**

Persons indebted to, or having claims against the estate of the late Ensign Gow 15th Regiment Bombay native infantry, are requested to make the same known as early as possible to Captain Remington, president of the committee of adjustment.

G. REMINGTON, Capt.  
15th Regt. N. I.

Ahmednuggur, 13th April 1847.

**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 20th instant .. .. Chests 13,396½

Exported from the above up to the 13th instant.. Chests 12,743¾

Ditto.. ditto from 14th to 20th instant viz.

Per Ship Lanrick.....Chests 65

„ „ Coquette.... „ „ 65

130  
12,873¾

FOR THE SEASON OF 1846 | 47.

Passes granted at Indore from 1st October 1846 up to the 5th instant, ....Chests 14,626

Ditto from 6th to 12th instant..... „ 762

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

Ditto from 14th to 20th instant..... „ 20

908  
16,296

Imported into Bombay of the above passes up to the 13th instant.. Chests 12,382½

Ditto from 14th to 20th inst..... „ 198

12,580

Exported from the above up to the 13th instant..... Chests 7,465½

Ditto from 14th to 20th inst. viz.

Per Ship Lanrick. Chests 209

„ „ Coquette.... „ 29

„ „ Anna Eliza.. „ 12½

„ „ Futtay Halbarry „ 7½

258  
7,723¾

H. YOUNG,  
Opium Agent,

Bombay, Opium Agent's Office, }  
21st April 1847. }

**CIVIL APPOINTMENTS, &c.**

TERRITORIAL DEPARTMENT.

REVENUE.

Bombay Castle, 21st April 1847.

Mr. E. H. Goldsmid, received charge of the office of Superintendent of the Revenue Survey and Assessment in the Deccan from Captain S. Landon, on the 15th ultimo.

Mr. B. H. Ellis, second assistant to the Collector and Magistrate of Rutnagherry, proceeded into the districts on deputation on the 25th ultimo.

Mr. A. Spens, Acting Collector of Land Revenue at the Presidency, received charge of that office from his Assistant Mr. F. Hutchinson on the 15th instant.

Mr. J. Buchanan, 1st Assistant to the Collector of Kaira, is allowed an extension for two days, under Section XII of the absentee regulations, of the leave of absence granted to him on the 10th ultimo.

TERRITORIAL DEPARTMENT.

FINANCE.

Bombay Castle, 21st April 1847.

Mr. C. Price to act as Sub-Treasurer, General Pay Master, Superintendent of stamps, and Secretary to the Government Savings Bank during the remaining portion of the leave of absence granted to Mr. Muspratt.

Mr. J. W. Langford, Acting Sub-Treasurer, General Pay Master, Superintendent of Stamps and Secretary to the Government Savings Bank, is allowed leave of absence on sick certificate until the 10th of June next, under Section VI, of the absentee regulations.

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

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

POLITICAL DEPARTMENT.

Bombay Castle, 20th April 1847.

Mr. H. L. Anderson, Assistant to the Political Agent in the Southern Mahratta Country, is permitted to remain on deputation in the states under the control of the Political Agent, for a further period of four months, from the 1st ultimo.

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

A. MALET, Secy. to Govt.

GENERAL DEPARTMENT.

Bombay Castle, 10th April 1847.

Assistant Surgeon Wichie, acting vaccinator S. E. D. of Guzerath, is allowed to visit the Presidency on urgent private affairs from the 25th instant to the 31st proximo, his duties during his absence being performed by Assistant Surgeon Glasse.

Bombay Castle, 20th April 1847.

The Worshipful Bench of Her Majesty's Justices have elected Mr. M. Larkin to be a Member of the Board of Conservancy in the room of Mr. R. W. Crawford resigned.

Mr. A. Spens received charge of the office of Superintendent of Stationery on the 15th instant.

Bombay Castle, 21st April 1847.

The furlough to Europe granted to Mr. C. Price, on the 3rd February last, is cancelled at his own request.

Second Grade apprentices William Walker (Jamssetjee Jejeebhoy Hospital,) and Shaik Vallee (Civil Hospital Surat,) to be first grade apprentices from the 15th instant.

First Grade apprentice Bhugwan Sing, of the 1st Grenadier regiment to be attached to the Jamssetjee Jejeebhoy Hospital.

Second Grade apprentice Ambajee Damajee, of the 15th Regiment N. I. to be attached to the Jamssetjee Jejeebhoy Hospital

Second Grade apprentice C. J. Kyte, of the Civil Hospital Dharwar, to be attached to the Civil Hospital Tannah.

Second Grade apprentice Babajee Moray, of the 24th Regiment N. I. to be attached to the Jamssetjee Jejeebhoy Hospital.

JUDICIAL DEPARTMENT.

Bombay Castle, 21st April 1847.

Mr. H. E. Goldsmid, in temporary charge of the office of Superintendent of the Revenue Survey in the Deccan, to be an assistant to the Magistrate of Poona.

Under the provisions of Regulation VI, of 1834, the Judges of the Sudder Dewanee Adawlut have sanctioned the closing of the Civil Courts of the Poona Zillah, with the exception of the Assistant Judge's Court, for a period of six weeks from the 15th instant.

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

W. ESCOMBE, Secy. to Govt.



**Military**

**Arrivals and Departures.**

1847.

ARRIVALS.

- 14th April.—Lieut. Johnstone, 1st Grs. from Kurra-  
chee.  
" " Lieut. Cameron, 24th Rt. N.I. from do.  
" " Major Bellasis, 9th Regt. N. I. from  
Tannah.  
" " Surgeon Barrington, . . . ditto from do.  
" " Lieut. & Adjt. Thacker, . . ditto from do.  
" " Lt. & Qr. Mr. Church, . . ditto from do.  
" " Ensign Grant, . . . . . ditto from do.  
" " Capt. A. Morris, 4th Rifles, from Kur-  
rachee.  
16th " Assist. Surg. E. Crespigny, medl. esta-  
blishment from Poona.  
" " Lieut. W. H. Walton, 29th Regt. N. I.  
from Poona.  
" " Lieut. Col. H. C. Cox, 58th Regt. Bl.  
N. I. from Mhow.  
17th " Ensign DeLacy McD. Gleig, 2nd Gr.  
Regt. N. I. from Baroda.  
18th " Lieut. J. Worgan, Artillery, from Vin-  
gorla.  
" " E. S. Russell, 12th Regt. N. I. from  
Kolapore.  
19th " Assist. Surg. J. Turner, Horse Arty.,  
from Poona.  
" " Lieut. Osborne, Artillery, from Nug-  
gur.  
" " Lieut. D. Boyd, 11th Regt. N. I. from  
Sukkur.  
" " Lieut. Henderson, 29th Regt. N. I.  
from Shikarpoor.  
" " Capt. S. Parr, staff, from Indore.  
21st " Bt. Major J. Cooper, 7th Regt. N. I.  
from Shikarpoor.

DEPARTURES.

- 12th April—Assist. Surg. G. F. Forbes, staff, to  
Poona.  
13th " Lieut. Pollexfen, 15th Regt. N. I. to  
Ahmednuggur.  
14th " Major General Morse, Staff, to Bel-  
gaum.  
" " Lieut. R. Morse, A. D. C. to do.  
15th " Surg. White, Vet. Batn. to Dapoolie.  
" " Captain C. R. Hodson, 16th Regt. N.  
I. to Europe.  
" " Captain C. Birdwood, 3d Regt. N. I.  
to Aden.  
" " Assist. Surg. F. Broughton, to Kola-  
pore.  
" " Lieut. C. Thompson, 2d E. L. I. to  
Aden.  
" " Lieut. Col. F. P. Lester, Artillery, to  
Europe.  
" " Lieut. Head, 2nd Euro. Rt. Lt. I. to  
Europe.  
16th " Capt. J. R. Morse, 1st Euro. Regt. to  
Poona.  
" " Lieut. W. J. Anderson, 11th Rt. N. I.  
Mahableschwur.  
17th " Lieut. W. S. Furneux, 1st Fusiliers, to  
ditto.  
20th " Lieut. Flood, 32nd M. N. I. to Nag-  
pore.  
" " Ensign Nicholson, 23rd Rt. N. L. I. to  
Rajcote.  
21st " Suptg. Surg. John McLennan, to  
Baroda.

Town Major's Office, 21st April 1847.

**SHIPPING INTELLIGENCE.**

1847.

ARRIVALS.

- 14th April—H. C. Steamer Berenice, Mr. C. Tick-  
ell, from Kurrachee 11th instant.  
*Passengers.*—Captain Morris, 4th N. I.;  
Lieut. Johnstone, 1st Gr. N. I.;  
Lieut. Cameron, 24th N. I.; Lieut.  
Hutchinson, H. M's. 60th Rifles;  
one Warrant Officer H. M's. 60th Ri-  
fles; Medical one; Ordnance depart-  
ment one; Rank and file 2nd Troop  
H. B. one; 1st Fusiliers four; Sap-  
pars and Miners one; women 1st Fu-

siliers four; 2nd Troop H. B. one;  
children 1st Fusilier two; 2nd Troop  
H. B. one; Commissioned Officers  
Scinde Horse two; pensioners four;  
Rank and file 3rd Cavy. 16; rank  
and file 11th N. I. 2; rank and file  
Scinde Horse 7; Pensioners 44; 31  
women, 43 children; 16 public fol-  
lowers; 24 private followers; Scind-  
ian Akhoad Alla Bux & 2 servants.

- 14th April—Barque Guardian, T. P. Vickerman,  
from Liverpool.  
17th " Brig Cadree, J. Mansfield, from Cal-  
cutta 1st; Aleppee 25th, and Goa 29th  
March.  
18th " Steamer Sir J. R. Carnac, G. Beyts,  
from Surat 17th instant.  
*Passengers.*—200 natives.  
" " H. C. Steamer Medusa, Mr. C. King-  
come, from Vingorla 16th instant.  
" " H. C. Sloop of War Clive, Comman-  
der J. Frushard, from Sea.  
20th " Barque Andromache, M. Passmore,  
from London 12th November, and  
Cape of Good Hope 30th January.  
*Passengers.*—Captain Evans, H. M's.  
78th Highlanders, lady, and child;  
Lieut. Remington 5th Madras Cavy.  
and lady.

DEPARTURES.

- 12th April—Bombay Str. Nav. Co's. Steamer Victo-  
ria, F. Banks, to the Coast and Co-  
lombo.  
*Passengers.*—Major General. Sir J.  
Thackwell; G. Ellis, Esq; to Galle;  
Capt. Harris; Mrs. Harris; Signor  
G. Vitti; A. Carter, Esqr. Doctor  
and Mrs Franklin; J. Ogilvie, Esqr.  
to Bancoot;—Charles Forbes, Esqr.  
Miss Forbes, to Calicut;—Captain  
Ross; Mrs. Seton, to Cannanore,—  
Monsieur Paulo; Miss Pearce.  
14th " H. C. Sloop of War Clive, Comman-  
der J. Frushard, to Aden.  
" " Steam Frigate Cleopatra, Comman-  
der J. A. Young, to Singapore.  
" " H. C. Steamer Medusa, Mr. C.  
Kingcome, to Vingorla.  
15th " H. C. Steam Frigate Moozuffer, Com-  
mander R. Ethersey, to Aden.  
*Passengers.*—Mrs. Hall; Mrs. Blest,  
with a european maid servant; Lieut  
Col. F. P. Lester, Bombay Artillery;  
Genl. Baron Von Geyern; General  
Dellery; Baron Achiffen; Count  
Goertz; Cpts. Hall, Balfour, and  
Stuart, I. N. Dr. Cruickshank; Dr.  
Blest; and Hormusjee Monackjee,  
second class.  
18th " American Barque Coquette, J. S.  
Prescott, to China.

GREGOR GRANT,  
Senior Magistrate of Police.

Bombay, Police office }  
21st 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 Nanabhoj Sons, & Co. Bombay.  
1 The Revd. F. Hinde . . . . . Ditto.  
1 Charles Ladner, Seaman on board  
the ship Eliza . . . . .  
2 Capt. Evans, Paymaster 75th  
Highlanders . . . . . Bombay.  
1 A Mto. Revdo. Sacerdote a Srge  
Da Uenczo Cassinelli nel Con-  
vento dei Minori Osservante Mis-  
sionario Apostolico . . . . . Bombay.  
1 Monsieur, J. W. Brown, H. M's.  
Steamer Atalanta . . . . . Bombay.  
1 Suntoo, Gorawadia, to Capt. Heck,  
1st Grenadier Regt. N. I. Espla-  
nade . . . . . 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. 22d 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 Robertson, care of the Post office..... Bombay.

**A. W. RAVENSCROFT,**  
*Post Master Genl.*

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

**Unclaimed Letters.**

*(Continued from page 256.)*

- N.
- 1 Norris, Senhor Francisco Xavier Bombay.
- 1 Nillajee Soonderjee, Perbhoo.. Ditto.
- 1 Nownis Urbano, 1st Bombay European Regt..... Kurrachee.
- O.
- 1 Oliver, Mr. Constancio, Jeweller. Bombay.
- P.
- 1 Pader, Luiz..... Poona.
- 1 Paundiray, Connell..... Bombay.
- 1 Powlet, Captain..... Hydrabad Scinde.
- 1 Paupali, Bazar Peon..... Poona.
- 1 Pulley, Lieut. 20th Regiment... Bombay.
- 1 Presgrave Mr. Duncan, Customs Flotilla office..... Ditto.
- 1 Pestonjee Nasserwanjee Esq... Ditto.
- 1 Pickin Docter..... Ditto.
- 1 Pereira, Senhor Ignacio..... Kurrachee.
- 1 Piercy, Mr. John on board the Herculean..... Bombay.
- 1 Peres, Mr. Pleader Civil Court. Poona.
- 1 Pramjeevun Govindass, bill broker..... Bombay.
- 1 Pestonjee Sorabjee Nowsa..... Poona.
- 1 Paterson, Lieut. J. 50th M. N. I..... Bengal.
- R.
- 1 Rodrigues, Mr. Jos..... Bombay.
- 1 Roberts, Mr. C. W. late passenger per Steamer Victoria Ditto.
- 1 Rich, Lieut. W. C. 46th Regt. M. N. I..... Ditto.
- 1 Rozario, Mr. Francis de..... Camp Kurrachee
- 1 Reeves, Mr. Thomas..... Poona.
- 1 Ramtulla Meaken..... Bombay.
- 1 Rodrigues, Anto. Agostinho de Ditto.
- 1 Rodrigues Maria..... Kurrachee.
- 2 Romer, Lieut. 4th Troop H. Arty..... Mhow.
- 1 Rice, Private G. 1st Fusiliers.. Kurrachee.
- 1 Ramsay, R. N. Major of Brigade..... Malligaum.
- 1 Robertson, Mr. J. F..... Poona.
- 1 Roognathjee Nathabhy Esq..... Bombay.
- 1 Richard, Major 8th Battalion. Ahmedabad.
- 1 Robertson, Lieut. G. D. H. M's. 28th Regt..... Poona.
- 1 Ramjee Balloo Patayker..... Bombay.
- 1 Rarco, Mr. Pedro..... Sukkur.
- 1 Rustomjee Ruttonjee..... Bombay.
- 1 Rozario, Mr. C. de..... Poona.

- 1 Rozario, Mrs. Catherine de.. Poona.
- 1 Richardson, Lieut. H. President of the 17th Mess ... Kurrachee.
- 1 Ramos, Mr. Francis de..... Poona.
- 1 Ramsay, Mr. Apothecary in the civil service..... Scinde.
- 1 Robis, Mr. living in the Cam-matee Poorah..... Bombay.
- 1 Robson, Dr..... Ditto.
- 1 Rozario, Mr. J. Caetano de... Mhow.

S.

- 1 Souza Senhor Antonio Manoel de..... Kurrachee.
- 1 Stocking, Revd. American Mission..... } Persia.
- 2 Scott, P. Esq. Civil Service... } Bombay.
- 1 Sims, Charles Esq. Civil Service } Ditto.
- 1 Sewdass Jugatmull Esq..... } Ditto.
- 3 Sheppard, Lieut. G.F. 29th Lt. B. N. I..... Poona.

T.

- 1 Thompson, C. Esq..... Bombay.
- 1 Tarmuljee Hornasjee..... Ditto.

V.

- 1 Vas, Francisco Ambrosio..... Poona.

W.

- 1 Wakeman, Captain H. Depy. Commy. in the Nerbudah Territories..... Sagor.
- 1 Webb, Corporal H. M's. 22nd Regiment..... Poona.
- 1 Winkler, Revd. J. A..... Bombay.

**A. W. RAVENSCROFT,**  
*Post Mr. Gl.*

*Bombay, Genl. Post. Office, }  
21st 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 Captain F. Gray, care of Messrs. Frith and Co. Bombay.
- 2 Signor Charles Stivins, East India Company, Bombay.
- 1 Lieut. Mundell, H. M's. 96th Regt. Bombay.
- 1 Mr. John Smith, Post Office Bombay, to remain till called for.
- 2 Joseph Smith, Bombay.
- 1 Ino Manning, Bombay. Ship Larkins 900 tons, Samuel Walker Commander.
- 1 James Davey, to be left at the Sailor's Home Bombay, India, on board of the Regina, Capt. Quinton.
- 1 Hadgy Meer, Bombay.
- 1 Mr. Joseph Saville, Burton Street, Bombay.
- 1 Mr. Jones Esquire, Bombay.
- 1 Lieut. J. G. H. Pryce 23th Regiment, Poona.
- 1 The Revd. F. Gardiner.
- 1 Mr. Henry C. Luicke, Bombay.
- 1 Capt. Henry Nott, 19th Regt. Madras, N. I. Bombay.
- 2 Robt. B. Staveley Esq. late 23th regiment, care of Munchejee Pestonjee Esq. Bombay.
- 1 Lieutenant Evans H. M. 10th Foot, Bombay.
- 1 Lieutenant Colonel W. Wyllie c. b. 21st Bombay Native Infantry.

**A. W. RAVENSCROFT,**  
*Post Master General.*

*Bombay, Genl. Post Office, }  
21st April 1847. }*

# 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 summonses.

II. And it is enacted, that every writ of summonses which shall be issued from the said Court shall express that if the defendant shall not appear at the time mentioned in the said summonses 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 summonses 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 plea side 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, and 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 of 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 a-

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 cestin 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 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 plead 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 vivâ 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 *viva 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 *viva 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 to the mode of procedure in the said Court 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 is 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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N. B.—*The price of the Bombay Government Gazette to private Subscribers is Three Rupees per quarter, or 4 Annas per copy, payable in advance, and to Non-subscribers 3 annas per copy. It is particularly requested to be noticed, that the price of the Government Gazette is the same whether it be taken for the whole or part of the quarter, as no subscriptions will be received for broken periods.*

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

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