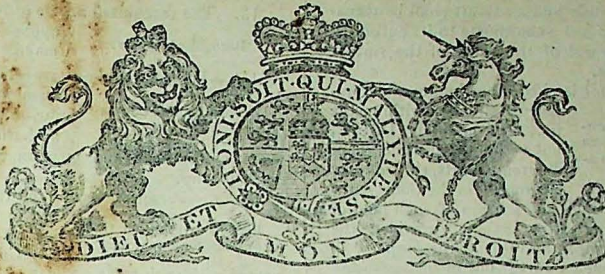


THE



Bombay Government Gazette.

Vol. 30.]

Published by Authority.

[No. 25.]

Threes Rs. per Quarter.]

THURSDAY, 16TH DECEMBER 1858.

[Eight 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 Government Printing and Lithographing Departments having been transferred to the BOMBAY EDUCATION SOCIETY, all Printing and Lithographing required by any Department should be sent to the Office at Byculla.

Bombay, 5th April 1848.

J. G. LUMSDEN, Secy. to Govt.

Legislative Council of India.

6th November 1858.

The following Bill, as settled in Committee of the whole Council, was ordered to be published for general information, and to be reconsidered after two months:—

A Bill for Simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.

Whereas it is expedient to simplify the Procedure of the Courts of Civil Judicature not established by Royal

Preamble.

Charter; It is enacted as follows:—

Chapter I.

OF THE JURISDICTION OF THE CIVIL COURTS.

1. The Civil Courts shall take cognisance of all suits

Civil Courts have cognisance of all suits unless specially barred.

of a Civil nature, with the exception of suits of which their cognisance is barred by any Act of Parliament, or by any Regulation of the Codes of Bengal, Madras, and Bombay respectively, or by any Act of the Governor General of India in Council.

2. The Civil Courts shall not take cognisance, except

Unless already heard and determined.

in the way of review of judgment or of appeal, of any suit which shall have been already heard and determined by a Court of competent

jurisdiction between the same parties, or parties under whom the parties to the suit claim.

3. No person whatever shall by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever excepted from the Jurisdiction of any of the Civil Courts.

No person excepted from Jurisdiction by reason of place of birth or of descent.

4. Subject to such pecuniary or other limitations as are or shall be prescribed by any law for the time being in force, the Civil Courts of each grade shall receive, try, and determine all suits hereby declared to be cognisable by those Courts, if in the case of suits for land or other immoveable property such land or property shall be situate within the limits to which their respective jurisdictions may extend, and in all other cases if the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell, or personally work for gain, within such limits.

5. Every suit shall be instituted in the Court of the lowest grade competent to try it. But it shall be lawful for the District Court to withdraw any suit instituted

Court in which suit to be instituted.

Transfer of suits.

in any Court subordinate to such District Court, and to try such suit itself, or to refer it for trial to any other Court subordinate to its authority and competent in respect to the value of the suit to try the same, whenever it may see sufficient cause for so doing. In like

manner, the Sudder Court may order that the cognisance of suit or appeal which may be instituted in any Court subordinate to such Sudder Court shall be transferred to any other Court subordinate to its authority and competent in respect of the value of the suit or appeal to try the same.

6. If the suit be for land or other immovable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within the jurisdiction of which any portion of such land or other immovable property is situate, provided the entire claim in respect of the value of the property in suit be cognisable by such Court; but in such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same.

7. In like manner, if the property be situate within the limits of different Districts, the suit may be brought in any Court otherwise competent to try it, within the jurisdiction of which any portion of the land or other immovable property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; if the suit is brought in any Court subordinate to a District Court, the application shall be submitted through the District Court to which such Court is subordinate.

8. If the Districts within the limits of which the property is situate are subject to different Sudder Courts, the application shall be submitted to the Sudder Court to which the District, in which the suit is brought, is subject; and the Sudder Court to which such application is made may, with the concurrence of the Sudder Court to which the other District is subject, give authority to proceed with the same.

9. If, in a suit for land situate on the borders of the Court's local jurisdiction, the defendant object to the hearing of the suit, on the ground that the land is not included within the local jurisdiction of the Court, the Court shall have power to determine the point; and if the Court shall find that the land is included within its local jurisdiction, it shall proceed to try the suit. Provided that, if it be shown that the land in dispute has been adjudged by competent authority to belong to an estate, village, or other known division of land situate within the local jurisdiction of another Court, the Court in which the suit is brought shall reject the plaint, or return it to the plaintiff in order to its being presented in the proper Court.

10. No suit shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be lawful for the Civil Courts to make binding declarations of right without granting consequential relief.

11. The decisions of the Civil Courts shall be subject to revision only by those Courts under the rules applicable to reviews of judgment contained in this Act, or by the constituted Courts of Appellate Jurisdiction.

12. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided by this Act, shall be made by

the party in person, or by his recognised agent, or by a pleader duly appointed to act on his behalf.

13. The recognised agents of parties by whom such applications and appearances may be made are—

Recognised Agents.

1st.—Persons holding general powers of attorney from parties not within the jurisdiction of the Court, authorising them to make such applications and appearances on the behalf of such parties.

Persons holding powers of attorney.

2ndly.—Persons carrying on trade or business for, and in the name of, parties not within the jurisdiction of the Court in matters connected with such trade or business only, where no other agent is expressly authorised to make such applications or appearances.

3rdly.—Persons being *ex officio* or otherwise authorised to act for Government in respect of any suit or judicial proceeding.

4thly.—Persons specially appointed by order of Government at the request of any Sovereign Prince, or Independent Chief, whether residing within or without the British Territories, to prosecute or defend a suit on his behalf.

Persons authorised to act for Government.

Persons specially appointed to prosecute a suit for any Sovereign Prince.

Whenever the personal appearance of a party to a suit is required by this Act, such appearance may be made by his recognised agent, unless the Court shall otherwise direct; and anything which by this Act is required or permitted to be done by a party in person may be done by his recognised agent.

Notices given to, or processes served on, a recognised agent, relative to a suit, shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct; and all the provisions of this Act relative to the service of notices or processes on a party to a suit shall be applicable to the service of notices and processes on such recognised agent.

Service of Notices on recognised agents.

14. The appointment of a pleader to make any such application or appearance as aforesaid shall be in writing, and shall be filed in the Court. When so filed, it shall be considered to be in full force until revoked by a writing filed in the Court. All notices given to, or processes served on, the pleader of any party, or left at the office or ordinary residence of such pleader, relative to a suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents, and shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

15. When an Officer or Soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person, he may authorise any member of his family or any other person to commence, conduct, and manage the suit, or the defence, as the case may be, in his stead. The authority shall be in writing, and shall be signed by the Officer or Soldier in the presence of his Commanding Officer, who shall countersign the same, and it shall be filed in the Court. When so filed, the countersignature of the Commanding Officer shall

Appointment of Pleader.

Service of notices on Pleaders.

Officers or Soldiers who cannot obtain leave of absence may authorise any person to appear for them.

Parties may appear in person, or by recognised agent, or by pleader.

Chapter II.

PRELIMINARY RULES.

12. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided by this Act, shall be made by

the party in person, or by his recognised agent, or by a pleader duly appointed to act on his behalf.

13. The recognised agents of parties by whom such applications and appearances may be made are—

Recognised Agents.

1st.—Persons holding general powers of attorney from parties not within the jurisdiction of the Court, authorising them to make such applications and appearances on the behalf of such parties.

2ndly.—Persons carrying on trade or business for, and in the name of, parties not within the jurisdiction of the Court in matters connected with such trade or business only, where no other agent is expressly authorised to make such applications or appearances.

3rdly.—Persons being *ex officio* or otherwise authorised to act for Government in respect of any suit or judicial proceeding.

4thly.—Persons specially appointed by order of Government at the request of any Sovereign Prince, or Independent Chief, whether residing within or without the British Territories, to prosecute or defend a suit on his behalf.

Persons authorised to act for Government.

Persons specially appointed to prosecute a suit for any Sovereign Prince.

Whenever the personal appearance of a party to a suit is required by this Act, such appearance may be made by his recognised agent, unless the Court shall otherwise direct; and anything which by this Act is required or permitted to be done by a party in person may be done by his recognised agent.

Notices given to, or processes served on, a recognised agent, relative to a suit, shall be as effectual for all purposes in relation to the suit as if the same had been given to or served on the party in person, unless the Court shall otherwise direct; and all the provisions of this Act relative to the service of notices or processes on a party to a suit shall be applicable to the service of notices and processes on such recognised agent.

be sufficient proof that the authority was duly executed, and that the Officer or Soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

16. Any person who may be authorised, as in the last preceding Section mentioned, by an Officer or Soldier, to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person, in the same manner as the Officer of Soldier could do if present; or he may appoint a pleader of the Court to prosecute or defend the suit on behalf of such Officer or Soldier. And all notices or processes relative to the suit which may be served upon any person who shall be so authorised as aforesaid by an Officer or Soldier, or upon any pleader who shall be appointed as aforesaid by such person to act for on behalf of such Officer or Soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person, or on a pleader appointed by him.

17. Women who, according to the custom and manners of the country, ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

18. The Government may, at its discretion, exempt from personal appearance in Court any person whose rank, in the opinion of the Government, entitles him to the privilege of exemption, and may, at its discretion, withdraw such privilege. The names of the persons so exempted (if any), residing within the jurisdiction of the Principal Civil Court of each District, shall from time to time be forwarded to such Court by the local Government, and a list of such persons (if any) shall be kept in such Court, and in the several subordinate Courts of the District.

19. Every process required to be issued under this Act shall be served at the expense of the party at whose instance it is issued, unless otherwise specially directed by the Court; and the sum required to defray the cost of such service shall be paid into Court before the process is issued.

Chapter III.

OF A SUIT TILL FINAL DECREE.

OF THE INSTITUTION OF SUITS.

20. All suits shall be commenced by a plaintiff, which, except when otherwise specially provided by this Act, shall be presented to the Court by the plaintiff in person, or by his recognised agent, or by a pleader duly appointed to act on his behalf.

21. The plaint shall be distinctly written in the language in ordinary use in proceedings before the Court, and shall contain the following particulars:—

1st.—The name, description, and place of abode of the plaintiff.

2ndly.—The name, description, and place of abode of the defendant, so far as they can be ascertained.

3rdly.—The relief sought for, the subject of the claim, the cause of action, and when it accrued; and, if the cause of action accrued beyond the period ordinarily allowed by any law for commencing such a suit, the ground upon which exemption from the law is claimed.

The following are instances:—

If the suit be for money due on a bond or other written instrument:—Payment of due on (a bond or other written instrument, as the case may be), for the sum of bearing date the day of and payable on the day of namely—

Principal	
Interest	
Amount paid (if any) ..	

Balance due.

If the plaintiff claim exemption from any law of limitation, say—"The plaintiff was an infant (or as the case may be) from the day of to the day of."

If the suit be for the price of goods sold:—Payment of on account of maunds of (rice, indigo, sugar, or as the case may be), sold on the day of and the price of which became payable on the day of as per account at foot.

If the suit be for damages for an injury done:—Payment of on account of injury done to the plaintiff [here set out the nature of the injury, and state the particulars of the pecuniary loss (if any)].

4thly.—When the claim is for any property other than money, its estimated value.

The following is an instance:—

If the suit be for an estate or for a share in an estate paying Revenue to Government:—Possession of the estate or of share in the estate, called situate in the Zillah of the sudder jumma of which is and estimated value of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed, if the case be so) on the day of or to which the plaintiff became entitled by inheritance from (or by gift, purchase, or otherwise, as the case may be), on or about the day of.

5thly.—When the claim is for land, or for any interest in land, the nature of the tenure or interest must be specified; and if the claim be for land forming part of a village or other known division, or for a house, garden, or the like, its situation shall be described by the setting forth of boundaries, or in such other manner as may suffice for its identification.

6thly.—In all suits by or against the Government, or one of its Officers in his official capacity, or any Corporation, or any Company authorised to sue and be sued in the name of an Officer or Trustees, the words "The Government," or "The Collector of " or otherwise, as the case may be, or the name of the Corporation, or the name or names of the Officer of Trustees of the Company, shall be inserted in Nos. 1stly and 2ndly, instead of the name and description of the plaintiff or defendant. But in all other cases it shall be necessary to specify the names of all the parties.

22. The plaint shall be subscribed by the plaintiff and his pleader (if any), and shall be verified at the foot by the plaintiff in the manner following, or to the like effect:—

I (A. B.), the plaintiff named in the above plaint, do declare that what is stated therein is true, to the best of my information and belief.

23. If the plaintiff, by reason of absence or for other good cause, be unable to subscribe and verify the plaint, the Court may allow the plaint to be subscribed and verified on behalf of the plaintiff by any person

whom the Court may consider competent to make the verification. In suits by a Corporation or a Company authorised to sue and be sued in the name of an Officer or Trustees, the plaintiff shall be subscribed and verified on behalf of the Corporation or Company by any Director, Secretary, or other principal Officer of the Corporation or Company who may be able to depose to the facts of the case.

24. If the plaintiff do not contain the several particulars hereinbefore required to be specified therein, or if it contain particulars other than those required to be specified, whether relevant to the suit or not, or if the statement of particulars be unnecessarily prolix, or if the plaintiff be not subscribed and verified as hereinbefore required, the Court may reject the plaintiff, or, at its discretion, may allow the plaintiff to be amended.

Court may reject plaintiff if it do not contain the required particulars, &c.

25. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the plaintiff shall be returned to the plaintiff in order to its being presented in the proper Court.

26. If it appear to the Court that the claim is improperly valued, or, being properly valued, that the plaintiff is written upon stamped paper of inadequate value, and the plaintiff, on being required by the Court to correct such improper valuation, or to supply such additional stamp paper as may be necessary, shall not comply with the requisition, the Court shall reject the plaintiff.

27. If, upon the face of the plaintiff, or after questioning the plaintiff, it appear to the Court that the subject matter of the plaintiff does not constitute a cause of action, or that the right of action is barred by lapse of time, the Court shall reject the plaintiff. Provided that the Court may, in any case, allow the plaintiff to be amended, if it appear proper to do so.

28. If it appear to the Court that the cause of action did not arise, or that the defendant is not dwelling or personally working for gain within the limits of the jurisdiction of the Court, or, if the claim relate to land or other immoveable property, that such land or other property is not situate within such limits, the Court shall return the plaintiff to the plaintiff in order to its being presented in the proper Court.

29. A suit by a party residing out of the British territories in India, and not possessing any land or other immoveable property within those territories, independent of the property in suit, shall not be entertained, unless the plaintiff, at the time of presenting the plaintiff, or within such time as the Court shall order, furnish security for the payment of all costs that may be incurred by the defendant in the suit. In the event of such security not being furnished, the Court shall reject the plaintiff.

Plaint to be rejected if security be not furnished.

30. Whenever a plaintiff is rejected under any of the foregoing Sections, an appeal shall lie from the order rejecting the plaintiff.

31. If the suit be for land or other immoveable property situate partly within the jurisdiction of the Court and partly within the jurisdiction of some other

Court or Courts, the Court shall proceed according to the rules contained in Section 5, Section 6, or Section 7, of Chapter I., as the case may be.

32. If the Court consider the plaintiff admissible, the particulars mentioned in Section 21 of this Chapter shall be entered in a book to be kept for the purpose, and called the Register of Civil Suits; and the entries shall be numbered in every year according to the order in which the plaintiff is presented. The Register shall be kept in the form contained in the Schedule A hereunto annexed.

Form of the Register.

33. When the plaintiff sues upon any written document, or relies upon any such document as evidence in support of his claim, he shall produce the same in Court when the plaintiff is presented, and shall, at the same time, deliver a copy of the document to be filed with the plaintiff; if the document be an entry in a shop-book or other book, the plaintiff shall produce the book to the Court, together with a copy of the entry on which he relies. The Court shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original, shall return the document to the plaintiff. The plaintiff may, if he think proper, deliver the original document to be filed instead of the copy. The Court may, if it see sufficient cause, direct any written document so produced to be impounded and kept in the custody of some Officer of the Court, for such period and subject to such conditions as to the Court shall seem meet. Any document not produced in Court by the plaintiff when the plaintiff is presented, shall not be received in evidence on his behalf at the hearing of the suit without the sanction of the Court.

Written document to be produced in Court when plaintiff is presented.

And copy filed with plaintiff.

Original to be marked and returned.

If plaintiff wish, original may be filed instead of copy.

Court may order document to be impounded.

Document not produced when plaintiff filed, to be inadmissible in evidence.

34. If the plaintiff require the production of any written document in the possession or power of the defendant, he may, at the time of presenting the plaintiff, deliver to the Court a description of the document, in order that the defendant may be required to produce the same.

OF SUMMONING THE DEFENDANT.

35. When the plaintiff has been registered, a summons, under the signature of the Judge and the seal of the Court, shall be issued to the defendant, to appear and answer the claim, on a day to be therein specified, in person or by a pleader of the Court duly instructed and able to answer all material questions relating to the suit, or by a pleader who shall be accompanied by some other person able to answer all such questions.

36. If the Court see reason to require the personal attendance of the defendant, the summons shall order the defendant to appear personally in Court on the day therein specified. If the Court see reason to require the personal attendance of the plaintiff on that day, it may make an order for such attendance. Provided that no plaintiff or defendant shall be ordered to attend in person, who, at the time, is *bona fide* residing at a distance of more than fifty miles from the place where the Court is held.

On plaintiff being registered, summons to issue to defendant.

Summons may order personal appearance of defendant or plaintiff.

Proviso.

37. The summons to appear shall order the defendant to produce any written document in his possession or power, of which the plaintiff demands inspection, or upon which the defendant intends to rely in support of his defence.

Summons shall order defendant to produce documents.

38. The Summons shall be in the Form B, given in the Appendix, or to the like effect.

Form of Summons.

39. The day for the appearance of the defendant shall be fixed by the Court with reference to the place of residence of the defendant, and the time necessary for the service of the summons; and the day shall be so fixed as to allow the defendant a sufficient time to enable him to appear and answer in person or by a pleader on such day.

40. In suits against a Corporation or a Company authorised to sue and be sued in the name of an Officer or Trustees, the Court may, if it think proper, require the personal attendance of any Director, Secretary, or other principal Officer of the Corporation or Company who may be able to answer all material questions relating to the suit.

Court may order personal appearance of a Director or Secretary in suits against a Corporation or Company.

SERVICE OF SUMMONS ON THE DEFENDANT.

41. The summons shall be delivered to the Nazir or other proper Officer of the Court to be served by himself or one of his subordinates, and such Officer shall be responsible for its due service.

Summons shall be served by Officer of Court.

42. Service of the summons shall be made by delivering or tendering a copy thereof under the signature of the Judge and seal of the Court; and when there are more defendants than one, service of the summons shall be made on each defendant.

How service shall be made.

43. Whenever it may be practicable, the service shall be on the defendant in person, unless he have an agent empowered to accept the service, in which case service on such agent shall be sufficient.

Service to be on defendant in person, when practicable. Service on duly authorised agent sufficient.

44. Besides the recognised agents described in Section 21 of Chapter II., any person residing within the jurisdiction of the Court may be appointed an agent to receive the service of summonses and other processes.

Who may be an agent to receive service.

45. The appointment of such agent shall be in writing, and the original appointment, or a copy thereof if the appointment be a general one, shall be filed in the Court.

Appointment of such agent to be in writing and to be filed in Court.

46. The Government pleader in each Court shall be accounted the agent of the Government for the purpose of receiving services of summonses and other judicial processes against the Government issuing out of the Court in which he may be the pleader of Government.

Agent of Government.

47. When the defendant cannot be found, and has no agent empowered to accept the service of the summons, it may be made on any adult male member of his family residing with him.

If defendant cannot be found, and has no agent, service may be made on a male member of his family.

48. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving Officer shall require the signature

In all cases the person served is to be required to endorse the summons.

of the person on whom the service may be made, to an acknowledgment of service, to be endorsed on the original summons, or on a copy thereof under the seal of the Court. If such person refuse to sign the acknowledgment, the service of the summons shall nevertheless be held sufficient, if it be otherwise proved to the satisfaction of the Court.

49. When the defendant cannot be found, and there is no agent empowered to accept the service, nor any other person on whom the service can be made, the serving Officer shall fix the copy of the summons on the outer door of the house in which the defendant is dwelling; and if he is not dwelling in the place mentioned in the summons, the serving Officer shall return the summons to the Court from whence it issued with an endorsement thereon that he has been unable to serve it. Provided that, if the serving Officer is informed that the defendant is to be found, or has his dwelling in a place within the jurisdiction of the Court other than that indicated in the summons, the Officer may proceed to that place to serve the summons.

If the summons cannot be served, a copy shall be fixed to the door of the dwelling-house.

If defendant do not dwell in the place mentioned, the summons shall be returned with an endorsement of non-service.

Proviso.

50. The serving Officer shall, in all cases in which the summons has been served, endorse on the original summons or on a copy thereof of under the seal of the Court, the time when and the manner in which it was served.

If served, time and manner of service to be endorsed on summons.

51. When a summons is returned to the Court without having been served, if the plaintiff shall satisfy the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its Officer for the purpose of avoiding the service of the summons, the Court shall order the summons to be served by fixing up a copy thereof upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

When summons is returned unserved, Court to order substituted service, if satisfied that the defendant is avoiding service.

52. Whenever service shall be substituted by order of the Court by virtue of the power contained in the last preceding Section, the Court shall fix such time for the appearance of the defendant as the case may require.

When service is substituted, the time for appearance to be fixed.

53. If the defendant be resident within the jurisdiction of any Court other than that in which the suit is instituted, and have no agent empowered to accept the service, the Court in which the suit is instituted shall transmit the summons, either by an Officer of the Court or by post, to any Court having jurisdiction at the place where the defendant resides, by which it can be most conveniently served, and shall fix such time for the appearance of the defendant as the case may require; and the Court to which the summons is transmitted, shall, upon receipt of the summons, deliver the same to the Nazir or other proper Officer of such Court, to be served in the manner above directed; and upon the return of the summons by the serving Officer, it shall be retransmitted to the Court from whence it originally issued.

How the summons is to be served when the defendant is resident within the jurisdiction of another Court, and has no agent to accept service.

54. If the defendant be resident out of the British territories in India, and have

How the summons is to be served when the defendant resides out of the British territories in India, and has no agent to accept service.

him by post; in such case the time for the appearance of the defendant shall be regulated by the time which may be required for communication

Time for appearance.

In case of non-appearance of defendant, Court may direct suit to proceed subject to conditions.

appear in person or by pleader, the plaintiff may apply to the Court, and it shall be lawful for the Court to direct that the plaintiff shall be at liberty to proceed with his suit, in such manner and subject to such conditions as to the Court may seem meet.

55. When the suit is for land or other immoveable

In suits for immoveable property, service may in certain cases be made on agent in charge of such property.

accept the service, the summons may be served on any agent of the defendant in charge of such land or other immoveable property.

56. When the defendant is in the service of the

How service may be made on Government servants.

Government, the Court may transmit a copy of the summons to the Head Officer of the Office in which the defendant is employed, for the purpose of being served on him, if it shall appear to the Court that the summons may be most conveniently so served.

On Officers and Soldiers.

If the defendant be an Officer or Soldier, the Court shall transmit a copy of the summons to the Commanding Officer of the Corps to which the defendant belongs, for the purpose of being served on him. The Officer to whom the summons is transmitted, after causing the summons to be served on the person to whom it is addressed if practicable, shall return it to the Court with the written acknowledgment of such person endorsed thereon. If from any cause the summons cannot be served upon the person to whom it is addressed, it shall be returned to the Court by which it was transmitted, with information of the cause which has prevented the service. In such case the Court shall adopt such other means of serving the summons as it may deem proper.

57. When the suit is against a Corporation or a

Service on a Corporation or Company.

Company authorised to sue and be sued in the name of an Officer or Trustees, the summons may be served by leaving the same at the registered Office (if any) of the Company, or sending it through the Post Office by a letter addressed to such Office, or by giving it to any Director, Secretary, or other principal Officer of the Corporation or Company.

58. Nothing contained in the preceding rules shall

Letter may be substituted for summons in the case of privileged persons.

be construed to prevent the Court from substituting for the summons, a letter or other appropriate communication under the signature of the Judge and seal of the Court, when the person whose appearance is required is of a rank which entitles him to such mark of consideration. The letter or other communication shall contain all the particulars required to be stated in the summons, and shall be treated in all respects as a summons.

59. When a letter or other communication is sub-

Service how to be made on privileged persons.

stituted for a summons under the authority of the last preceding Section, it may be

transmitted through the Post Office, or by a special messenger selected by the Court, or in any other manner which the Court may deem sufficient; unless the party shall have an agent empowered to accept service of judicial process, in which case delivery to such agent shall be deemed sufficient service.

60. Whenever it is provided that any summons,

Proof of due service and delivery of summons, letter, &c. transmitted through the post.

letter, or other communication may be transmitted to the person to whom it is addressed through the Post Office, proof that the same was correctly addressed to such person at his place of residence, and that it was duly posted and registered according to Section XXXVIII. of Act XVII. of 1854 (for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office), shall be sufficient proof of the due service and delivery of the summons, letter, or other communication, in the absence of evidence to the contrary.

OF SUITS AGAINST GOVERNMENT AND PUBLIC OFFICERS.

61. If the suit be against the Government, the

In suits against Government, summons to be served on Government Pleader.

summons shall be served on the Government Pleader. The Court, in fixing the day for the Government to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Pleader to appear and answer on behalf of the Government, and may extend the time at its discretion on the application of the Government Pleader.

Appearance and answer.

The Court may also, if it think proper, direct the attendance of a person who may be able to answer all material questions relating to the suit.

62. If the suit be against an Officer of the Govern-

In suits against Government Officers for alleged official acts, summons to be served on them.

ment for an act which the plaintiff alleges to have been done by such Officer in his official capacity, the summons shall be served upon such Officer in the manner hereinbefore provided.

63. If the Officer on receiving the summons shall

Court may grant extension of time to enable Officer to make a reference to Government.

consider it proper to make a reference to Government before answering to the plaint, he may move the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channels; and the Court upon such motion may extend the time for so long as shall appear to it to be requisite.

64. If the Government shall undertake the defence

If Government undertake defence, Government Pleader to appear and move that a note of his appearance be entered in the Register.

of the suit, the Government Pleader shall be furnished with authority to appear and answer to the plaint; and, upon motion made by him, the Court shall order a note to that effect to be entered in the Register.

65. If such motion shall not be made by the

If no such motion be made, case to proceed as in a suit between private parties.

Government Pleader on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest before judgment.

66. If in any such suit the Court shall require the

Defendant may, in certain cases, be exempted from personal appearance.

personal appearance of the defendant, and the defendant shall satisfy the Court that he cannot absent himself from

his duty without injury to the public service, the Court shall exempt him from such appearance, but he shall be liable to be examined in any way in which an absent witness may be examined.

HOW PERSONS NOT BEFORE THE COURT MAY BE MADE PARTIES TO A SUIT.

67. If it appear to the Court, at any hearing of a suit, that all the persons who may be entitled to, or who claim some share or interest in the subject matter of the suit, or who may be likely to be affected by the result, have not been made parties to the suit, the Court may adjourn the hearing of the suit to a future day, to be fixed by the Court, and direct that such persons shall be made either plaintiffs or defendants in the suit as the case may be. In such case, the Court shall issue a notice to such persons in the manner provided in this Act for the service of a summons on a defendant.

OF ARREST BEFORE JUDGMENT.

68. If in any suit, not being a suit for land or other immovable property, the defendant, with intent to avoid or delay the plaintiff, or to obstruct or delay the execution of any decree that may be passed against him, is about to leave the jurisdiction of the Court, or has disposed of or removed from the jurisdiction of the Court his property or any part thereof, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court that security be taken for the appearance of the defendant to answer any judgment that may be passed against him in the suit.

69. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction with the intent of avoiding or delaying the plaintiff, or that he has disposed of or removed from the jurisdiction of the Court, his property or any part thereof, with the intent to obstruct or delay the execution of any decree, it shall be lawful for the Court to issue a warrant to the proper Officer, enjoining him to bring the defendant before the Court, that he may show cause why he should not give good and sufficient bail for his appearance.

70. If the defendant fail to show such cause, the Court shall order him to give bail for his appearance at any time when called upon while the suit is pending, and until execution or satisfaction of any decree that may be passed against him in the suit; and the surety or sureties shall undertake, in default of such appearance, to pay any sum of money that may be adjudged against the defendant in the suit, with costs.

71. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit.

72. In the event of the defendant neither furnishing security nor offering a sufficient deposit, he may be committed to custody until the decision of the suit, or until the execution of any decree that may be passed against him in the suit.

73. If it shall appear to the Court that the arrest of the defendant was applied for on insufficient grounds, or if the suit of the plaintiff is dismissed or judgment is

Compensation to defendant arrested on insufficient grounds.

given against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may (on the application of the defendant) award against the plaintiff in its decree such amount, not exceeding the sum of one thousand Rupees, as it may deem a reasonable compensation to the defendant for any injury or loss which he may have sustained by reason of such arrest. Provided that the Court shall not

award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of such arrest.

74. If in any suit the defendant is about to leave the British Territories in India with intent to remain absent so long that the plaintiff will or may thereby be obstructed or delayed in the execution of any decree that may be passed against the defendant, the plaintiff may make an application to the Court to the effect and in the manner aforesaid, and the procedure thereupon shall be in all respects the same as hereinbefore provided.

OF ATTACHMENT BEFORE JUDGMENT.

75. If the defendant, with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property or any part thereof, or to remove any such property from the jurisdiction of the Court where the suit is pending, the plaintiff may apply to the Court, either at the time of the institution of the suit or at any time thereafter until final judgment, to call upon the defendant to furnish sufficient security to fulfil any decree that may be passed against him in the suit, and on his failing to give such security, to direct that any property, moveable or immovable, belonging to the defendant, shall be attached until the further order of the Court.

76. The application shall contain a specification of the property required to be attached, and the estimated value of each article or item thereof; and the plaintiff shall, at the time of making the application, declare that the defendant is about to dispose of or remove his property with such intent as aforesaid.

77. If the Court, after examining the applicant, and making such further investigation as it may consider necessary, shall be satisfied

Form of warrant to be issued.

that the defendant is about to dispose of or remove his property, with intent to obstruct or delay the execution of the decree, it shall be lawful for the Court to issue a warrant to the proper Officer, commanding him to call upon the defendant, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order to produce and place at the disposal of the Court when required the said property or the value of the same or such portion thereof as may be sufficient to fulfil the decree, or to appear and show cause why he should not furnish security. The Court may also in the warrant direct the attachment until further order of the whole or any portion of the property specified in the application.

78. If the defendant fail to show such cause or to furnish the required security within the time fixed by the Court, the Court may direct that the property specified

If cause be not shown or security be not furnished, property may be attached.

in the application, if not already attached, or such portion thereof as shall be sufficient to fulfil the decree, shall be attached until further order. If the defendant show such cause or furnish the required security, and the property specified in the application or any portion of it shall have been attached, the Court shall order the attachment to be withdrawn.

Withdrawal of attachment.

79. The attachment shall be made according to the nature of the property to be attached, in the manner hereinafter prescribed for the attachment of property in execution of a decree for money.

How the attachment is to be made.

the attachment of property in execution of a decree for money.

80. In the event of any claim being preferred to the property attached before judgment, such claim shall be investigated in the manner hereinafter prescribed for the investigation of claims to property attached in execution of a decree for money.

Claims to property attached before judgment how to be investigated.

81. In all cases of attachment before judgment, the Court which passed the order for the attachment shall at any time remove the same, on the defendant furnishing security as above required, together with security for the costs of the attachment.

Attachment may be removed when security is furnished.

82. If it shall appear to the Court that the attachment was applied for on insufficient grounds, or if the suit of the plaintiff is dismissed or judgment is given against him by default or otherwise; and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may (on the application of the defendant) award against the plaintiff in its decree such amount, not exceeding the sum of one thousand Rupees, as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the attachment of his property. Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of such attachment.

Compensation for attachment applied for on insufficient grounds, &c.

Proviso.

83. Attachments before judgment shall not affect the rights of persons not parties to the suit, nor bar any person holding a decree against the defendant from applying for the sale of the property under attachment in execution of such decree.

Attachment not to injure the rights of persons not parties to the suit, or bar the execution of decrees.

84. If it shall appear to the Court by whose order the property may have been attached before judgment, that there is reasonable ground for supposing that the decree, in satisfaction of which the sale of the property is applied for, was obtained by fraud or other improper means, the Court may refuse to allow the property to be sold in execution, if the decree be a decree of that Court; or, if it be a decree of another Court, may stay the proceedings for a reasonable time, to enable the plaintiff in the pending suit to adopt proceedings to set aside the decree.

Court may stay the sale of property already under attachment, when execution of a decree fraudulently obtained is applied for.

85. Whenever lands paying revenue to Government form the subject of a suit, if the party in possession of such lands shall neglect to pay the Government revenue, and a public sale shall in consequence be ordered to take place, the party not in possession shall, upon payment of the revenue due previously to the sale (and with or without security, at the discretion of the Court), be put in immediate pos-

Special case in which plaintiff may be put in immediate possession of land the subject of suit.

session of the lands; and the Court in its decree may award against the defendant the amount so paid, with interest thereupon at such rate as to the Court may seem fit, or may charge the amount so paid, with interest thereupon, at such rate as the Court may order, in any adjustment of accounts which may be directed in the final decree upon the suit.

OF INJUNCTIONS.

86. In any suit in which it shall be shown to the satisfaction of the Court that any property which is in dispute in the suit is in danger of being wasted, damaged, or alienated by any party to the suit, it shall be lawful for the Court to issue an injunction to such party, commanding him to refrain from doing the particular act complained of, or to give such other orders for the purpose of staying and preventing him from wasting, damaging, or alienating the property, as to the Court may seem meet. And in all cases in which it may appear to the Court to be necessary for the preservation, or the better management, or custody of any property which is in dispute in a suit, it shall be lawful for the Court to appoint a receiver or manager of such property, and, if need be, to remove the person in whose possession or custody the property may be from the possession or custody thereof, and to commit the same to the custody of such receiver or manager, and to grant to such receiver or manager all such powers for the management or the preservation and improvement of the property, and the collection of the rents and profits thereof, and the application and disposal of such rents and profits, as to the Court may seem proper. If the property be land paying revenue to Government, and it is considered that the interests of those concerned will be promoted by the management of the Collector, the Court may appoint the Collector to be receiver and manager of such land, unless the Government shall, by any general order, prohibit the appointment of Collectors for such purpose, or shall, in any particular case, prohibit the appointment of the Collector to be such receiver.

Cases in which an injunction to stay waste may be granted.

Or in which a receiver or manager may be appointed.

When the Collector may be appointed receiver or manager.

87. In any suit for restraining the defendant from the committal of any breach of contract or other injury, and whether the same be accompanied with any claim for damages or not, it shall be lawful for the plaintiff at any time after the commencement of the suit, and whether before or after judgment, to apply to the Court for an injunction to restrain the defendant from the repetition, or the continuance of the breach of contract, or wrongful act complained of, or the committal of any breach of contract or injury of a like kind arising out of the same contract or relating to the same property or right; and such injunction may be granted by the Court on such terms as to the duration of the injunction, keeping an account, giving security, or otherwise, as to such Court shall seem reasonable and just; and in case of disobedience, such injunction may be enforced by imprisonment, in the same manner as a decree for specific performance: provided always, that any order for an injunction may be discharged or varied or set aside by the Court, on application made thereto by any party dissatisfied with such order.

Special rule in actions for injunctions.

88. The Court may in every case, before granting an injunction, direct such reasonable notice of the application for the same to be given to the opposite party as it shall see fit.

Before granting injunction, Court may direct reasonable notice to be given to the opposite party.

89. If it shall appear to the Court that the injunction was applied for on insufficient grounds, or if the claim of the plaintiff is dismissed or judgment is given

Compensation to defendant for needless issue of injunction.

against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may (on the application of the defendant) award against the plaintiff in its decree such sum, not exceeding one thousand Rupees, as it may deem a reasonable compensation to the defendant for the expense or injury occasioned to him by the issue of the injunction.

Provido.

Provided that the Court shall not award a larger amount of compensation under this Section than it is competent to such Court to decree in an action for damages. An award of compensation under this Section shall bar any suit for damages in respect of the issue of the injunction.

OF THE WITHDRAWAL AND ADJUSTMENT OF SUITS.

90. If the plaintiff at any time before final judgment satisfy the Court that there are sufficient grounds for permitting him to withdraw from the suit with liberty to bring a fresh suit for the same matter, it shall be competent to the Court to grant such permission on such terms as to costs or otherwise as it may deem proper. In any such fresh suit the plaintiff shall be bound by the rules for the limitation of actions in the same manner as if the first suit had not been brought. If the plaintiff withdraw from the suit without such permission, he shall be precluded from bringing a fresh suit for the same matter.

91. If a suit shall be adjusted by mutual agreement or compromise, or if the defendant satisfy the plaintiff in respect to the matter of the suit, such agreement, compromise, or satisfaction shall be recorded, and the suit shall be disposed of in accordance therewith. On the application of the plaintiff reciting the substance of such agreement, compromise, or satisfaction, the Court, if satisfied that such agreement, compromise, or satisfaction has been actually entered into or made, shall grant a certificate to the plaintiff, authorising him to receive back from the Collector the full amount of stamp duty paid on the plaint if the application shall have been presented before the settlement of issues, or half the amount if presented at any time after the settlement of issues and before any witness has been examined. Provided, however, that no such certificate shall be granted if the adjustment between the parties be such as to require a decree to pass on which process of execution can be taken out.

92. The death of a plaintiff or defendant shall not cause the suit to abate if the cause of action survive.

Provido.

Provided that no such certificate shall be granted if the adjustment between the parties be such as to require a decree to pass on which process of execution can be taken out.

OF THE DEATH, MARRIAGE, AND BANKRUPTCY OR INSOLVENCY OF PARTIES.

93. If there be two or more plaintiffs or defendants, and one of them die, and if the cause of action survive to the surviving plaintiff or plaintiffs alone, or against the surviving defendant or defendants alone, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and against the surviving defendant or defendants.

94. If there be two or more plaintiffs, and one of them die, and if the cause of action shall not survive to the surviving plaintiff or plaintiffs alone, but shall survive to them and the legal representative of the deceased plaintiff jointly, the Court may, on the application of the legal representative of the deceased plaintiff,

enter the name of such representative in the Register of the suit in the place of such deceased plaintiff, and the suit shall proceed at the instance of the surviving plaintiff or plaintiffs and such legal representative of the deceased plaintiff. If no application shall be made to the Court by any person claiming to be the legal representative of the deceased plaintiff, the suit shall proceed at the instance of the surviving plaintiff or plaintiff; and the legal representative of the deceased plaintiff shall be interested in and shall be bound by the judgment given in the suit, in the same manner as if the suit had proceeded at his instance conjointly with the surviving plaintiff or plaintiffs.

95. In case of the death of a sole plaintiff, or sole surviving plaintiff, the Court may, on the application of the legal representative of such plaintiff, enter the name of such representative in the place of such plaintiff in the Register of the suit, and the suit shall thereupon proceed; if no such application shall be made to the Court, within what it may consider a reasonable time, by any person claiming to be the legal representative of the deceased sole plaintiff or sole surviving plaintiff, it shall be competent to the Court to pass an order that the suit shall abate, and to award to the defendant the reasonable costs which he may have incurred in defending the suit, to be recovered from the estate of the deceased sole plaintiff, or surviving plaintiff; or the Court may, if it think proper, on the application of the defendant, and upon such terms as to costs as may seem fit, pass such other order for bringing in the legal representative of the deceased sole plaintiff, or surviving plaintiff, and for proceeding with the suit in order to a final determination of the matters in dispute, as may appear just and proper in the circumstances of the case.

96. If any dispute arise as to who is the legal representative of a deceased plaintiff, it shall be competent to the Court either to stay the suit until the fact has been duly determined in another suit, or to decide at or before the hearing of the suit who shall be admitted to be such legal representative for the purpose of prosecuting the suit.

97. If there be two or more defendants, and one of them die, and the cause of action shall not survive against the surviving defendant or defendants alone, and also, in case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make an application to the Court, specifying the name, description, and place of abode of any person whom the plaintiff alleges to be the legal representative of such defendant, and whom he desires to be made the defendant in his stead; and the Court shall thereupon enter the name of such representative in the Register of the suit in the place of such defendant, and shall issue a summons to him to appear on a day to be therein mentioned to defend the suit; and the case shall thereupon proceed in the same manner as if such representative had originally been made a defendant, and had been a party to the former proceedings in the suit.

98. The marriage of a woman, plaintiff or defendant, shall not cause the suit to abate, but the suit may, notwithstanding, be proceeded with to judgment, and the decree thereupon may be executed upon the wife alone; and, if the case is one in which the husband is by law liable for the debts of his wife, the decree may, with the permission of the Court, be executed against the husband also; and, in case of judgment for the wife, execution of the decree may, with the permission of the Court, be issued upon the application of the husband, where the husband is by law entitled to the money or thing which may be the subject of the decree.

99. In case of the death of one of several plaintiffs or defendants, if the cause of action survives, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and against the surviving defendant or defendants.

100. In case of the death of one of several plaintiffs, where the cause of action accrues to the survivor and the representative of the deceased, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, and against the surviving defendant or defendants.

99. The bankruptcy or insolvency of the plaintiff in any suit which the Assignee might maintain for the benefit of the creditors shall not be a valid objection to the continuance of such suit; unless the Assignee shall decline to continue the suit, and to give security for the costs thereof, within such reasonable time as the Court may order; if the Assignee neglect or refuse to continue the suit and to give such security within the time limited by the order, the defendant may, within eight days after such neglect or refusal, plead the bankruptcy or insolvency of the plaintiff as a reason for abating the suit.

OF NOTICES TO PRODUCE, AND HOW THEY ARE TO BE SERVED.

100. Whenever any of the parties to a suit is desirous that any document, writing, or other thing, which he believes to be in the possession or power of another of the parties thereto, should be produced at any hearing of the suit, and the production of such document, writing, or other thing has not previously been required, under the provisions of Sections 34 and 37 of this Chapter, he shall, at the earliest opportunity, deliver to the Court two notices in writing to the party in whose possession or power he believes the document, writing, or other thing to be, calling upon him to produce the same; and one of such notices shall be filed in Court, and the other shall be delivered by the Court to the Nazir or other proper Officer, to be served upon such party.

101. In all cases in which a party to a suit has not appointed a pleader to act for him, all notices and other judicial processes shall be served upon such party in the manner hereinbefore provided for the service of a summons upon a defendant to appear and answer.

OF THE APPEARANCE OF THE PARTIES, AND CONSEQUENCES OF NON-APPEARANCE.

102. On the day fixed in the summons for the defendant to appear and answer, the parties shall be in attendance at the Court house in person or by a pleader, and the suit shall then be heard, unless the hearing be adjourned to a future day, which shall be fixed by the Court.

103. If, on the day fixed for the defendant to appear and answer, or any other day subsequent thereto, to which the hearing of the suit may be adjourned, neither party shall appear, either in person or by a pleader, when duly called upon by the Court, the suit shall be dismissed. Whenever a suit is dismissed under the provisions of this Section, the plaintiff shall be at liberty to bring a fresh suit, unless precluded by the rules for the limitation of actions; or if he shall, within the period of thirty days, satisfy the Court that there was a sufficient excuse for his non-appearance, the Court may issue a fresh summons upon the plaintiff already filed.

104. If the plaintiff shall appear in person or by a pleader, and the defendant shall not appear in person or by a pleader, and it shall be proved to the satisfaction of the Court that the summons was duly served, the Court shall proceed to hear the suit *ex parte*. If the defendant appear on any subsequent day to which the hearing of the suit is adjourned, and shall assign good and sufficient cause for his previous non-appearance, the Court may proceed *ex parte* if due service of summons be proved.

If defendant appear on day of adjourned hearing, and assign good cause for his previous non-appearance, he may be heard.

he may, upon such terms as the Court may direct as to payment of costs or otherwise, be heard in answer to the suit in like manner as if he had appeared on the day fixed for his appearance.

105. If the plaintiff shall appear in person or by a pleader, and the defendant shall not appear in person or by a pleader, and it shall not be proved to the satisfaction of the Court that the summons was duly served in any of the modes of service hereinbefore provided, the Court may direct a second summons to the defendant to be issued in any of the said modes.

106. If the plaintiff shall appear in person or by a pleader, and the defendant shall not appear in person or by a pleader, and it shall be proved to the satisfaction of the Court that the summons was served on the defendant, but not in sufficient time to enable the defendant to appear and answer on the day fixed in the summons, the Court shall postpone the hearing of the suit to a future day to be fixed by the Court, and may direct notice of such day to be given to the defendant.

107. If the defendant shall appear in person or by a pleader, and the plaintiff shall not appear in person or by a pleader, the Court shall pass judgment against the plaintiff by default, unless the defendant admit the claim, in which case the Court shall pass judgment against the defendant upon such admission.

108. When there are two or more plaintiffs, any one or more of them may be authorised to appear, plead, and act for the other or others of them: and, in like manner, when there are two or more defendants, any one or more of them may be authorised to appear, plead, and act for the other or others of them; provided that the authority shall, in all cases, be in writing, and shall be filed in the Court; when so filed it shall be as effectual to all intents and purposes as if the person so authorised to appear, plead, and act, were a pleader of the Court.

109. If there are two or more plaintiffs, and one or more of them shall appear in person or by a pleader, or by a co-plaintiff duly authorised, and the other and others of them shall not appear in person or by a pleader or by a co-plaintiff duly authorised, it shall be competent to the Court to proceed with the suit at the instance of the plaintiff or plaintiffs who shall have appeared in the same way as if all the plaintiffs had appeared, and to pass such order as may be just and proper in the circumstances of the case; and if there are two or more defendants, and one or more of them shall appear in person or by a pleader or by a co-defendant duly authorised, and the other or others of them shall not appear in person or by a pleader or by a co-defendant duly authorised, the Court shall proceed with the suit to judgment, and shall, at the time of passing judgment, give such order with respect to the defendant or defendants who shall not have appeared as shall be just and proper in the circumstances of the case.

110. If any plaintiff or defendant who shall have been ordered or summoned to appear personally, under the provisions of Section 36 of this Chapter, shall not appear in person, or show sufficient cause, to the satisfaction of the Court, without sufficient cause shown, of any party to a suit summoned or ordered to appear in person.

the Court, for failing so to appear, such plaintiff or defendant shall be subject to all the provisions of the foregoing Sections applicable to plaintiffs and defendants respectively, who do not appear either in person or by pleader.

111. In support of the cause shown by a plaintiff or defendant for failure to appear in person, the Court shall receive any declaration in writing on unstamped paper, if signed by such plaintiff or defendant, and verified in the manner hereinbefore provided for the verification of plaintiffs.

112. No appeal shall lie from a judgment passed *ex parte* against a defendant who has not appeared, or from a judgment against a plaintiff by default for non-appearance. But in all cases in which judgment may be passed *ex parte* against a defendant, he may apply, within a reasonable time, not exceeding thirty days after any process for enforcing the judgment has been executed, to the Court by which the judgment was passed, for an order to set it aside; and if it shall be proved to the satisfaction of the Court that the summons was not duly served, or that the defendant was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the judgment, and shall appoint a day for proceeding with the suit. In all cases of judgment against a plaintiff by default, he may apply, within thirty days from the date of the judgment, for an order to set it aside; and if it shall be proved to the satisfaction of the Court that the plaintiff was prevented by any sufficient cause from appearing when the suit was called on for hearing, the Court shall pass an order to set aside the judgment by default, and shall appoint a day for proceeding with the suit. But no judgment shall be set aside on any such application as aforesaid, unless notice thereof have been served on the opposite party. In all cases in which the Court shall pass an order under this Section for setting aside a judgment, the order shall be final; but, in all appealable cases, an appeal shall lie from the tribunal to which the final decision in the suit would be appealable; provided that the appeal be preferred within the time allowed for an appeal from such final decision, and be written upon stamp paper of the value prescribed for petitions to the Court where a stamp is required for petitions.

When and how judgment *ex parte* against a defendant may be set aside.

No appeal from judgments obtained *ex parte* or by default.

When and how judgment by default against a plaintiff may be set aside.

Order for setting aside judgment shall be final.

In appealable cases, an appeal from order of rejection.

Proviso.

OF WRITTEN STATEMENTS.

113. The parties or their pleaders may tender, at the first hearing of the suit, written statements of their respective cases, and the Court shall receive the same and put them on the record. Such statements shall be written on the stamp paper prescribed for petitions to the Court where a stamp is required for petitions.

114. If in a suit for debt the defendant desire to set-off against the claim of the plaintiff the amount of any debt due to him from the plaintiff, he shall tender a written statement containing the particulars of his demand, and the Court shall thereupon inquire into the same. Provided that, if the sum claimed by the defendant exceed the amount

cognisable by the Court, the defendant shall not be allowed to set-off the same unless he abandon the excess.

115. No written statement shall be received after the first hearing of the suit, unless called for by the Court. But it shall be competent to the Court, at any time before final judgment, to call for a written statement, or an additional written statement, from any of the parties. When such statements are called for by the Court, they shall be received on plain paper.

116. Written statements shall be as brief as the nature of the case will admit, and shall not be argumentative, nor by way of answer one to the other; but each statement shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf the written statement is made believes to be material to the case, and which he believes he will be able to prove if called upon by the Court. Written statements shall be subscribed and verified in the manner hereinbefore provided for subscribing and verifying plaintiffs, and no written statement shall be received unless it be so subscribed and verified.

117. If it shall appear to the Court that any written statement presented by or on behalf of a party, whether the same have been spontaneously tendered or have been called for by the Court, is argumentative or unnecessarily prolix, or that it contains matter irrelevant to the suit, the Court may reject the same, and return it to the party with the order of rejection endorsed thereon; and it shall not be competent to a party, whose written statement has been rejected for any of these causes, to present another written statement, unless it shall be expressly called for or allowed by the Court.

OF THE EXAMINATION OF THE PARTIES.

118. At the first hearing of the suit, and, if necessary, at any subsequent hearing, any party who appears in person, or is present in Court, or the pleader of any party who appears by a pleader, may be examined orally by the Court. Every party shall be examined upon oath or affirmation, or otherwise, according to the provisions of the law for the time being in force in relation to the examination of witnesses.

119. If any party who appears in person or is present in Court shall, without lawful excuse, refuse to answer any material question relating to the suit which the Court may think proper to put to such party, the Court may pass judgment against him, or make such other order in relation to the suit as it may deem proper in the circumstances of the case.

120. If the pleader of any party who shall appear by a pleader shall refuse or be unable to answer any material question relating to the suit, which the Court is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Court may postpone the hearing of the suit to a future day, and direct that such party shall attend in person on such day; and if the party so directed to attend shall, without lawful excuse, fail to appear in person on the day to be so appointed, the Court may pass judgment against him, or make such other order in relation to the suit as it may deem proper in the circumstances of the case.

Consequence of refusal of a party to answer.

Consequence of refusal or inability of pleader to answer.

Consequence of refusal of a party to answer.

Consequence of refusal or inability of pleader to answer.

Consequence of refusal of a party to answer.

Consequence of refusal or inability of pleader to answer.

Consequence of refusal of a party to answer.

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Consequence of refusal of a party to answer.

OF THE PRODUCTION OF DOCUMENTS.

121. The parties or their pleaders shall bring with them, and have in readiness at the first hearing of the suit, to be produced when called upon by the Court, all their documentary evidence of every description which may not already have been filed in Court, and all documents, writings, or other things which may have been specified in any notice which may have been served on them respectively within a reasonable time before the hearing of the suit; and no documentary evidence of any kind, which the parties or any of them may desire to produce, shall be received by the Court at any subsequent stage of the proceedings, unless good cause be shown to its satisfaction for the non-production thereof at the first hearing.

Documentary evidence to be produced at first hearing.

122. All exhibits produced by the parties shall be received and inspected by the Court; but it shall be competent to the Court, after inspection, to reject any exhibit which it may consider irrelevant or otherwise inadmissible, recording the grounds of such rejection.

Exhibits to be received and inspected by the Court.

Rejection of exhibits.

123. If the exhibit be a deed, instrument, or writing, chargeable with stamp duty under any Regulation or Act for the time being in force, and it shall appear to the Court that the deed, instrument, or writing, although written on stamp paper, does not bear a sufficient stamp, the Court shall, nevertheless, receive the same in evidence, saving all just exceptions on other grounds, if the party producing it or requiring its production shall pay into Court the deficiency of the stamp duty, and a penalty equal to ten times the amount of the deficiency. Provided that, if it shall appear to the Court that there are reasonable grounds for believing that the deed, instrument, or writing was not properly stamped with the intention of evading the stamp laws, the Court may reject the same.

Proviso.

124. An entry of the fact of such payment, and of the amount thereof, shall be made in a book to be kept in the Court, and shall also be endorsed on the back of such deed, instrument, or writing, under the signature of the Judge of the Court. The Court shall, at the end of every month, make a return to the Collector of Revenue of the District of the monies (if any) which it has so received by way of duty or penalty, distinguishing between such monies, and stating the number and title of the suit, and the name of the party from whom such monies were received, and the date (if any), and description of the document, for the purpose of identifying the same; and the Court shall pay over the said monies to the Collector of Revenue, or to such person as he may appoint to receive the same; and the Collector of Revenue, or other proper authority, shall, upon production of the deed, instrument, or writing, with the endorsement hereinbefore mentioned, cause such additional stamp as may be necessary to be affixed to such deed, instrument, or writing, in respect of the sums so paid as aforesaid.

Account of monies so received to be kept.

Monthly return to be made to Collector.

125. When an exhibit is received by the Court and admitted in evidence, it shall be endorsed with the number and title of the suit, the name of the party producing it, and the date on which it was produced, and shall be filed as part of the record. Provided that, if the exhibit be an entry in any shop-book or other book, the party on whose behalf such book is produced shall furnish a copy of the entry, which copy shall be endorsed as aforesaid, and shall be filed as part of the record, and the book shall be returned to the party producing it.

Proviso.

126. No stamp duty shall be leviable in respect of the production or filing of any exhibit, anything contained in any Regulation or Act notwithstanding.

127. When an exhibit is rejected by the Court, it shall be endorsed in the manner specified in Section 125, with the addition of the word "rejected," and the endorsement shall be subscribed by the Judge. The exhibit shall then be returned to the party who produced it, unless the Court shall think proper, for special reasons (as on suspicion of forgery), to detain it.

128. When the time for preferring an appeal from the decision passed in the suit has elapsed, or if an appeal has been preferred from such decision, then, after the appeal has been finally disposed of, any person, whether a party to the suit or not, who may be desirous of receiving back any exhibit produced by him in the suit, shall be entitled, on application to the Court in which such exhibit may be, to receive back the same, unless the further use of such exhibit has been superseded by the terms of the decree, or the Court has directed it to be detained for purposes of public justice.

129. Any exhibit may be returned before the time mentioned in the last preceding Section, if the Court, in which the document may be, shall think proper, for special reasons, to order its return. But in every case a copy, properly certified, and made at the expense of the applicant, shall be substituted for the original in the record of the suit.

130. Whenever an exhibit once received by a Court of Justice and admitted in evidence is returned, a receipt shall be given by the party receiving it in a receipt-book kept for the purpose.

131. Any Civil Court may of its own accord, or upon the application of any of the parties to a suit, send for, either from its own records or from any other public Office or Court, the record of any other suit or case, and inspect the same, when the inspection of such record or any part of it shall appear likely to elucidate the facts of the suit before the Court, and to promote the ends of justice.

132. At the first hearing of the suit, the Court shall inquire and ascertain upon what questions of law or fact the parties are at issue, and shall thereupon proceed to frame and record the issues of law and fact on which the right decision of the case may depend. The Court may frame the issues from the allegations of fact which it collects from the oral examination of the parties or their pleaders, notwithstanding any difference between such allegations of fact and the allegations of fact contained in the written statements, if any, tendered by the parties or their pleaders.

OF THE SETTLEMENT OF ISSUES.

133. If the Court shall be of opinion that the issues cannot be correctly framed without the examination of some person other than the persons already before the Court, or without the reading of some document not produced by any of such persons, it may adjourn the framing of the issues to a future day, to be fixed by the Court, and may compel the attendance of such person, or the production of the document by the person in whose hands it may be, by summons or other suitable process.

134. Court may examine witnesses or documents before framing the issues.

134. At any time before the decision of the case, the Court may amend the issues or frame additional issues, on such terms as to it shall seem fit, and all such amendments as may be necessary for the purpose of determining the real question or controversy between the parties shall be so made.

OF ISSUES BY AGREEMENT OF PARTIES.

135. When the parties to a suit are agreed as to the question or questions of fact or of law to be decided between them, they may state the same in the form of an issue, and enter into an agreement in writing, which shall not be subject to any stamp duty, that, upon the finding of the Court in the affirmative or the negative of such issue, a sum of money specified in the agreement, or to be ascertained by the Court upon a question inserted in the issue for that purpose, shall be paid by one of the parties to the other of them, or that, upon such finding, some property specified in the agreement, and in dispute in the suit, shall be delivered by one of the parties to the other of them, or that, upon such finding, one or more of the parties shall do or perform some particular legal act, or shall refrain from doing or performing some particular act, specified in the agreement, and having reference to the matter in dispute.

136. If the Court shall be satisfied, after an examination of the parties or their pleadings, and taking such evidence as it may deem proper, that the agreement was duly executed by the parties, and that the parties have a *bona fide* interest in the decision of such question, and that the same is fit to be tried and decided, it may proceed to record and try the same, and deliver its finding or opinion thereon in the same manner as if the issue had been framed by the Court, and may, upon the finding or decision on such issue, give judgment for the sum so agreed on or so ascertained as aforesaid, or otherwise according to the terms of the agreement; and upon the judgment which shall be so given, decree shall follow, and may be executed in the same way as if the judgment had been pronounced in a contested suit.

WHEN THE SUIT MAY BE DISPOSED OF AT THE FIRST HEARING.

137. If, at the first hearing of a suit, it shall appear that the parties are not at issue on any question of law or fact, the Court may at once give judgment.

138. When the parties are at issue on some question of law or fact, and issues have been framed by the Court as hereinbefore provided, if the Court shall be satisfied that no further argument or proof than such as the parties or their pleadings can at once supply is required upon any such of the issues of law or fact as may be sufficient for the decision of the suit, the Court, after hearing such argument and proof, may proceed to determine such issue or issues, and, if the finding thereon is sufficient for the decision, may pronounce judgment accordingly; otherwise the Court shall postpone the further hearing of the suit, and shall fix a day for the production of such further evidence or for such further argument as the case may require.

OF ADJOURNMENTS.

139. The Court may, if sufficient cause be shown at any stage of the suit, grant time to the parties, or to either of them, and may,

from time to time, adjourn the hearing of the suit; and in all such cases, the Court shall fix a day for the further hearing of the suit. Provided that in all such cases the party applying for time shall pay the costs occasioned by such adjournment, unless the Court shall otherwise direct.

Proviso.

140. If, on any day to which the hearing of the suit may be adjourned, the parties or either of them shall not appear in person or by pleader, the Court may proceed to dispose of the suit in the manner specified in Section 103, Section 104, or Section 107 of this Chapter, as the case may be, or may make such other order as may appear to be just and proper in the circumstances of the case.

141. If either party to a suit, to whom time may have been granted, shall fail to produce his proofs, or to cause the attendance of his witnesses, or to perform any other act for which time may have been allowed, the Court shall proceed to a decision of the suit on the record, notwithstanding such default.

OF SUMMONING WITNESSES.

142. The parties or their pleaders may, at any time after the issues have been recorded, obtain, on application to the Court, summonses to witnesses or other persons to attend either to give evidence or to produce documents, and in any such summonses, the names of any number of persons may be inserted.

143. No stamp duty shall be leviable in respect of any application for the summons of a witness or other person to attend either to give evidence or to produce a document, anything contained in any Regulation or Act notwithstanding.

144. The person applying for a summons shall pay into Court such a sum of money as shall appear to the Court to be reasonable, to defray the travelling and other expenses of each witness, or other person mentioned in the summons, in passing to and from the Court in which he may be required to attend, and for one day's attendance. If the Court be a subordinate Court, regard shall be had, in fixing the scale of such expenses, to the rules (if any) established by the Court to which such Court shall be immediately subordinate. The sum so paid into Court shall be tendered to the witness or other person at the time of serving the summons, if it can be served personally. If it shall appear to the Court that the sum paid into Court on account of the travelling and other expenses of the witness or other person in passing to and from the Court is not sufficient to cover such expenses, the Court may direct such further sum to be paid to the witness or other person as may appear to be necessary on that account, and, in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, or may discharge the witness without requiring him to give evidence. If it shall be necessary to detain the witness or other person summoned for a longer period than one day, the Court may, from time to time, order the party at whose instance he was summoned to pay into Court such sum as may be sufficient to defray the expenses of his detention for such further period, and, in default of such deposit being made, may order the witness to be discharged without requiring him to give evidence.

145. Every summons for the attendance of a witness or other person shall specify the time and place at which he is required to attend, and also, whether his

attendance is required for the purpose of giving evidence or to produce a document, or for both purposes; and any particular document, which the witness or other person may be called on to produce, shall be described in the summons with convenient certainty.

146. Any person, whether a party to a suit or not, may be summoned to produce a document, without being summoned merely to give evidence; and any person, summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same.

SERVICE OF SUMMONS ON A WITNESS.

147. Every summons to a witness or other person shall be served by exhibiting the original, and delivering or tendering a copy; and the service shall, in all cases, be made a sufficient time before the time specified in the summons for the attendance of the witness or other person, to allow him a reasonable time for preparation, and for travelling to the place at which his attendance is required.

148. Whenever it may be practicable, the service of the summons shall be upon the person thereby required to attend; but when he cannot be found, the service may be made on any adult male member of his family residing with him.

149. When the person required to attend cannot be found, and there is no adult male member of his family on whom the summons can be served, the serving Officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it.

150. The serving Officer shall, in all cases in which the summons has been served, endorse, on the original summons, the time when and the manner in which it was served.

151. If the person required to attend be resident within the jurisdiction of any other Court than that in which the suit is pending, the summons shall be transmitted by the Court in which the suit is pending, to any Court having jurisdiction at the place where the witness resides by which it can be most conveniently served; and the Court to which the summons is sent shall, upon receipt thereof, deliver the same to the Nazir or other proper Officer of such Court, to be served in the manner above directed; and, upon the return of the summons by the serving Officer, it shall be transmitted to the Court from whence it originally issued.

152. If the summons for the attendance of any person, either to give evidence or to produce a document, cannot be served in either of the ways hereinbefore specified, the Court, on being certified thereof by the return of the serving Officer, and upon proof that the evidence of such witness or the production of the document is material, and that the witness or other person absconds or keeps out of the way for the purpose of avoiding the service of the summons, may cause a proclamation, requiring the attendance of such person, to give evidence or produce the document, at a time and place to be named therein, to be affixed in some conspicuous place upon his house or place of abode; and if such person shall not attend at the time and place named in such proclamation, the Court may, at the instance of the party on whose application the summons was issued, make an order for

the attachment of the moveable and immovable property of such person, to such amount as the Court shall deem reasonable, not being in excess of the amount of the costs of attachment, and of any fine to which the person may be liable under the provisions of the following Section.

153. If, on the attachment of the property, such witness or other person shall appear, and satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not notice of the proclamation in time to attend at the time and place named therein, the Court shall direct that the property be released from attachment, and shall make such order in regard to the costs of the attachment as it shall deem fit. If such witness or other person shall not appear, or, appearing, shall fail to satisfy the Court that he did not abscond or keep out of the way to avoid service of the summons, and that he had not such a notice of the proclamation as aforesaid, it shall be lawful for the Court to order the property attached, or any part thereof, to be sold, for the purpose of satisfying all costs incurred in consequence of such attachment, together with the amount of any fine which the Court may impose upon such witness or other person under the provisions of any law for the time being in force for the punishment of a witness who may abscond or keep out of the way in order to avoid the service of a summons. If the witness or other person shall pay into Court the costs and fine as aforesaid, the Court shall order the property to be released from attachment.

OF THE EXAMINATION OF PARTIES AS WITNESSES.

154. When a party to a suit appears in person at any hearing of the suit, he may be examined as a witness, either in his own behalf or on behalf of any other party to the suit, in the same way as if he were not a party thereto.

155. If any party to a suit shall require to enforce the attendance of any other party thereto as a witness, he shall, by himself or his pleader, make a special application to the Court for an order requiring the attendance of the party, and shall show, to the satisfaction of the Court, sufficient grounds in support of such application, otherwise a summons shall not be issued.

156. The Court, if it think fit, may, before making such order, cause notice to be given to the party or his pleader, fixing a day for such party to show cause why he should not attend and give evidence; and may also, from time to time, if necessary, for good and sufficient reason, enlarge the time for such purpose.

157. In support of the cause shown, the Court shall receive any declaration in writing of the party, on unstamped paper, if signed by him and verified in the manner hereinbefore provided for the verification of complaints, and delivered into the Court by himself or his pleader.

158. If no sufficient cause be shown on the day fixed, or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall issue its order requiring the party to attend and give evidence.

159. If the Court shall think it necessary for the ends of justice to examine any party to the suit, or to inspect any document in his possession or power, the Court may, of its own accord, in any stage of the suit, cause such party to be summoned to attend as a witness

to give evidence or to produce such document if in his possession or power, on a day to be appointed in the summons, and may examine such party as a witness in open Court, or may cause such party to be examined in such other manner as the Court may direct.

ATTENDANCE OF WITNESSES, AND CONSEQUENCE OF NON-ATTENDANCE.

160. Any person who shall be summoned to appear and give evidence in a suit shall be bound to attend at the time and place named in the summons for that purpose.

Consequences of non-attendance by a witness not a party to the suit. 161. If any person on whom any summons to give evidence or produce a document shall have been served in either of the ways specified in Section 143 of this Chapter, shall, without lawful excuse, fail to comply with the summons, the Court may order such person to be apprehended and brought before the Court. If such person abscond or keep out of the way, so that he cannot be apprehended or brought before the Court, his property shall be liable to attachment and sale in the manner and subject to the rules provided in Sections 152 and 153 of this Chapter with respect to a witness or other person on whom the service of a summons cannot be effected.

Consequences of refusal to give evidence. 162. If any witness, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may commit such witness to close custody for such reasonable time as it may deem proper, unless he shall in the meantime consent to give his evidence, or to produce the document. If after the expiration of such time the witness shall persist in his refusal, the Court may proceed to deal with him according to the provisions of any law for the time being in force for the punishment of persons refusing to give evidence.

Consequence of non-attendance or refusal of a party to give evidence. 163. If any person, being a party to the suit, who shall be ordered to attend to give evidence or produce a document, shall, without lawful excuse, fail to comply with such order, or, attending or being present in Court, shall, without lawful excuse, refuse to give evidence, or to produce any document in his custody or possession named in such summons as aforesaid, upon being required by the Court so to do, the Court may either pass judgment against the party so failing or refusing, or make such other order in relation to the suit as the Court may deem proper in the circumstances of the case.

Any person present in Court may be called upon to give evidence though not summoned. 164. Any person present in Court, whether a party to the suit or not, may be called upon by the Court to give evidence, and to produce any document then and there in his actual possession or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence or to produce such document, and shall be liable to be dealt with by the Court as a party or witness, as the case may be, would, under any of the preceding provisions, be liable to be dealt with, for any refusal to obey the order of the Court.

WHEN AND HOW WITNESSES ARE TO BE EXAMINED.

Witnesses to be examined at the hearing of the suit in open Court. 165. On the day appointed for the hearing of the suit, or on some other day to which the hearing may be adjourned, the evidence of the witnesses in attendance shall be taken orally in open Court, in the presence and hearing, and under the personal di-

rection and superintendence, of the Judge. In cases in

In what form evidence shall be taken in appealable cases. which an appeal lies to a higher tribunal, the evidence of each witness given upon such examination shall be taken down in writing, in the language in ordinary use in proceedings before the Court, by, or in the presence and under the personal direction and superintendence of the Judge, not ordinarily in the form of question and answer, but in that of a narrative; and, when completed, shall be read over in the presence of the Judge and of the witness, and also in the presence of the parties to the suit or their pleaders, or such of them as are in attendance, and shall, if necessary, be corrected, and shall be signed by the Judge. If the evidence be taken down in a different language from that in which it has been given, and the witness does not understand the language in which it is taken down, the witness may require his deposition as taken down in writing to be interpreted to him in the language in which it was given. Where all the parties to the suit present, and the pleaders of

In what case deposition to be interpreted. When evidence may be taken in English. such as are absent, consent to have such evidence as is given in English taken down in English, the Judge may so take it down in his own hand. It shall be in the discretion of the Court to take down, or cause to be taken down, any particular question and answer, if there shall appear any special reason for so doing, or any party or his pleader shall require it. If any question put to a witness be objected to by either of the parties or their pleaders, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Court shall record such remarks as it may think material respecting the demeanour of the witness while under examination.

Objection made to questions. In cases in which the evidence is not taken down in writing by the Judge himself, he shall be bound, as the examination of each witness proceeds, to make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall accompany the record. In cases in which an appeal does not lie to a higher tribunal, it shall not be necessary to take down the depositions of the witnesses in writing at length; but the Judge, as the examination of each witness proceeds, shall make a memorandum of the substance of what such witness deposes, and such memorandum shall be written and signed by the Judge with his own hand, and shall form part of the record. If the Judge shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and, in cases not

Memorandum of substance of the evidence to be made by Judge as each witness is examined. In what form evidence shall be taken in cases not appealable. appealable, shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record. If Judge be unable to make a memorandum of the evidence, reason of inability to be recorded. Judges shall be prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and, in cases not appealable, shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

166. If a witness be about to leave the jurisdiction of the Court, or other good and sufficient cause can be shown to the satisfaction of the Court why his examination should be taken immediately, it shall be competent to the Court, upon the application of either party or of the witness, at any time after the institution of the suit, to take the examination of such witness forthwith, or on any day that may be fixed for that purpose, of which due notice shall be given to the parties if the day

be fixed in their absence. The witness shall be examined, and his deposition shall be taken down in writing, in the manner hereinbefore prescribed; and the deposition so taken down may be read in evidence at any hearing of the suit.

167. All witnesses shall be examined upon oath or affirmation, or otherwise according to the provisions of the law for the time being in force in relation to the examination of witnesses.

Witnesses to be examined upon oath or affirmation, or according to the law for the time being in force.

OF COMMISSIONS TO EXAMINE ABSENT WITNESSES, AND MAKE LOCAL INQUIRIES.

168. When the evidence of a witness is required who is resident at some place distant more than a hundred miles from the place where the Court is held, or who is unable from sickness or infirmity to attend before the Court to be personally examined, or is a person exempted, by reason of rank or sex, from personal appearance in Court, the Court may, of its own motion, or on the application of any of the parties to the suit, or on the representation of the witness, order a Commission to issue for the examination of such witness on interrogatories or otherwise; and may, by the same or any subsequent order, give all such directions for taking such examinations as may appear reasonable and just. If the witness be resident within the jurisdiction of the Court issuing the Commission, the Commission may be issued to any Officer of the Court, or to any subordinate Court, or to any other person or persons whom the Court issuing the Commission may think proper to appoint.

When the witness resides within the Court's jurisdiction.

If the witness be resident at some place which is beyond the jurisdiction of the Court issuing the Commission, and not within the local jurisdiction of Her Majesty's Supreme Court, but within the jurisdiction of the Sudder Court, the Commission shall ordinarily be issued to the Court within whose jurisdiction the witness may reside, and which can most conveniently execute the same; but, under special circumstances, the Commission may be issued to any other person or persons whom the Court issuing the Commission may think proper to appoint.

When the witness resides beyond the Court's jurisdiction, and not within the Supreme Court's jurisdiction, but within the jurisdiction of the Sudder Court.

Causes held under Act IX. of 1850 (*For the more Easy Recovery of small Debts and Demands in Calcutta, Madras, and Bombay*), but may, under special circumstances, be directed to any person or persons whom the Court issuing the Commission may think proper to appoint.

169. If the witness be resident within the local jurisdiction of Her Majesty's Supreme Court, the Commission shall ordinarily be issued to the Court of Small Causes held under Act IX. of 1850 (*For the more Easy Recovery of small Debts and Demands in Calcutta, Madras, and Bombay*), but may, under special circumstances, be directed to any person or persons whom the Court issuing the Commission may think proper to appoint.

When the witness is within the local jurisdiction of the Supreme Court.

170. When the evidence of a witness is required who is resident at some place not within the jurisdiction of the Sudder Court, or of Her Majesty's Supreme Court, but within the British territories in India, or within the territories of a Native Prince or State in alliance with the British Government, the Court, if it be satisfied that the evidence of such witness is necessary, may, of its own motion, or on the representation of any of the parties to the suit, issue a Commission for the examination of the witness; provided that, if the suit be pending in any Court subordinate to the principal Civil Court of a District, such subordinate Court shall not issue the Commission, but

the principal Civil Court of the District may issue the Commission on the application of the subordinate Court.

171. When the evidence of a witness is required

When the witness is beyond the said territories and not within the territories, of any Native Prince or State in alliance with the British Government.

who is resident at some place beyond the said territories, and not within the territories of a Native Prince or State in alliance with the British Government, the Sudder Court, if the suit in which

the evidence of the witness is required be pending in that Court, and the Court be satisfied that such evidence is necessary, may, of its own motion, or on the application of any of the parties to the suit, issue a Commission to examine the witness; if the suit be not pending in the Sudder Court, that Court may issue the Commission on the application of the Court in which the suit is pending. In all such cases, the Commission may be issued to any person or persons whom the Sudder Court may think proper to appoint.

172. After the Commission has been duly executed,

Commission to be returned with the depositions of the witnesses.

it shall be returned, together with the deposition of the witness who may have been examined thereunder, to the

Court out of which the Commission issued, unless otherwise directed by the order for issuing the Commission, in which case it shall be returned in terms of such order; and the Commission, and the return thereto, and the deposition of the witness who may have been examined under such Commission, shall in all cases form part of the record of the suit. But no deposition taken under a Commission shall be

When depositions may be read in evidence.

read in evidence without the consent of the party against

whom the same may be offered, unless it be proved that the deponent is beyond the jurisdiction of the Court, or dead, or unable from sickness or infirmity to attend to be personally examined, or distant, without collusion, more than a hundred miles from the place where the Court is held, or exempted, by reason of rank or sex, from personal appearance in Court, or unless the Court shall, at its discretion, dispense with the proof of any of the above circumstances, or shall authorise the deposition of any witness being read in evidence, notwithstanding proof that the causes for taking such deposition have ceased at the time of reading the same.

173. In any suit or other judicial proceeding in

Commission for local investigations.

which the Court may deem a local investigation to be requisite or proper for the

purpose of elucidating the matters in dispute, or of ascertaining the amount of any mesne profits or damages, the Court may issue a Commission to an Officer of the Court appointed to execute such Commissions, or, if there be no such Officer, to any suitable person, directing him to make such investigation and to report thereon to the Court. In all such cases, unless otherwise directed by the order of appointment, the Commissioner shall have power to examine any witnesses who may be produced to him by the parties or any of them, the parties themselves, and any other persons whom he may think proper to call upon to give evidence in the matters referred to him; and also to call for and examine documents and other papers relevant to the subject of inquiry; and persons not attending on the requisition of the Commissioner, or refusing to give their testimony, or to produce any documents or other papers, shall be subject to the like disadvantages, penalties, and punishments, by order of the Court on the report of the Commissioner, as they would incur for the same offences in suits tried before the Court. The Commissioner, after such local inspection as he may deem necessary, and after reducing to writing, in the manner hereinbefore prescribed for taking the depositions of witnesses in the presence of the Judge, the depositions taken by him, shall return the depositions, together with his report in writing, sub-

scribed with his name, to the Court. The report and

The report and depositions to be taken as evidence in the suit, but the Commissioner may be examined in person.

depositions shall be taken as evidence in the suit, and shall form part of the record; but it shall be competent to the Court, or to the parties to the suit, or any of them, with the permission of the Court, to examine the Commissioner personally in open Court, touching any of the matters referred to him or mentioned in his report, or the manner in which he may have conducted the investigation.

174. In any suit or other judicial proceeding in

A Commissioner may be appointed to investigate and adjust accounts.

which an investigation or adjustment of accounts may be necessary, it shall be lawful for the Court to appoint such Officer or other person as aforesaid to be a Commissioner for the purpose of making such investigation or adjustment, and to direct that the parties or their attorneys or pleaders shall attend upon the Commissioner during such investigation or adjustment. In all such cases, the Court shall furnish the Commissioner with such part of the proceedings and such detailed instructions as may appear necessary for his information and guidance; and the instructions shall distinctly specify whether the Commissioner is merely to transmit the proceedings which he may hold on the inquiry, or also to report his own opinion on the point referred for his investigation. The proceedings of the Commissioner shall be received in evidence in the case, unless the Court may have reason to be dissatisfied with them, in which case the Court shall make such further inquiry as may be requisite, and shall pass such ultimate judgment or order as may appear to it to be right and proper in the circumstances of the case.

175. Whenever a Commission is issued either for

In cases of local investigation or investigation into accounts, expenses of Commission to be paid into Court, before issue thereof.

taking evidence or for a local investigation, or an investigation into accounts, the Court, before issuing the Commission, may order such sum as may be thought reasonable for the expenses of the Commission to be paid into Court by the party at whose instance or for whose benefit the Commission is issued.

OF JUDGMENT AND DECREE.

176. When the exhibits have been perused, the

When judgment is to be pronounced.

witnesses examined, and the parties heard in person or by their respective pleaders, the Court shall pronounce its judgment. The judgment shall be pronounced in open Court either immediately or on some future day, of which due notice shall be given to the parties or their pleaders.

177. The judgment shall be written in the vernacular language of the Judge.

Judgment to be written in the vernacular language of the Judge.

Proviso.

Provided that, if the vernacular language of the Judge be not English, and the Judge be sufficiently conversant with the English language to be able to write a clear and intelligible decision in that language, and prefer to write his judgment in it, the judgment may be written in English.

178. The judgment shall contain the point or points

Judgment what to contain.

for determination, the decision thereupon, and the reasons for the decision, and shall be dated and signed by the Judge in open Court at the time of pronouncing it.

Judgment to be translated.

Whenever the judgment is written in any other language than that which is in ordinary use in the Court, the judgment shall be translated into the language in ordinary use in the Court, and the translation shall also be signed by the Judge.

179. In all suits in which issues have been framed, the Court shall state its finding or decision on each separate issue, unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

Court to state its decision on each issue.

Proviso.

180. The judgment shall in all cases direct by whom the costs of each party are to be paid, whether by himself or by another party, and whether in whole or in what part or proportion; and the Court shall have full power to award and apportion costs in any manner it may deem proper.

Judgment to direct by whom costs are to be paid.

181. Under the denomination of costs are included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree passed therein, such as the expense of stamps, of summoning the defendants and witnesses, and of other processes, or of procuring copies of documents, fees of pleaders, charges of witnesses, and expenses of Commissioners, either in taking evidence or in local investigations or in investigations into accounts.

182. The decree shall bear date the day on which the judgment was passed. It shall contain the number of the suit, the names and descriptions of the parties, and particulars of the claim, as stated in the register of the suit, and shall specify clearly the relief granted or other determination of the suit. It shall also state the amount of costs incurred in the suit, and by what parties, and in what proportions they are to be paid, and shall be signed by the Judge and sealed with the seal of the Court.

183. When the suit is for land or other immoveable property with specified boundaries, if the decree be for the recovery of a portion only of such property, it shall specify the boundaries of the land or property adjudged.

184. When the suit is for moveable property, if the decree be for the delivery of such property, it shall also state the amount of money to be paid as an alternative if delivery cannot be had.

185. When the suit is for damages for breach of contract, if it appear that the defendant is able to perform the contract, the Court, with the consent of the plaintiff, may decree the specific performance of the contract within a time to be fixed by the Court, and in such case shall award an amount of damages to be paid as an alternative if the contract is not performed.

186. When the suit is for a sum of money due to the plaintiff, the Court may in the decree order interest to be paid on the principal sum adjudged from the date of suit to the date of payment, at such rate as the Court may think proper.

187. In all decrees for the payment of money, the Court may, for any sufficient reason, order that the amount shall be paid by instalments with or without interest. All monies payable under a decree shall be paid into the Court whose duty it is to execute the decree, unless the Court passing the decree shall otherwise direct.

188. If the defendant shall have been allowed to set-off any demand against the claim of the plaintiff, the decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which shall appear to be due to either party. The decree of the Court with respect to any sum awarded to the defendant.

Effect of Decree.

189. If set-off be allowed.

190. The decree shall state what amount is due to the plaintiff and what amount (if any) is due to the defendant, and shall be for the recovery of any sum which shall appear to be due to either party. The decree of the Court with respect to any sum awarded to the defendant.

191. The decree of the Court with respect to any sum awarded to the defendant.

192. The decree of the Court with respect to any sum awarded to the defendant.

193. The decree of the Court with respect to any sum awarded to the defendant.

194. The decree of the Court with respect to any sum awarded to the defendant.

195. The decree of the Court with respect to any sum awarded to the defendant.

196. The decree of the Court with respect to any sum awarded to the defendant.

197. The decree of the Court with respect to any sum awarded to the defendant.

198. The decree of the Court with respect to any sum awarded to the defendant.

199. The decree of the Court with respect to any sum awarded to the defendant.

200. The decree of the Court with respect to any sum awarded to the defendant.

shall have the same effect, and be subject to the same rules as if such sum had been claimed by the defendant in a separate suit against the plaintiff.

189. When the suit is for land or other property paying rent, the Court may provide in the decree for the payment of mesne profits or rent on such land or other property, from the date of the suit until the date of delivery of possession to the decree-holder, with interest thereupon at such rate as the Court may think proper.

190. When the suit is for land and for mesne profits which have accrued thereon during a period prior to the date of suit, and the amount of such profits is disputed, the Court may either determine the amount prior to passing a decree for the land, or may pass a decree for the land and reserve the inquiry into the amount of mesne profits for the execution of the decree according as may appear most convenient.

191. Certified copies of the decree and judgment shall be furnished to the parties or their pleaders on application to the Court, and on the production of the necessary stamps where stamps are required by any law for the time being in force. The application may be made either orally or by writing on unstamped paper.

Certified copies of the decree and judgment to be furnished.

Certified copies of the decree and judgment to be furnished.

necessary stamps where stamps are required by any law for the time being in force. The application may be made either orally or by writing on unstamped paper.

Chapter IV.

EXECUTION OF DECREES.

192. If the decree be for land or other immoveable property, the same shall be delivered over to the party to whom it shall have been adjudged.

193. If the decree be for any specific moveable, or for the specific performance of any contract, or for the performance of any other particular act, it shall be enforced by the seizure, if practicable, of the specific moveable, and the delivery thereof to the party to whom it shall have been adjudged, or by imprisonment of the party against whom the decree is made, or by attaching his property and keeping the same under attachment until further order of the Court, or by both imprisonment and attachment if necessary; or if alternative damages be awarded, by levying such damages in the mode hereinafter provided for the execution of a decree for money.

194. If the decree be for money, it shall be enforced by the imprisonment of the party against whom the decree is made, or by the attachment and sale of his property, or by both if necessary; and if such party be other than a defendant, the decree may be enforced against him in the same manner as a decree may be enforced under the provisions of this Chapter against a defendant.

195. If the decree be for the execution of a conveyance, or for the endorsement of a negotiable instrument, and the party ordered to execute or endorse such conveyance or negotiable instrument shall neglect or refuse so to do, any party interested in having the same executed or endorsed may prepare a conveyance or endorsement of the instrument in accordance with the terms of the decree, and tender the same to the Court for execution upon the proper stamp (if any is required by law), and the signature thereof by the Judge shall have the same effect as the execution or endorsement thereof by the party ordered to execute.

Decrees for execution of conveyances, or endorsement of negotiable instruments.

Decrees for execution of conveyances, or endorsement of negotiable instruments.

196. If the decree be against a party as the representative of a deceased person, and such decree be for money to be paid out of the property of the deceased person, it may be executed by the attachment and sale of any such property, or, if no such property can be found, and the defendant fail to satisfy the Court that he has duly applied such property of the deceased as shall be proved to have come into his possession, the decree may be executed against the defendant to the extent of the property not duly applied by him, in the same manner as if the decree had been against the defendant personally.

197. Whenever a person has become liable as security for the performance of a decree or of any part thereof, the decree may be executed against such person to the extent to which he has rendered himself liable, in the same manner as a decree may be enforced against a defendant.

198. The following property is liable to attachment and sale in execution of a decree, namely lands, houses, goods, money, bank-notes, cheques, bills of exchange, promissory notes, Government securities, bonds or other securities for money, debts, shares in the capital or joint-stock of any Railway, Banking, or other Public Company or Corporation, and all other property whatsoever, moveable or immoveable, belonging to the defendant, and whether the same be held in his own name or by another person in trust for him, or on his behalf.

What property liable to attachment and sale in execution of a decree.

What property liable to attachment and sale in execution of a decree.

APPLICATION FOR EXECUTION.

199. When any party in whose favour a decree has been made is desirous of enforcing the same, he shall apply to the Court whose duty it is to execute the decree, either in person or through his pleader in the suit or some other pleader duly appointed to act for him in that behalf. If there be two or more decree-holders, one or more of them may make the application if the Court shall see sufficient cause for allowing him or them to make such application; and the Court shall in such case pass such order as it may deem necessary for protecting the interests of the other decree-holders.

200. If a decree shall be transferred by assignment or by operation of law from the original decree-holder to any other person, application for the execution of the decree may be made by the person to whom it shall have been so transferred or his pleader; and if the Court shall think proper to grant such application, the decree may be executed in the same manner as if the application were made by the original decree-holder.

201. If there be cross-decrees between the same parties for the payment of money, execution shall be taken out by that party only who shall have obtained a decree for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the smaller sum shall be entered on the decree for the larger sum as well as satisfaction on the decree for the smaller sum, and if both sums shall be equal, satisfaction shall be entered upon both decrees.

The above rules shall apply to decrees sent to a Court for execution as well as to decrees in the same Court.

Whenever a suit shall be pending in any Court against the holder of a decree of such Court, by the person or persons against whom the decree was passed, the Court may, if it appear just and reasonable to do so, stay execution on the decree either absolutely or on such terms as it may think just, until a decree shall be passed in the pending suit.

Whenever a suit shall be pending in any Court against the holder of a decree of such Court, by the person or persons against whom the decree was passed, the Court may, if it appear just and reasonable to do so, stay execution on the decree either absolutely or on such terms as it may think just, until a decree shall be passed in the pending suit.

Whenever a suit shall be pending in any Court against the holder of a decree of such Court, by the person or persons against whom the decree was passed, the Court may, if it appear just and reasonable to do so, stay execution on the decree either absolutely or on such terms as it may think just, until a decree shall be passed in the pending suit.

202. If any person against whom a decree has been made shall die before execution has been fully had thereon, application for execution thereof may be made against the legal representative or the estate of the person so dying as aforesaid; and if the Court shall think proper to grant such application, the decree may be executed accordingly.

If the person against whom a decree is made shall die, application may be made against his legal representative or estate.

203. If the decree be ordered to be executed against the legal representative, it shall be executed in the manner provided in the execution of a decree for money to be paid out of the property of a deceased person.

Decree how to be executed against legal representative.

Section 5 of this Chapter shall contain in a tabular form the following particulars, namely the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, or other relief granted by the decree; the amount of costs, if any were awarded; the name of the person against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person named, or attachment of his property, or otherwise, as the case may be.

204. The application for execution of a decree shall be in writing, and shall contain in a tabular form the following particulars, namely the number of the suit, the names of the parties, the date of the decree, whether any appeal has been preferred from the decree, and whether any and what adjustment of the matter in dispute has been made between the parties subsequently to the decree; the amount of the debt or damages due upon it, or other relief granted by the decree; the amount of costs, if any were awarded; the name of the person against whom the enforcement of the decree is sought; and the mode in which the assistance of the Court is required, whether by the delivery of property specifically decreed, the arrest and imprisonment of the person named, or attachment of his property, or otherwise, as the case may be.

205. When the application is for an attachment of any land or other immoveable property belonging to the defendant, it shall be accompanied with an inventory or list of such property, containing such a description of the property as may be sufficient to identify it, together with a specification of the defendant's share or interest therein, to the best of the applicant's belief, and so far as he has been able to ascertain the same. And where the property is an estate paying revenue to Government, or any portion of such estate, the application for an attachment shall be accompanied with an authenticated extract from the Register of the Collector's Office, specifying the revenue of such estate, and the names and (where registered) the shares of the registered proprietors.

206. Where the application is for an attachment of the defendant's moveable property, or any part thereof, it may be accompanied with an inventory or list of the property to be attached, containing a reasonably accurate description thereof; or the applicant may apply for a general attachment of the defendant's moveable property wheresoever the same can be found, to the amount of the judgment and costs.

207. The Court, on receiving any application for execution of a decree containing the particulars above-mentioned, or such of them as may be applicable to the case, shall cause the same to be compared with the original decree contained in the record of the suit; and if they shall be found to correspond therewith, shall enter a note of the application, and the date on which it was made in the Register of the suit. If the particulars shall not be found to correspond with the original decree, the Court shall either return the application for correction to the person making it, or shall, with the consent of such person, cause the necessary correction to be made. If the application be admitted, the Court shall order execution of the decree according to the nature of the application.

Further particulars when the application is for an attachment of immoveable property.

Procedure on receiving the application.

208. If an interval of more than one year shall have elapsed between the date of the decree and the application for its execution, or if the enforcement of the decree be applied for against the heir or representative of an original party to the suit, the Court shall issue a notice to the party against whom execution may be applied for, requiring him to show cause, within a limited period to be fixed by the Court, why the decree should not be executed against him. Provided that no such notice shall be necessary in consequence of an interval of more than one year having elapsed between the date of the decree and the application for execution, if the application be made within one year from the date of the last order passed on any previous application for execution; and provided, further, that no such notice shall be necessary in consequence of the application being against an heir or representative, if, upon a previous application for execution against the same person, the Court shall have ordered execution to issue against him.

MEASURES REQUIRED IN CERTAIN CASES PRELIMINARY TO THE ISSUE OF THE WARRANT.

209. When such notice is issued, if the party shall not attend in person or by a pleader, or shall not show sufficient cause to the satisfaction of the Court why the decree should not be forthwith executed, the Court shall order it to be executed accordingly. If the party shall attend in person or by a pleader, and shall offer any objection to the enforcement of the decree, the Court shall pass such order as in the circumstances of the case may appear to be just and proper.

210. Where the application is for a general attachment of the moveable property of the defendant, it shall be competent to the Court, if it shall think proper, before issuing an order for such attachment, to require the applicant to give security to the satisfaction of the Court, in such sum as may be considered adequate, for any injury that may be occasioned by the attachment of property belonging to any other person than the defendant.

211. Before granting the order for a general attachment, or at the instance of the plaintiff at any time after judgment and before complete execution of the decree, the Court may summon the person against whom the application is made, and examine him as to the property liable to be seized in satisfaction of the judgment. The Court may also, of its own motion, or at the instance of any person interested in the inquiry, summon any other person whom it may think necessary, and examine him in respect to such property, and may require the person summoned to produce all deeds and documents in his possession or power relating to such property.

212. In all cases in which a summons may be issued for the attendance of a party to a suit or any other person at any time after judgment, the rules applicable to the summoning and examination of parties and witnesses after judgment, shall apply to the party or witnesses so summoned.

213. When all necessary preliminary measures have been taken where any such are required, the Court, unless it see cause to the contrary, shall issue the proper warrants for the execution of the decree.

ISSUE OF THE WARRANT.

214. When all necessary preliminary measures have been taken where any such are required, the Court, unless it see cause to the contrary, shall issue the proper warrants for the execution of the decree.

214. Every warrant for the execution of a decree shall bear the date of the day on which it is issued, and shall be signed by the Judge and sealed with the seal of the Court, and delivered to the Nazir or other proper Officer of the Court. A day shall be specified in the warrant on or before which it must be executed, and the Nazir or other proper Officer shall endorse upon the warrant the day and the manner in which it was executed, or, if it was not executed, the reason why it was not executed, and shall return it with such endorsement to the Court from which it issued.

OF THE EXECUTION OF DECREES FOR IMMOVEABLE PROPERTY.

215. If the decree be for a house, land, or other immovable property in the occupancy of a defendant or some person on his behalf, or of some person claiming under a title created by the defendant subsequently to the institution of the suit, the Court shall order delivery thereof to be made by putting the party to whom the house, land, or other immovable property may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

216. If the decree be for land or other immovable property in the occupancy of ryots or other persons entitled to occupy the same, the Court shall order delivery thereof to be made by affixing a copy of the warrant in some conspicuous place on the land or other immovable property, and proclaiming to the occupants of the property by beat of drum, or in such other mode as may be customary, at some convenient place or places, the substance of the decree in regard to the property.

217. If the decree be for the division of an estate or for the separate possession of a share of an undivided estate paying revenue to Government, the division of the estate or the separation of the share shall be made by the Collector under the orders of the Court according to the rules in force for the partition of an estate paying revenue to Government.

218. If, in the execution of a decree for land or other immovable property, the Officer executing the same shall be resisted or obstructed by any person, the person in whose favour such decree was made may apply to the Court at any time within one month from the time of such resistance or obstruction. The Court shall fix a day for investigating the complaint, and shall summon the party against whom the complaint is made to answer the same.

219. If it shall appear to the satisfaction of the Court that the obstruction or resistance was occasioned by the defendant or by some person at his instigation, on the ground that the land or other immovable property is not included in the decree, or on any other ground, the Court shall inquire into the matter of the complaint, and pass such order as may be proper under the circumstances of the case.

220. If the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was without any just cause, and that the complainant is still resisted or obstructed in obtaining effectual possession of the property adjudged to him by the decree, by the defendant, or some person at his instigation, the Court

may, at the instance of the plaintiff, and without prejudice to any proceedings to which such defendant or other person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, commit the defendant or such other person to close custody, for such period not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

221. If it shall appear to the satisfaction of the Court that the resistance or obstruction to the execution of the decree has been occasioned by any person, other than the defendant, claiming *bona fide* to be in possession of the property on his own account, or on account of some other person than the defendant, the claim shall be numbered and registered as a suit between the decree-holder as plaintiff and the claimant as defendant, and the Court shall, without prejudice to any proceedings to which the claimant may be liable under any law for the time being in force for the punishment of such resistance or obstruction, proceed to investigate the claim in the same manner and with the like power as if a suit for the property had been instituted by the decree-holder against the claimant under the provisions of this Act, and shall pass such order for staying execution of the decree, or executing the same, as it may deem proper in the circumstances of the case.

222. If any person other than the defendant shall be dispossessed of any land or other immovable property in execution of a decree, and such person shall dispute the right of the decree-holder to dispossess him of such property under the decree, on the ground that the property was *bona fide* in his possession on his own account, or on account of some other person than the defendant, and that it was not included in the decree, or, if included in the decree, that he was not a party to the suit in which the decree was passed, he may apply to the Court within one month from the date of such dispossession; and if, after examining the applicant, it shall appear to the Court that there is probable cause for making the application, the application shall be numbered and registered as a suit between the applicant as plaintiff, and the decree-holder as defendant, and the Court shall proceed to investigate the matter in dispute in the same manner and with the like powers as if a suit for the property had been instituted by the applicant against the decree-holder.

223. The decision passed by the Court under either of the last two Sections shall be of the same force as a decree in an ordinary suit, and shall be subject to appeal under the rules applicable to appeals from decrees; and no fresh suit shall be entertained in any Court between the same party or parties claiming under them in respect of the same cause of action.

OF THE EXECUTION OF DECREES FOR MONEY BY ATTACHMENT OF PROPERTY.

224. If the decree be for money, and the amount thereof is to be levied from the property of the person against whom the same may have been pronounced, the Court shall cause the property to be attached in the manner following.

225. Where the property shall consist of goods, chattels, or other moveable property in the possession of the defendant, the attachment shall be made by actual seizure, and the Nazir or other Officer shall keep the same in his own custody, or in the custody of his

subordinates, and shall be responsible for the due custody thereof.

226. Where the property shall consist of goods, chattels, or other moveable property to which the defendant is entitled subject to a lien or right of some other person to the immediate possession thereof, the attachment shall be made by a written order prohibiting the person in possession from giving over the property to the defendant.

227. Where the property shall consist of lands, houses, or other immovable property, the attachment shall be made by a written order prohibiting the defendant from alienating the property by sale, gift, or in any other way, and all persons from receiving the same by purchase, gift, or otherwise.

228. Where the property shall consist of debts not being negotiable instruments, or of shares in any Railway, Banking, or other public Company or Corporation, the attachment shall be made by a written order prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person whosoever, until the further order of the Court, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares, or receiving payment of any dividends thereof, and the Manager, Secretary, or other proper Officer of the Company or Corporation, from permitting any such transfer, or making any such payment, until such further order.

229. Where the property shall consist of money, or of any security, in deposit in any Court of Justice or in the hands of any Officer of Government, which is or may become payable to the defendant or on his behalf, the attachment shall be made by a notice to such Court or Officer, requesting that the money or security may be held subject to the further order of the Court by which the notice may be issued. Provided that, if such money or security is in deposit in any Court of Justice, any question of title or priority which may arise between the decree-holder and any other person, not being the defendant, claiming to be interested in such money or security by virtue of any assignment, attachment, or otherwise, shall be determined by the Court in which such money or security is in deposit.

230. Where the property shall consist of a negotiable instrument, the attachment shall be made by actual seizure, and the Nazir or other Officer shall bring the same into Court, and such instrument shall be held subject to the further orders of the Court.

231. In the case of goods, chattels, or other moveable property not in the possession of the defendant, the written order shall be fixed up in some conspicuous part of the Court House, and, when the property is land or any interest in land, the written order shall also be fixed up in the Office of the Collector of the Zillah in which the land may be situated. In the case of debts, the written order shall be fixed up in some conspicuous part of the Court House, and copies of the written order shall be delivered or sent registered by post to each individual

debtor. And, in the case of shares in the capital or joint-stock of any Railway, Banking, or other public Company or Corporation, the written order shall in like manner be fixed up in some conspicuous part of the Court House, and a copy of the order shall be delivered or sent registered by post to the Manager, Secretary, or other proper Officer of the Company or Corporation.

232. After any attachment shall have been made by actual seizure, or by written order as aforesaid, and in the case of an attachment by written order after it shall have been duly intimated and made known in manner aforesaid, any private alienation of the property attached, whether by sale, gift, or otherwise, and any payment of the debt or debts or dividends on shares to the defendant during the continuance of the attachment, shall be null and void.

233. In every case in which a debtor shall be prohibited from making payment of his debt to the creditor, he may pay the amount into Court, and such payment shall have the same effect as payment to the party entitled to receive the debt.

234. In all cases of attachment under the preceding Sections, it shall be competent to the Court, at any time during the attachment, to direct that any part of the property so attached as shall consist of money or bank-notes, or a sufficient part thereof, shall be paid over to the party applying for execution of the decree; or that any part of the property so attached as may not consist of money or bank-notes, so far as may be necessary for the satisfaction of the decree, shall be sold, and that the money which may be realised by such sale, or a sufficient part thereof, shall be paid to such party.

235. Where the property attached shall consist of debts due to the party who may be answerable for the amount of the decree, or of any lands, houses, or other immovable property, it shall further be competent to the Court to appoint a manager of the said property, with power to sue for the debts, and to collect the rents or other receipts and profits of the land or other immovable property, and to execute such deeds or instruments in writing as may be necessary for the purpose, and to pay and apply such rents, profits, or receipts towards the payment of the amount of the decree and costs; and in any case in which a manager shall be appointed, such manager shall be bound to render due and proper accounts of his receipts and disbursements from time to time as the Court may direct.

236. If the amount decreed, with costs, and all charges and expenses which may be incurred by the attachment, be paid into Court, or, if it shall be proved to the Court that satisfaction thereof has been made, an order shall be issued for the withdrawal of the attachment; and if the defendant shall desire it, and shall deposit in Court a sum sufficient to cover the expense, the order shall be proclaimed or intimated in the same manner as hereinbefore prescribed for the proclamation or intimation of the attachment; and such steps shall be taken as may be necessary for staying further proceedings in execution of the decree.

Order for withdrawal of attachment after satisfaction of the decree.

When the attachment is by prohibitory order, how the order is to be made known.

How claims and objections to sale of attached property are to be investigated.

OF CLAIMS TO ATTACHED PROPERTY.

237. In the event of any claim being preferred to, or objection offered against the sale of lands or any other immovable or moveable property which may have

been attached in execution of a decree, or under any order for attachment passed before judgment, as not liable to be sold in execution of a decree against the defendant, the Court shall, subject to the proviso contained in the next succeeding Section, proceed to investigate the same, with the like powers as if the claimant had been originally made a defendant to the suit, and also with such powers as regards the summoning of the original defendant as are contained in Section 212 of this Chapter. And if it shall appear to the satisfaction of the Court that the land or other immoveable or moveable property was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or in the occupancy of ryots or cultivators or other persons paying rent to him at the time when the property was attached, or that, being in the possession of the party himself at such time, it was so in his possession not on his own account or as his own property, but on account of or in trust for some other person, the Court shall pass an order for releasing the said property from attachment. But if it shall appear to the satisfaction of the Court that the land or other immoveable or moveable property was in possession of the party against whom execution is sought, as his own property, and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of ryots or cultivators or other persons paying rent to him at the time when the property was attached, the Court shall disallow the claim, and shall direct the decree to be executed. The order which may be passed by the Court under this Section shall not be subject to appeal, but the party against whom the order may be given shall be at liberty to bring a suit to establish his right at any time within one year from the date thereof.

238. The claim or objection shall be made at the earliest opportunity to the Court which shall have ordered the attachment; and if the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears necessary) be postponed, for the purpose of making the investigation mentioned in the last preceding Section. Provided that no such investigation shall be made if it appear that the making of the claim or objection was designedly and unnecessarily delayed with a view to obstruct the ends of justice. The order disallowing the investigation shall not be subject to appeal, and the claimant shall be left to prosecute his claim by a regular suit.

OF SALES IN EXECUTION OF DECREES.

239. Sales in execution of decrees shall be conducted by an Officer of the Court, or by any other person whom the Court may appoint, and shall in all cases be made by public auction, in manner hereinafter mentioned. Provided that,

Exception as to negotiable securities and shares in public Companies.

if the property to be sold shall consist of negotiable securities, or of shares in any Railway, Banking, or other public Company or Corporation, it shall be competent to the Court, instead of directing the sale to be made by public auction, to authorise the sale of such securities or shares through a broker at the market-rate of the day. If the property to be sold shall be land paying revenue to Government, and the Government shall so direct, the sale shall be conducted by the Collector on

the requisition of the Court.

240. In all cases of intended sale by public auction, whether of moveable or immoveable property, in execution of a decree, a proclamation of the intended sale, specifying the time and place of sale, the property to be sold, the revenue assessed upon the estate when the property to be sold is an

Notification of sales by public auction.

estate or a part of an estate paying revenue to Government, and the amount for the recovery of which the sale is ordered, together with any other particulars that the Court may think necessary, shall be made in the current language of the District. Such proclamation shall be made on the spot where the property is attached by beat of drum, or in such other mode as may be customary; and a written notification to the same effect shall be affixed in the Court House of the Judge who shall have ordered the sale, and in some conspicuous spot in the town or village in which the attachment may have taken place. When the property ordered to be sold may consist of land, or of any right or interest in land, the written notification shall also be affixed in the Office of the Collector of the District in which such land is situate, and in the Court House of the principal Civil Court of the District where the Court which ordered the sale is subordinate to such Court. The sale shall not take place until after

the expiration of at least thirty days in the case of immoveable property, and of at least fifteen days in the case of moveable property, calculated from the date on which the notification shall have been affixed in the Court House of the Judge ordering the sale.

241. The usual process for attachment and sale when the property to be attached consists of goods, chattels, or other personal estate other than debts, may be issued either successively or simultaneously, as the Court directing the sale may in each instance think proper.

242. In all cases of a public sale of property in execution of a decree, it shall be clearly explained to the bidders at the sale that nothing is guaranteed to them in the land or other property sold, beyond the right, title, and interest therein of the individual answerable for the amount of the decree in execution of which the sale is made.

243. In all cases of sale of moveable property, the price of every lot shall be paid for at the time of sale, or as soon after as the Officer holding the sale shall direct, and, in default of such payment, the property shall forthwith be again put up and sold. On payment of the purchase money, the Officer holding the sale shall grant a receipt for the same, and the sale shall become absolute.

244. No irregularity in the sale of moveable property under an execution, shall vitiate the sale; but any person who may sustain any injury by reason of such irregularity may recover damages by a suit in Court.

245. In all cases of sale of immoveable property, the party who is declared to be the purchaser shall be required to deposit immediately twenty-five per centum on the amount of his bid, and, in default of such deposit, the property shall forthwith be again put up and sold.

246. The full amount of purchase-money shall be made good by the purchaser before sunset of the fifteenth day from that on which the sale of the property took place, or if the fifteenth day be a Sunday or other close holiday, then on the first office day after the fifteenth day; and in default of payment within such period, the deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it may subsequently be sold.

Procedure on default.

247. If the proceeds of the sale which is eventually consummated be less than the price bid by such defaulting purchaser, the difference shall be leviable from him under the rules for enforcing the payment of money in satisfaction of a decree of Court.

248. Every re-sale of immovable property in default of payment of the purchase-money shall be made after the issue of a fresh notification in the manner, and for the period prescribed for original sales.

249. No sale of immovable property shall become absolute until the sale has been confirmed by the Court. Confirmation of sale. At any time within thirty days from the date of the sale, application may be made to the Court to set aside the sale, on the ground of any material irregularity in publishing or conducting the sale; but no sale shall be set aside on the ground of such irregularity, unless the applicant shall prove to the satisfaction of the Court that he has sustained substantial injury by reason of such irregularity.

250. If no such application as is mentioned in the last preceding Section be made, or if such application be made and the objection be disallowed, the Court shall pass an order confirming the sale; and in like manner, if such application be made, and if the objection be allowed, the Court shall pass an order setting aside the sale for irregularity. If the objection be allowed, the order made to set aside the sale shall be final; if the objection be disallowed, the order confirming the sale shall be open to appeal; and such order, unless appealed from, and if appealed from, then the order passed on the appeal, shall be final, and the party against whom the same has been given shall be precluded from bringing a suit for establishing his claim.

251. Whenever a sale of immovable property is set aside, the purchaser shall be entitled to receive back his purchase-money with or without interest, in such manner as it may appear proper to the Court to direct in each instance.

252. After a sale of immovable property shall have become absolute in manner aforesaid, the Court shall grant a certificate to the person who may have been declared the purchaser at such sale, to the effect that he has purchased the right, title, and interest of the defendant in the property sold; and such certificate shall be taken and deemed to be a valid transfer of such right, title, and interest.

253. The certificate shall state the name of the person who at the time of sale is declared to be the actual purchaser, and any suit brought against the certified purchaser on the ground that the purchase was made on behalf of another person not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

254. Where the property sold shall consist of goods, chattels, or other moveable property in the possession of the defendant, or to the immediate possession of which the defendant is entitled, and of which actual seizure has been made, the property shall be delivered to the purchaser.

255. Where the property sold shall consist of goods, chattels, or other moveable property to which the defendant is entitled subject to a lien or right of any person to the immediate possession thereof, the delivery to the purchaser shall, as far as practicable, be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser thereof.

256. If the property sold shall consist of a house, land, or other immovable property in the occupancy of a defendant, or some person on his behalf, or of some person claiming under a title created by the defendant subsequently to the attachment of such property, the Court shall order delivery thereof to be made by putting the party to whom the house, land, or other immovable property may have been sold, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

257. If the property sold shall consist of land or other immovable property in the occupancy of ryots, or other persons entitled to occupy the same, the Court shall order delivery thereof to be made by affixing a copy of the certificate of sale in some conspicuous place on the land or other immovable property, and proclaiming to the occupants of the property by beat of drum, or in such other mode as may be customary, at some convenient place or places, that the right, title, and interest of the defendant has been transferred to the purchaser.

258. Where the property sold shall consist of debts not being negotiable instruments, or of shares in any Railway, Banking, or other public Company or Corporation, the delivery thereof shall be by a written order of the Court prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons except the purchaser, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares to any person except the purchaser, or receiving payment of any dividends thereon, and the Manager, Secretary, or other proper Officer of the Company or Corporation from permitting any such transfer or making any such payment to any person except the purchaser.

259. Where the property sold shall consist of negotiable securities of which actual seizure has been made, the same shall be delivered to the purchaser thereof.

260. If the endorsement or conveyance of the party in whose name any negotiable security or any share in a public Company or Corporation is standing, shall be required to transfer the same, the Judge may endorse the security or the certificate of the share, or may execute such other document as may be necessary for transferring the same. The endorsement or execution shall be in the following form, or to the like effect—"A. B. by C. D. Judge of the Court of (or as the case may be); in a suit by E. F. versus A. B." Until the transfer of such security or share, the Judge may, by order, appoint some person to receive any interest or dividend due thereon, and to sign receipts for the same; and any endorsement made or document executed or receipts signed as aforesaid, shall be as valid and effectual for all purposes as if the same had been made or executed or signed by the party himself.

261. If the purchaser of any immoveable property sold in execution of a decree

Resisting or obstructing purchasers in obtaining possession of property.

shall be resisted or obstructed in obtaining possession of the property, the provisions contained in Sections 218, 219, and 220 of this Chapter, relating to resistance or obstruction to a party in whose favor a suit has been decreed in obtaining possession of the property adjudged to him, shall be applicable in the case of such resistance or obstruction.

262. If it shall appear that the resistance or obstruction to the delivery of possession was occasioned by

Obstruction by claimants other than defendants.

any person other than the defendant claiming a right to the possession of the property sold as proprietor, mortgagee, lessee, or under any other title, or if, in the delivery of possession to the purchaser, any such person claiming as aforesaid shall be dispossessed, the Court, on the complaint of the purchaser, or of such person claiming as aforesaid, if made within one month from the date of such resistance or obstruction or of such dispossession, as the case may be, shall inquire into the matter of the complaint, and pass such order as may be proper in the circumstances of the case. The order shall not be subject to appeal, but the party against whom it is given shall be at liberty to bring a suit to establish his right at any time within one month from the date thereof.

263. Whenever property is sold in execution of a decree, the person on whose

Attaching creditor to be first paid out of property attached.

application such property was attached shall be entitled to be first paid out of the proceeds thereof, notwithstanding a subsequent attachment of the same property by another party in execution of a prior decree.

264. If, after the claim of the person on whose application the property was

Surplus to be ratably distributed among decree-holders who have taken out execution prior to the order for distribution.

attached has been satisfied in full from the proceeds of the sale, any surplus remain, such surplus shall be distributed ratably amongst any other persons who, prior to the order for such distribution, may have taken out execution of decrees against the same defendant and not obtained satisfaction thereof. Provided that,

Proviso where property is sold subject to a mortgage.

when any property is sold subject to a mortgage, the mortgagee shall not be entitled to share in any surplus arising from such sale.

265. If it shall appear to the Court, upon the ap-

Court may, on application, order another decree-holder to be satisfied out of proceeds of property attached under a decree obtained fraudulently.

plication of a decree-holder, that any other decree under which property has been attached was obtained by fraud or other improper means, the Court may order that the applicant shall be satisfied out of the proceeds of the property attached so far as the same may suffice for the purpose if such other decree be a decree of that Court, or if it be a decree of another Court, may stay the proceedings to enable the applicant to obtain a similar order from the Court by which the decree was made.

OF ARREST IN EXECUTION OF DECREES FOR MONEY.

266. Any person arrested under a warrant in execution of a decree for money

On what grounds application for discharge may be made.

may, on being brought before the Court, apply for his discharge on the ground that he has no present means of paying the debt, either wholly or in part, or, if possessed of any property, that he is willing to place whatever property he possesses at the disposal of the Court. The application shall contain a full account of all property of whatever nature

belonging to the applicant, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him (except the necessary wearing apparel of himself and his family, and the necessary implements of his trade), and of the places respectively where such property is to be found, or shall state that, with the exceptions above mentioned, the applicant is not possessed of any property, and the application shall be subscribed and verified by the applicant in the manner hereinbefore prescribed for subscribing and verifying plaints.

267. Upon such application being made, the Court

shall examine the applicant in the presence of the plaintiff or his pleader as to his then circumstances, and as to his future means of payment, and shall call upon the plaintiff to show cause why he does not proceed against any property of which the defendant is possessed, and why the defendant should not be discharged; and, should the plaintiff fail to show such cause, the Court may direct the discharge of the defendant from custody. Pending any inquiry which the Court may consider it necessary to make into the allegations of either party, the Court may leave the defendant in the custody of the Officer of the Court to whom the service of the warrant was entrusted, on the defendant making the necessary deposit for paying the fees of such Officer; or if the defendant furnish good and sufficient security for his appearance at any time when called upon while such inquiry is being made, his surety or sureties undertaking in default of such appearance to pay the amount mentioned in the warrant, the Court may release the defendant on such security.

268. The discharge of the defendant under the last

Defendant liable to be again arrested if proved guilty of fraudulent concealment of property, &c.

preceding Section shall not protect him from being arrested again and imprisoned if it should be shown that, in the application made by him, he had been guilty of any concealment, or of wilfully making any false statement respecting the property belonging to him, whether in possession or in expectancy or held for him in trust, or had fraudulently concealed, transferred, or removed any property, or had committed any other act of bad faith; nor shall such discharge exempt from attachment and sale any property then in the possession of the defendant, or of which he may afterwards become possessed.

OF THE EXECUTION OF DECREES BY IMPRISONMENT.

269. When a defendant is committed to prison in

Subsistence-money of a defendant in gaol how fixed and furnished.

execution of a decree, the Court shall fix whatever monthly allowance it shall think sufficient for his subsistence, not exceeding four annas per day, which shall be supplied by the party at whose instance the decree may have been executed, to the proper Officer of the Court, or of the gaol where the defendant may be in custody, by monthly payments in advance before the 1st day of each month; the first payment to be made for such portion of the current month as may remain unexpired before the defendant is committed to prison.

270. The Court may, in case of illness or for other

Court may vary the allowance in case of illness or for other special cause.

special cause, fix the monthly allowance at such sum not exceeding six annas per day as shall appear necessary. The order fixing such allowance may from time to time be revised and altered on due cause being shown.

271. A defendant shall be released at any time on

Period of imprisonment for debt not to be longer than 2 years.

the decree being fully satisfied, or at the request of the person at whose instance he may have been imprisoned, or on such person omitting to pay the allowance as above directed. No person

6 months if decree for money not exceeding 500 Rs.
3 months if not exceeding 50 Rs.

shall be imprisoned on account of a decree for a longer period than two years, or for a longer period than six months if the decree be for the payment of money not exceeding five hundred Rupees, or for a longer period than three months if the decree be for the payment of money not exceeding fifty Rupees.

272. Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the costs of the decree, and shall be recoverable by the attachment and sale of the property of the defendant under the foregoing rules; but the defendant shall not be detained in custody or arrested on account of any sums so disbursed.

273. Any person in confinement under a decree may apply to the Court for his discharge. The application shall contain a full account of all property of whatever nature belonging to the applicant, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him (except the necessary wearing apparel of himself and his family and the necessary implements of his trade), and of the places respectively where such property is to be found; and such application shall be subscribed and verified by the applicant in the manner hereinbefore provided for subscribing and verifying plaints.

274. On such application being made, the Court shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and shall fix a reasonable period within which the plaintiff may cause the whole or any part of such property to be attached and sold, or may make proof that the defendant, for the purpose of procuring his discharge without satisfying the decree, has wilfully concealed property, or his right or interest therein, or fraudulently transferred or removed property, or committed any other act of bad faith. If within such period the plaintiff shall fail to make such proof, the Court shall cause the defendant to be set at liberty. If the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the Court that the defendant has been guilty of any of the acts above mentioned, the Court shall, at the instance of the plaintiff, either retain the defendant in confinement, or commit him to prison, as the case may be, unless he shall have already been in confinement two years on account of the decree; and may also, if it shall think proper, send the defendant to the Magistrate to be dealt with according to law.

Procedure on such application.

Defendant to be discharged on plaintiff failing to prove fraud or concealment by defendant.

If guilty of fraud or concealment, debtor's imprisonment may be extended to two years.

And he may be further dealt with criminally.

275. A defendant once discharged shall not again be imprisoned on account of the same decree, except under the operation of the last preceding Section, but his property shall continue liable, under the ordinary rules, to attachment and sale until the decree shall be fully satisfied, unless the decree shall be for a sum less than one hundred Rupees and on account of a transaction bearing date subsequently to the passing of this Act. When the decree shall be for a sum less than one hundred Rupees, and on account of a transaction bearing date as above, the Court may declare a defendant who shall be discharged as aforesaid absolved from further liability under that decree.

276. All questions regarding the amount of any mesne profits which by the terms of the decree may have been reserved for adjustment in the execution of the decree, or of any mesne profits or interest which may be

How questions regarding amount of mesne profits and interest, and sums paid in satisfaction of decree, are to be determined.

payable in respect of the subject matter of a suit between the date of the institution of the suit and execution of the decree, as well as questions relating to sums alleged to have been paid in discharge or satisfaction of the decree, or the like, shall be determined by order of the Court executing the decree, and not by separate suit; and the order passed by the Court shall be open to appeal.

OF THE EXECUTION OF A DECREE OUT OF THE JURISDICTION OF THE COURT BY WHICH IT WAS PASSED.

277. A decree of any Civil Court within any part of the British territories in India, or established by the authority of the Governor General of India in Council in the territories of any Foreign Prince or State, which cannot be executed within the jurisdiction of the Court whose duty it is to execute the same, may be executed within the jurisdiction of any other such Court in the manner following.

278. The plaintiff in such case may apply to the Court whose duty it is to execute the decree, to transmit a copy thereof, together with a certificate that satisfaction of such decree has not been obtained by execution within the jurisdiction of the said Court, and a copy of any order for execution of such decree that may have been passed, to the Court by which the applicant may wish the decree to be executed.

279. The Court, unless there be any sufficient reason to the contrary, shall cause such copies and certificate to be prepared; and the same, after being signed by the Judge and sealed with the seal of the Court, shall be transmitted to the Court indicated by the applicant if that Court be within the same District, otherwise to the principal Civil Court of original jurisdiction in the District in which the applicant may wish the decree to be executed; and the Court to which such copies and certificates are transmitted shall cause the same to be filed therein, without any proof of the judgment or order for execution, or of the copies thereof, or of the seal or jurisdiction of any Court, or of the signature of any Judge, unless it shall, under any peculiar circumstances to be specified in an order, require such proof.

280. The copy of any decree, or of any order for execution, when filed in the Court to which it shall have been transmitted for the purpose of being executed as aforesaid, shall for such purpose have the same effect as a decree or order for execution made by such Court, and may, if the Court be the principal Civil Court of original jurisdiction in the District, be executed by such Court, or any Court subordinate thereto, to which it may entrust the execution of the same.

281. When application shall be made to any Court to execute the decree of any other Court as aforesaid, the Court to which the application shall be made or referred shall proceed to execute the same according to its own rules in the like cases; provided that such Court shall have no power to inquire into the validity of the decree unless it appear upon the face of the decree that the Court by which it was made had no jurisdiction to make the same.

282. The Court to which such application is made or referred for execution as aforesaid shall take cognizance of and punish all wrongful acts or irregularities done or committed in executing such decree; and all persons

Wrongful acts or irregularities in executing decree to be punished by Court applied to.

disobeying or obstructing the execution of such decree shall be punishable by such Court in the same manner as if the decree had been made by such Court.

283. The Court to which such application is made may, upon good and sufficient cause being shown, stay the execution of the decree for a reasonable time, to enable the defendant to apply to the Court by which the decree was passed, or to any Court having appellate jurisdiction in respect of the decree or the execution thereof, for an order to stay the execution, or for any other order relating to the decree or the execution thereof, which such Court of first instance or Court of Appeal might have made if execution had been issued by such Court of first instance, or if application for execution had been made to such Court; and in case the property or person of the defendant shall have been seized under an execution, the Court which issued the execution may order the restitution of the property or the discharge of the person of the defendant, pending the result of such application.

284. Before making an order to stay execution, or for the restitution of property, or the discharge of the defendant under the last preceding Section, the Court may require security from, or impose conditions upon defendant, may require such security from, or impose such conditions upon, the defendant, as it may deem reasonable.

285. Any order of the Court in which the decree was passed, or of such Court of Appeal as aforesaid, shall be binding upon the Court to which the application for execution was made, and shall be a sufficient indemnity for all persons acting in execution of process issued by such lastmentioned Court.

286. No discharge of a defendant under the provisions of Section 283 of this Chapter shall prevent him from being retaken in execution of the decree.

287. All orders of a Court for executing the decree of another Court shall be subject to the same rules, in respect to appeal, as if the decree had been originally passed by the Court making such order.

288. If, in execution of a decree, a warrant of arrest or other process is to be enforced within the limits of a Garrison, Cantonment, Military Station, or Military Bazar, the Officer entrusted with the execution of such warrant or other process shall carry the same to the Commanding Officer, or, in his absence, to the Senior Officer actually present in the Garrison, Cantonment, Station, or Military Bazar; and the Commanding Officer or such Senior Officer, upon such warrant or other process being produced to him, shall back the same with his signature, and, in the case of a warrant of arrest, shall cause the person named in the warrant to be arrested if within the limits of his command, and delivered, according to the exigency of the warrant, to the Civil Officer charged with the execution thereof.

289. The rules contained in this Chapter shall be applicable to the execution of any judicial process for the sale of property or for the payment of money which may be ordered by a Civil Court in any Civil proceeding.

Chapter V.

OF PAUPER SUITS.

290. A suit may be brought in *forma pauperis* in the Court having jurisdiction over the claim, subject to the following rules.

291. No pauper suit shall be brought for the recovery of any sum of money on account of damages for loss of caste, slander, abusive language, or assault.

292. The application to the Court for permission to sue in *forma pauperis* shall be by petition, which shall be written on a stamp paper of the value of eight annas.

293. The petition shall contain the particulars required by Section 21, Chapter III. of this Act, in regard to complaints, and shall have annexed to it a Schedule of any moveable or immovable property belonging to the petitioner, with the estimated value thereof, and shall be subscribed and verified in the manner hereinbefore prescribed for the subscription and verification of petitions.

294. The petition shall be presented to the Court by the petitioner in person; but, if the petitioner satisfy the Court that he is prevented by sickness from attending the Court in person, or if the petitioner be a female who, according to the custom and manners of the country, ought not to be

Examined of petitioner, if a female, how to be taken. compelled to appear in public, the petition may be presented by a duly authorised agent who may be able to answer all material questions relating to the application, and who shall be liable to be examined in the same manner as the party represented by him might have been examined had such party attended in person.

295. If the petition be not framed or presented in the manner laid down in the last two preceding Sections, the Court shall reject the petition.

296. If the petition be in form and duly presented, the Court shall proceed to examine the petitioner, or the agent of the petitioner, as the case may be, regarding the merits of the claim and the property of the petitioner. When the petition is presented by an agent, the Court may also, if it think proper, order that the petitioner be examined in the manner hereinbefore prescribed for the examination of absent witnesses.

297. If it appear to the Court upon such examination that the defendant, or the matter of the suit, is not within the jurisdiction of the Court, or that the claim is barred by the Statute of Limitations, or that the allegations of the petitioner do not constitute a reasonable ground of action, or (if none of the objections above stated exist) that the petitioner has failed to show that he is not possessed of sufficient means to enable him to pay for the stamps required for the institution and prosecution of the suit, or that the petitioner has recently disposed of any property fraudulently or with a view to obtain the benefit of this Chapter, the Court shall refuse to allow the petitioner to sue as a pauper.

298. If upon such examination the Court shall see no reason to refuse the application on any of the grounds stated in the last preceding Section, it shall fix a day (of which at least ten days' previous notice shall be given to the opposite party) for receiving such evidence as the petitioner may adduce in proof of

his pauperism, and for hearing any evidence which the opposite party may bring forward in disproof of the pauperism of the petitioner.

299. On the day appointed for the hearing, or as soon after as the business of the Court will permit, the Court shall consider any objections made by the opposite party, and shall examine any witnesses produced by either party, and make a memorandum of the substance of their evidence, and shall either allow or refuse to allow the petitioner to sue as a pauper.

300. Previously to passing a final order in the case the Court may, if it deem fit, institute a local inquiry, in the manner laid down in Section 173, Chapter III. of this Act, regarding the property of the petitioner, or regarding the amount or value of any property claimed.

301. If the application of the petitioner be granted, it shall be numbered and registered, and shall be deemed the plaintiff in the suit, and the suit shall proceed in all other respects as an ordinary suit, except that the plaintiff shall not be liable to any further stamp duty in respect of any petition, appointment of a pleader, or other proceeding connected with the suit, or with the execution of any decree passed in it.

302. On the decision of the suit, the Court shall calculate the amount of stamps which would have been paid by the plaintiff if he had not been permitted to sue as a pauper, and such amount shall be recoverable by Government from any party ordered by the decree to pay the same, in the same manner as costs of suit are recoverable.

303. The refusal to allow the petitioner to sue as a pauper shall be a bar to any subsequent application of the like nature in respect of the same cause of action; but the plaintiff shall be at liberty to institute a suit in the usual manner in respect of such cause of action, unless precluded by the rules for the limitation of suits.

304. The orders passed by the Court under the provisions of this Chapter shall not be subject to appeal.

Chapter VI.

REFERENCE TO ARBITRATION.

305. If the parties to a suit are desirous that the matters in difference between them in the suit, or any of such matters, shall be referred to the final decision of one or more arbitrator or arbitrators, they may apply to the Court at any time before final judgment for an order of reference.

306. The application shall be made by the parties in person or by their pleaders specially authorised in that behalf by an instrument in writing, which shall be presented to the Court at the time of making the application, and shall be filed with the proceedings in the suit.

307. The arbitrator or arbitrators shall be nominated by the parties in such manner as may be agreed upon between them. If the parties cannot agree with respect to the nomination of the arbitrator or arbitrators, or if the person or persons nominated by them shall refuse to accept the arbitration, and the parties are desirous that the nomination

shall be made by the Court, the Court shall appoint the arbitrator or arbitrators.

308. The Court shall, by an order under its seal, refer to the arbitrator or arbitrators the matters in difference in the suit which he or they may be required to determine, and shall fix such time as it may think reasonable for the delivery of the award, and the time so fixed shall be specified in the order.

309. If the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint an umpire, or otherwise, as may be agreed upon between the parties; or if they cannot agree, as the Court may determine.

310. When a reference is made to arbitration by an order of Court, the Court shall issue the same processes to the parties and witnesses whom the arbitrator or arbitrators or umpire may desire to have examined, as the Court is authorised to issue in suits tried before it; and persons not attending in consequence of such process, or making any other default, or refusing to give their testimony, or being guilty of any contempt to the arbitrator or arbitrators or umpire during the investigation of the suit, shall be subject to the like disadvantages, penalties, and punishments, by order of the Court, on the representation of the arbitrator or arbitrators or umpire, as they would incur for the same offences in suits tried before the Court.

311. When the arbitrator or arbitrators shall not have been able to complete the award within the period specified in the order from the want of the necessary evidence or information, or other good and sufficient cause, the Court may from time to time enlarge the period for the delivery of the award, if it shall think proper. In any case in which an umpire shall have been appointed, it shall be lawful for him to enter on the reference in lieu of the arbitrators, if they shall have allowed their time or their extended time to expire without making an award, or shall have delivered to the Court or to the umpire a notice in writing stating that they cannot agree. Provided that an award shall not be liable to be set aside only by reason of its not having been completed within the period allowed by the Court, unless on proof that the delay in completing the award arose from corruption or misconduct of the arbitrator or arbitrators or umpire, or unless the award shall have been made after the issue of an order by the Court superseding the arbitration and recalling the suit.

312. If, in any case of reference to arbitration by an order of Court, the arbitrator or arbitrators or umpire shall die, or refuse or become incapable to act, it shall be lawful for the Court to appoint a new arbitrator or arbitrators or umpire, in the place of the person or persons so dying, or refusing or becoming incapable to act. Where the arbitrators are empowered by the terms of the order of reference to appoint an umpire and do not appoint an umpire, any of the parties may serve the arbitrators with a written notice to appoint an umpire; and if, within seven days after such notice shall have been served, no umpire be appointed, it shall be lawful for the Court, upon the application of the party having served such notice as aforesaid, and upon proof to its satisfaction of such notice having been served, to appoint an umpire. In any case of appointment under this Section, the arbitrator or arbitrators, or umpire so appointed, shall have the like power to act in the reference, as if their name or names had been inserted in the original order of reference.

313. When an award in a suit shall be made either by the arbitrator or arbitrators, or by the umpire, it shall be submitted to the Court under the signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the suit.

314. It shall be lawful for the arbitrator or arbitrators, or umpire, upon any reference, by an order of Court, if he or they shall think fit, Arbitrator may state special case.

and if it is not provided to the contrary, to state his or their award as to the whole or any part thereof in the form of a special case for the opinion of the Court.

315. The Court may, on the application of either party, modify or correct an award where it appears that a part of the award is upon matters not referred to the arbitrators, provided such part can be separated from the other part, and does not affect the decision on the matter referred; or where the award is imperfect in form, or contains any obvious error which can be amended without affecting such decision. The Court may also, on such application, make such order as it thinks just respecting the costs of the arbitration, if any question arise respecting such costs, and the award contain no sufficient provision concerning them.

And make order respecting the costs of arbitration.

the arbitration, if any question arise respecting such costs, and the award contain no sufficient provision concerning them.

316. In any of the following cases the Court shall have power to remit the award, or any of the matters referred to arbitration, to the reconsideration of the same arbitrator or arbitrators or umpire, upon such terms as it may think proper (that is to say) :—

If the award has left undetermined some of the matters referred to arbitration, or if it determines matters not referred to arbitration.

If the award is so indefinite as to be incapable of execution.

If an objection to the legality of the award is apparent upon the face of the award.

317. No award shall be liable to be set aside except on the ground of corruption or misconduct of the arbitrators or umpire. Any application to set aside an award shall be made within ten days after the same has been submitted to the Court.

Application to set aside the award.

318. If the Court shall not see cause to remit the award or any of the matters referred to arbitration for reconsideration in manner aforesaid, and if no application shall have been made to set aside the award, or if the Court shall have refused such application, the Court shall proceed to pass judgment according to the award or according to its own opinion on the special case if the award shall have been submitted to it in the form of a special case; and, upon the judgment which shall be so given, decree shall follow, and shall be carried into execution in the same manner as other decrees of the Court. In every case in which judgment shall be given according to the award, the judgment shall be final.

319. When any persons shall by an instrument in writing agree that any differences between them or any of them shall be referred to the arbitration of any person or persons named in the agreement or to be appointed by any Court having jurisdiction in the matter to which it relates, application may be made by the parties thereto or any of them that the agreement be filed in such Court. On such application being made, the Court shall direct such notice to be given to any of

Agreement of parties to refer to arbitration may be filed in Court.

person or persons named in the agreement or to be appointed by any Court having jurisdiction in the matter to which it relates, application may be made by the parties thereto or any of them that the agreement be filed in such Court. On such application being made, the Court shall direct such notice to be given to any of

the parties to the agreement, other than the applicants, as it may think necessary, requiring such parties to show cause, within a time to be specified, why the agreement should not be filed. The application shall be written on a stamp paper of one-fourth of the value prescribed for plaintiffs in suits, and shall be numbered and registered as a suit between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant, if the application have been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants. If no sufficient cause be shown against the agreement, the agreement shall be filed, and an order of reference to arbitration shall be made thereon. The several provisions of this Chapter,

Provisions of this Chapter applicable.

so far as they are not inconsistent with the terms of any agreement so filed, shall be

applicable to all proceedings under an order of reference made by the Court, and to the award of arbitration and to the enforcement of such award.

320. When any matter has been referred to arbitration without the intervention of any Court of Justice, and an award has been made, any person interested in the award may, within six months from the date of the award, make application to the Court having jurisdiction in the matter to which the award relates, that the award be filed in Court. The Court shall direct notice to be given to the parties to the arbitration other than the applicant, requiring such parties to show cause, within a time to be specified, why the award should not be filed. The application shall be written on the stamp paper required for petitions to the Court where a stamp is required for petitions by any law for the time being in force, and shall be numbered and registered as a suit between the applicant as plaintiff and the other parties as defendants.

Enforcement of such award. If no sufficient cause be shown against the award, the award shall be filed, and may be enforced as an award made under the provisions of this Chapter.

Chapter VII.

OF PROCEEDINGS ON AGREEMENT OF PARTIES.

HOW QUESTIONS MAY BE RAISED FOR THE DECISION OF A CIVIL COURT BY ANY PERSONS INTERESTED.

321. Parties interested or claiming to be interested in the decision of any question of fact or law, may enter into an agreement, which shall be subject to the same stamp duty as prescribed for plaintiffs in suits, that, upon the finding of a Court in the affirmative or negative of such question of fact or law, a sum of money fixed by the parties, or to be determined by the Court, shall be paid by one of the parties to the other of them; or that some property, moveable or immovable, specified in the agreement, shall be delivered by one of the parties to the other of them; or that one or more of the parties shall do or perform some particular legal act, or shall refrain from doing or performing some particular act specified in the agreement. Where the agreement is for the delivery of some property moveable or immovable, or for the doing or performing, or the refraining to do or perform any particular act, the estimated value of the property to be delivered, or to which the act specified may have reference, shall be stated in the agreement.

322. The agreement may be filed in any Court having jurisdiction in the matter, and, when so filed, shall be numbered and

Agreement to be filed and numbered as a suit.

registered as a suit between some or one of the parties interested or claiming to be interested as plaintiffs or plaintiff, and the others or other of them as defendants or defendant; and notice shall be given to all the parties to the agreement other than the party or parties by whom it was presented.

323. After the agreement shall have been filed, all the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by the statements contained therein.

324. The case shall be set down for hearing as an ordinary suit; and if the Court shall be satisfied, after an examination of the parties or their pleaders, or taking such evidence as it may deem proper, that the agreement was duly executed by the parties, and that they have a *bona fide* interest in the question of fact or law stated therein, and that the same is fit to be tried or decided, it shall proceed to record and try, or hear the same, and deliver its finding or opinion thereon, in the same way as in an ordinary suit; and shall, upon its finding or deciding upon the question of fact or law, give judgment for the sum fixed by the parties, or so ascertained as aforesaid, or otherwise, according to the terms of the agreement, and upon the judgment which shall be so given, decree shall follow, and may be executed in the same way as if the judgment had been pronounced in a contested suit.

Chapter VIII.

OF APPEALS.

325. Except when otherwise expressly provided in this or any other Regulation or Act for the time being in force, an appeal shall lie from the decrees of the Courts of original jurisdiction to the Courts authorised to hear appeals from the decisions of those Courts.

HOW APPEALS ARE TO BE PREFERRED.

326. Appeals shall be made in the form of a memorandum, which shall be presented in the Appellate Court within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of the Appellate Court for not having presented it within such limited period: that is to say, within thirty days if the appeal be to a District Court, and within ninety days if the appeal be to the Sudder Court. The days shall be reckoned from and exclusive of the day on which judgment was pronounced, and also exclusive of such time as may be requisite for obtaining a copy of the decree appealed against.

327. The memorandum of appeal shall set forth concisely, and under distinct heads, the grounds of objection to the decision appealed against, without any argument or narrative, and such grounds shall be numbered consecutively. The appellant shall not without the leave of the Court urge or be heard in support of any other ground of objection, but the Court in deciding the appeal shall not be confined to the grounds set forth by the appellant.

328. The memorandum of appeal shall be in the following form, or to the following effect, and shall be accompanied by a copy of the decree appealed against:—

Memorandum of Appeal.

(Name, &c. as in Register.) Plaintiff.
(Name, &c. as in Register.) Defendant.
[Name of Appellant] Plaintiff [or Defendant] above-named appeals to the Sudder Court at [or Zillah Court at as the case may be],

against the decree of _____ in the above suit, dated _____ the _____ day of _____ for the following reasons, namely [here state the reasons].

329. If the memorandum be not drawn up in the manner hereinbefore prescribed, the Court may reject it, or may return it to the party for the purpose of being corrected. If the memorandum be not presented within the prescribed period, and no sufficient cause be shown for the delay, the appeal shall be rejected.

330. If there be two or more plaintiffs or two or more defendants in a suit, and the decision of the Lower Court proceed on any ground common to all, any one of the plaintiffs or defendants may appeal against the whole decree, and the Appellate Court may reverse or modify the decree in favour of all the plaintiffs or defendants.

OF STAYING AND EXECUTING DECREES UNDER APPEAL.

331. Execution of a decree shall not be stayed by reason only of an appeal having been preferred against such decree; but the Appellate Court may, for sufficient cause shown, order that execution be stayed. If application for execution be made before the time allowed for appeal has expired, and the Lower Court has not received intimation of an appeal having been preferred, the Lower Court, if sufficient cause be shown, may stay the execution. Before making an order to stay execution, the Court making the order shall require security to be given by the party against whom the decree was passed for the due performance of the decree or order of the Appellate Court.

332. When an order is made for the execution of a decree against which an appeal has been preferred, it shall be lawful for the Court which pronounced the decree to require security to be given for the restitution of any property which may be taken in execution of the decree or of the value thereof, and for the due performance of the decree or order of the Appellate Court.

333. In suits instituted or defended under the authority and at the expense of Government, no such security as is mentioned in the last two preceding Sections shall in any case be required from Government or from any public Officer.

OF PROCEDURE IN APPEALS FROM FINAL DECREES.

334. When a memorandum of appeal is presented in the prescribed form and within the time allowed, the Appellate Court, or the proper Officer of that Court, shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose, and called the Register of Appeals. Such Register shall be in the form contained in the Schedule (C) hereto annexed.

335. It shall be in the discretion of the Appellate Court to demand security for costs from the appellant or not, as it shall see fit, before the respondent is called upon.

to appear and answer. Provided that the Court shall demand such security in all cases in which the appellant is residing out of the British Territories in India, and is not possessed of any land or other immoveable property within those territories independent of the property to which the appeal relates; and, in the event of such security not being furnished at the time of presenting the memorandum of appeal or within such time as the Court shall order, the Court shall reject the appeal.

336. When the memorandum of appeal has been registered, the Appellate Court shall send intimation thereof to the Lower Court. If the appeal be from a Court the records of which are not deposited in the Appellate Court, the Lower Court shall, upon the receipt of the intimation, transmit to the Appellate Court with all practicable despatch all material papers in the suit, or such papers as may be specially called for by the Appellate Court.

Either party may give notice of exhibits of which he requires copies to be made and deposited in the Lower Court, and copies of such exhibits shall be prepared at the expense of the party giving the notice, and shall be deposited in the Lower Court.

337. A day shall be fixed by the Appellate Court for the hearing of the appeal. The day shall be so fixed, with reference to the place of residence of the respondent, and the time necessary for the service of the notice of appeal, as to allow the respondent a sufficient time to enable him to appear in person, or by a pleader on such day.

338. Notice of the day which has been fixed for hearing the appeal shall be affixed in the Appellate Court, and a like notice shall be sent by the Appellate Court to the Lower Court, and shall be served on the respondent in the same way as hereinbefore provided for the service of a summons to a defendant to appear and answer, and all rules applicable to such summons, and to proceedings with reference to the service thereof, shall apply to the service of such notice. The notice to the respondent shall contain an intimation that, if he does not appear in the Appellate Court on the day so fixed for the hearing of the appeal, the case will be heard and decided *ex parte* in his absence. Provided that, if the respondent has appointed a pleader to appear in his behalf in the Appellate Court, the service of the notice on such pleader shall be sufficient.

339. If, on the day fixed for hearing the appeal, or any other day subsequent thereto to which the hearing of the appeal may be adjourned, the appellant shall not appear in person or by a pleader, the appeal shall be dismissed for default. If the appellant shall appear in person or by a pleader, and the respondent shall not appear in person or by a pleader, the appeal shall be heard *ex parte* in his absence.

340. If an appeal be dismissed for default of prosecution, the appellant may, within thirty days from the date of the dismissal, apply to the Appellate Court for the re-admission of the appeal; and if it shall be proved to the satisfaction of the Court that the appellant was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Court may re-admit the appeal.

341. Upon the hearing of the appeal, the respondent may take any objection to the decision of the Lower Court which he might have taken if he had preferred a separate appeal from such decision.

342. The Appellate Court, after hearing the appeal, shall proceed to give its judgment in the manner hereinbefore prescribed for giving judgment in Courts of original jurisdiction.

343. The judgment may be for confirming or reversing or modifying the decree of the Lower Court. But no decree shall be reversed or modified, nor shall any case be remanded to the Lower Court on account of any error, defect, or irregularity, either in the decision or in any interlocutory order passed in the suit not affecting the merits of the case or the jurisdiction of the Court.

344. If the Lower Court shall have disposed of the case upon any preliminary point so as to exclude any evidence of fact, which shall appear to the Appellate Court essential to the rights of the parties, and the decree of the Lower Court upon such preliminary point shall be reversed by the decree in appeal, the Appellate Court may, if it think right, remand the case, together with a copy of the decree in appeal, to the Lower Court, with directions to restore the suit to its original number in the Register, and proceed to investigate the merits of the case, and pass a decree therein.

345. It shall not be competent to the Appellate Court to remand a case for a second decision by the Lower Court, except as provided in the last preceding Section.

346. When the evidence upon the record of the Lower Court is sufficient to enable the Appellate Court to pronounce a satisfactory judgment, the Appellate Court shall finally determine the case, notwithstanding that the judgment of the Lower Court has proceeded wholly upon some other ground.

347. If the Lower Court shall have omitted to raise or try any issue or to determine any question of fact which shall appear to the Appellate Court essential to the right determination of the suit upon the merits, and the evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question of fact, the Appellate Court may frame an issue or issues for trial by the Lower Court, and may refer the same to the Lower Court for trial. Thereupon the Lower Court shall proceed to try such issue or issues, and shall return to the Appellate Court its finding thereon together with the evidence. Such finding and evidence shall become part of the record in the suit; and either party may, within a time to be fixed by the Appellate Court, file a memorandum of any objection to the finding; and after the expiration of the period so fixed, the Appellate Court shall proceed to determine the appeal.

348. It shall not be competent to the parties in an appeal to produce additional evidence in the Appellate Court, whether of exhibits or witnesses; but if it appear that the Lower Court refused to admit competent evidence, or if the Appellate Court require any exhibits to be produced or witnesses examined, to enable it to pronounce a satisfactory judgment, or for any other substantial cause, the Appellate Court may allow additional exhibits to be received and any necessary witnesses to be examined, whether such

witnesses shall have been previously examined in the Court below or not; provided that, whenever additional evidence is admitted by an Appellate Court, the reasons for the admission shall be recorded on the proceedings of such Court.

349. Whenever additional evidence is permitted to be received, it shall be competent to the Appellate Court to take such evidence before itself, or to require the Lower or any other Court or to empower any person to take such evidence, and to transmit the evidence so taken to the Appellate Court. It shall also be competent to the Appellate Court to prescribe the manner in which such evidence shall be taken.

350. In all cases where additional evidence is permitted to be taken, the Appellate Court shall define the point or points to which the evidence is to be confined, and record the same on its proceedings.

351. The Appellate Court shall have all the like powers in regard to the granting of time, adjourning the hearing of the suit, examining the parties or their pleaders, and awarding costs, or otherwise, as are hereinbefore contained in regard to Courts of original jurisdiction.

352. The judgment of the Appellate Court shall be pronounced in open Court. It shall contain the point or points for determination, the decision thereupon, and the reasons for the decision, and shall be dated and signed by the Judge or by the Judges concurring therein at the time of pronouncing it. The judgment shall be written in the English language; but if the Judge shall not be able to write an intelligible judgment in that language, the judgment shall be written in the vernacular language of the Judge. When the language in which the judgment is written is not the language in ordinary use in proceedings before the Court, the judgment shall be translated into such language, and the translation shall be signed by the Judge or Judges. Any Judge dissenting from the judgment of the Court shall state his opinion in writing, which shall form part of the record.

353. The decree of the Appellate Court shall bear date the day on which the judgment was passed. It shall contain the number of the suit, the names and description of the parties appellant and respondent, and the memorandum of appeal, and shall specify clearly the relief granted or other determination of the appeal. It shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions such costs and the costs in the original suit are to be paid. The decree shall be signed by the Judge or Judges who passed it, and shall be sealed with the seal of the Court. If there be a difference of opinion among the Judges of the Court, it shall not be necessary for any Judge dissenting from the judgment of the Court to sign the decree, but the opinion of such Judge shall be recited in the decree. Certified copies of the decree shall be furnished to the parties, in the same manner as hereinbefore provided in regard to the decrees of Courts of original jurisdiction.

354. A copy of the decree or other order disposing of the appeal, certified by the Appellate Court or the proper Officer of such Court, and sealed with the seal of the Court, shall be transmitted to the Court which passed the first decree in the suit appealed from, and shall be filed with the original proceedings in the suit, and an entry of the judgment of the Appellate Court shall be made in the original Register of the suit.

355. Application for execution of the decree of an Appellate Court shall be made to the Court which

passed the first decree in the suit, and shall be executed by that Court, in the manner and according to the rules hereinbefore contained for the execution of original decrees.

APPEALS FROM ORDERS.

356. No appeal shall lie from any order passed in the course of a suit and relating thereto prior to decree; but if the decree be appealed against, any error, defect, or irregularity in any such order, affecting the merits of the case or the jurisdiction of the Court, may be set forth as a ground of objection in the memorandum of appeal.

357. No appeal shall lie from any order passed after decree and relating to the execution thereof, except as is hereinbefore expressly provided.

358. All orders as to fines or the levying thereof, or as to imprisonment under this Act (except when the imprisonment is in execution of a decree), shall be subject to appeal.

359. When an appeal from any order is allowed, the procedure shall be in all respects the same as in an appeal from a decree.

Chapter IX.

OF APPEALS IN FORMA PAUPERIS.

360. Any party to a suit who may be unable to pay for the stamps required for the prosecution of an appeal from the decision passed therein may be allowed to appeal as a pauper from such decision, subject to all the rules contained in the last preceding Chapter, and in Chapter V. in so far as they are applicable.

361. The application to be allowed to appeal in *forma pauperis* shall be written on a stamp paper of the value of one Rupee if the appeal lie to the Zillah Court, and on a stamp paper of the value of two Rupees if the appeal lie to the Sudder Court, and shall be presented in the Appellate Court within the period allowed for the presentation of a memorandum of appeal.

362. The application shall contain the particulars required to be set forth in the memorandum of appeal, and shall be drawn up in the like manner. It shall have annexed to it a Schedule of any moveable or immoveable property belonging to the applicant, with the estimated value thereof, and shall also be accompanied by copies of the judgment and decree from which the appeal is made.

363. If the Appellate Court, upon a perusal of the application and of the judgment and decree of the Court below, shall see no reason to think that the decision of that Court is contrary to law or to some usage having the force of law, or is otherwise erroneous or unjust, it shall reject the application. If the application be not rejected upon any of the grounds above mentioned, inquiry shall be made into the alleged pauperism of the applicant, and such inquiry may be conducted either by the Appellate Court or by the Court from whose decision the appeal is made under the orders of the Appellate Court. Provided that, if the applicant was allowed to sue in *forma pauperis* in the Court below, no further inquiry in respect of his pauperism shall be necessary, unless the Appellate Court shall see special cause to direct such inquiry.

364. The order passed by the Appellate Court on an application to be allowed to appeal in *forma pauperis*, whether for the admission or rejection of the application, shall be final; but, if the application be rejected, the Appellate Court may, if it think proper, allow the applicant a reasonable time for preferring an appeal on a stamp of the value prescribed for appeals from decrees.

Chapter XX.

OF SPECIAL APPEALS.

365. A special appeal shall lie to the Sudder Court from all decisions passed in regular appeal by the Courts subordinate to the Sudder Court, on the ground of the decision being contrary to some law, or usage having the force of law, or of a substantial error or defect in law in the procedure or investigation of the case, which may have produced error or defect in the decision of the case upon the merits, and on no other ground.

366. The application for the admission of a special appeal shall be presented in the Sudder Court within the period prescribed for the presentation of a memorandum of appeal, and shall be accompanied by copies of the judgments and decrees of the Lower Appellate Court and of the Court of first instance. The application shall be written on a stamp paper of the value prescribed for regular appeals; but if the applicant be unable to pay for the stamps required for the prosecution of the appeal, the Sudder Court may admit him to appeal as a pauper, subject to all the rules contained in Chapter IX. in respect to appeals from decrees in *forma pauperis* in so far as the same may be applicable.

367. The application shall set forth concisely the grounds of objection to the decision appealed against, without argument or narrative, and such grounds shall be numbered consecutively. The applicant shall not, without the leave of the Court, be heard in support of any other ground of objection; but the determination of the Court may be upon any ground on which a special appeal would lie.

368. If the application be not drawn up in the manner hereinbefore prescribed, the Court may reject it, or may return it to the party for the purpose of being corrected. When the application is correctly drawn up, it shall be registered in a book to be kept for that purpose, which shall be in the form contained in the Schedule D hereunto annexed, and the case shall proceed in all other respects as a regular appeal, and shall be subject to all the rules hereinbefore provided for such appeals so far as the same may be applicable.

Chapter XXI.

REVIEW OF JUDGMENT.

369. Any person considering himself aggrieved by a decree of a Court of original jurisdiction, from which no appeal shall have been preferred to a Superior Court—

or by a decree of a District Court in appeal, from which no special appeal shall have been admitted by the Sudder Court—or by a decree of the Sudder Court, from which either no appeal may have been preferred to Her Majesty in Council, or an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council, and who, from the discovery of new matter or evidence which was not within his knowledge, or could not be adduced by him at the time when such decree was passed, or from any other good and sufficient reason, may be desirous of obtaining a review of the judgment passed against

him—may apply for a review of judgment by the Court which passed the decree.

370. The application shall be made within ninety days from the date of the decree, unless the party preferring the same shall be able to show just and reasonable cause, to the satisfaction of the Court, for not having preferred such application within the limited period. If the application be made within the period above mentioned, it shall be written on the stamp paper prescribed for petitions, to the Court where a stamp is required; but if made after the expiration of that period, it shall be written on the stamp paper prescribed for plaints.

371. If the Court shall be of opinion that there are not any sufficient grounds for a review, it shall reject the application, but if it shall be of opinion that the review desired is necessary, to correct an evident error or omission, or is otherwise requisite for the ends of justice, the Court shall grant the review; and its order in either case, whether for rejecting the application or granting the review, shall be final.

The order of the Court for granting or refusing the review is final.

372. Provided that, if the Court to which the application for a review of its judgment has been presented be a Court consisting of two or more Judges, whenever the Judge or Judges who may have passed the decree, or, if the decree have been passed by two or more Judges, when any of such Judges shall continue attached to the Court at the time when the application for a review is presented, and shall not be precluded by absence or other cause, for a period of six months after the application, from considering the judgment to which the application refers, it shall not be competent to any other Judge or Judges of the same Court to enter upon a consideration of the merits of the application, and record an order or opinion thereon.

373. When an application for a review of judgment may be granted, the Court shall give such order, in regard to the summoning of the opposite party and hearing of the suit, as it may deem proper in the circumstances of the case.

Whenever a review is granted, the parties are to be summoned.

When an application for a review of judgment may be granted, the Court shall give such order, in regard to the summoning of the opposite party and hearing of the suit, as it may deem proper in the circumstances of the case.

Chapter XXII.

MISCELLANEOUS.

374. The Sudder Court shall have power to make and issue general rules for regulating the practice and proceedings of the Subordinate Civil Courts, and also to frame forms for every proceeding in the said Courts

for which it shall think necessary that a form be provided, and for keeping all books, entries, and accounts to be kept by the Officers, and from time to time to alter any such rule or form; provided that such rules and forms be not inconsistent with the provisions of this Act, or of any other law in force.

375. Except so far as relates to the examination of witnesses under a Commission, and to the execution of decrees out of the jurisdiction of the Courts by which they were passed, this Act shall not extend to any suit instituted in any Court of Judicature established by Royal Charter, or in any Court for the more easy recovery of small debts and demands, in Calcutta, Madras, and Bombay.

376. Nothing in this Act shall be held to alter or affect the jurisdiction or procedure in Civil cases of Village Moonsiffs or Village or District Punchayets under the provisions of the

Saving of jurisdiction and procedure of Village Moonsiffs and Village or District Punchayets in Madras,

or affect the jurisdiction or procedure in Civil cases of Village Moonsiffs or Village or District Punchayets under the provisions of the

Madras Code; or the jurisdiction or procedure of Military Courts of Request; or the jurisdiction or procedure of a single Officer duly authorised and appointed under the rules in force in the Presidencies of Fort St. George and Bombay respectively, for the trial of small suits in Military Bazaars at Cantonments and Stations occupied by the Troops of those Presidencies respectively; or by Panchayets in regard to suits against Military persons, according to the rules in force under the Presidency of Fort St. George.

377. Nothing in this Act shall be held to affect the jurisdiction exercised by certain Jagheerders and other authorities invested with powers under the provisions of Regulation XIII. 1830 of the Bombay Code, and Act XV. of 1840, or their procedure in the exercise of such jurisdiction; or to affect suits instituted under Regulation XI. 1816 of the Bengal Code, or cases of the nature defined in Regulation XXIX. 1827, Regulation VII. 1830, Regulations I. and XVI. 1831 of the Bombay Code, Act XIX. of 1835, and Act XIII. of 1842, except that such suits and cases, and the regular and special appeals to the Civil Courts allowed therein, shall be received, heard, and determined under the rules laid down in this Act, unless where those rules are inconsistent with any specific provisions contained in the Regulations and Acts above quoted.

378. This Act shall not take effect in any part of the territories not subject to the general Regulations of Bengal, Madras, and Bombay, until the same shall be extended thereto by the Governor General of India in Council, or by the local Government to which such territory is subordinate, and notified in the *Gazette*.

379. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say) :—

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Gender. Words importing the masculine gender shall include females.

The local jurisdiction of a Principal Civil Court of original jurisdiction shall be deemed a District for the purposes of this Act; and the words "District Court" shall mean such Court.

In any part of the British territories in India to which this Act may be extended under the provisions of Section 378 of this Chapter, the expression "Sudder Court" shall be deemed to include the highest Civil Court of Appeal in such part of the said territories.

380. This Act shall take effect from the
Commencement of Act. day of as to a
suits then pending or there
after to be instituted. But if, in any suit then pending
it shall appear to the Court
Pending suits. that the application of any
provision of this Act would deprive any party to the
suit of any right in reference to the procedure of
the suit, whether of appeal or otherwise, which, but for
the passing of this Act, would have belonged to him, the
Court shall proceed according to the law in force before
this Act takes effect.

SCHEDULE A referred to in the foregoing Scheme of Procedure.

Court of the
of
holden at
REGISTER OF CIVIL SUITS in the Year 18

[illegible]

SCHEDULE B.

No. of Suit.

In the Court of

at

Plaintiff.
Defendant.

(Name, description, and address.)

Whereas [here enter the name, description, and address of the Plaintiff] has instituted a suit in this Court against you [here state the particulars of the claim as in the Register]: you are hereby summoned to appear in this Court in person on the day of at in the forenoon [if not specially required to appear in person, state—"in person, or by a pleader of the Court duly instructed and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions"], to answer the abovenamed plaintiff; and you are hereby required to take notice that, in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence; and you will bring with you (or send by your agent) [here mention any document the production of which may be required by the plaintiff] which the plaintiff desires to inspect, and any document on which you intend to rely in support of your defence.

SCHEDULE C to the foregoing Scheme of Procedure.

Court at

REGISTER OF APPEALS from DECREES in the Year 18

APPELLANT.		RESPONDENT.		DECREE APPEALED FROM.			APPEARANCE.		JUDGMENT.	
Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suits.	Particulars.	Amount or Value.	Day for Parties to appear.
No. of Appeal.										
Date of Memorandum.										
									Confirmed, reversed, or altered.	For what, or Amount.

SCHEDULE D to the foregoing Scheme of Procedure.

SUDDER COURT at
REGISTER OF SPECIAL APPEALS.

Date of Memorandum.	No. of Appeal.	APPELLANT.		RESPONDENT.		DECREE APPEALED FROM.		APPEARANCE.		JUDGMENT.	
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit and of Appeal.	Particulars.	Amount or Value.
									Day for Parties to appear.	Appellant.	Respondent.
										Confirmed, reversed, or altered.	Date.
											For what, or Amount.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

20th November 1858.

The following Bill was read a second time in the Legislative Council of India on the 13th November 1858, and was referred to a Select Committee, who are to report thereon after the 24th of January next :—

A Bill to Empower the Holders of Ghatwalee Lands, in the District of Beerbhoom, to Grant Leases extending beyond the Period of their own Possession.

Whereas doubts have been entertained whether the

Preamble.

Ghatwals of the District of Beerbhoom, who pay the revenue of their lands directly to Government under the provisions of Regulation XXIX. 1814 of the Bengal Code, have power to grant leases of those lands, or of any part thereof, for any term extending beyond the period of their own possession; and whereas, for the development of the mineral resources of the country in which the said Ghatwalee lands are situate, and for the improvement of the said lands, it is expedient that the power of granting leases for a long term of years, or in perpetuity, should be extended to the possessors of such lands; It is enacted as follows :—

I. All holders of Ghatwalee lands in the District of

Ghatwals of Beerbhoom to have the same right of granting leases as is allowed to other proprietors of lands.

Beerbhoom, under the provisions of the aforesaid Regulation, shall have the same power of granting leases for any period which they may deem most conducive to the improvement of their tenures, as is allowed by law to the proprietors of other lands. Provided that no

Proviso.

lease of Ghatwalee lands for any period extending beyond the life-time of the Grantor of the lease shall be valid and binding on the successors of the Grantor, unless the same shall have been submitted to and approved by the Commissioner of the Division, such approval being certified by an endorsement on the lease under the signature of the Collector.

II. If any of the said Ghatwalee lands should be

Court of Wards and Revenue authorities to have the like power in certain cases.

taken under the superintendence of the Court of Wards, or should otherwise become subject to the direct control of the Officers of Government, it shall be lawful for the manager or farmer under the Court of Wards, with the sanction of the Court, or for the Collector with the sanction of the Commissioner, to grant any such lease as aforesaid; and every lease so granted shall be valid and binding on all future possessors of the said lands, anything in the existing law to the contrary notwithstanding.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

20th November 1858.

The following Bill was read a second time in the Legislative Council of India on the 20th November 1858, and was referred to a Select Committee, who are to report thereon after the 24th of February next :—

A Bill for the Registration of Literary, Scientific, and Charitable Societies.

Whereas it is expedient that provision should be made

Preamble.

for improving the legal condition of Societies established for the promotion of Literature, Science, or the Fine Arts, or for the diffusion of useful knowledge, or for Charitable purposes; It is enacted as follows :—

I. Any seven or more persons associated for any

Societies formed by Memorandum of Association and Registration.

Literary, Scientific, or Charitable purpose, or for any such purpose as is described in Section XX. of this Act,

may, by subscribing their names to a Memorandum of Association, and filing the same with the Registrar of Joint-Stock Companies under Act XIX. of 1857, form themselves into a Society under this Act.

II. The Memorandum of Association shall contain the following things (that is to say),—

The name of the Society,

The objects of the Society,

The names, addresses, and occupations of the Governors, Council, Directors, Committee, or other governing body to whom, by the Rules of the Society, the management of its affairs is entrusted. A copy of the Rules and Regulations of the Society, certified to be a correct copy by not less than three of the Members of the governing body, shall be filed with the Memorandum of Association.

III. Upon such Memorandum and certified copy

Registration.

being filed, the Registrar shall certify under his hand that the Society is registered under this Act. There shall be paid to the Registrar for every such registration a fee of fifty Rupees, or

Fees.

such smaller fee as the Governor General of India in Council may from time to time direct; and all fees so paid shall be accounted for to Government.

IV. Once in every year, on or before the 14th day

Annual list of managing body to be filed. succeeding the day on which, according to the Rules of the Society, the Annual General Meeting of the Society is held, or if the Rules do not provide for an Annual General Meeting, in the month of January, a list shall be filed with the Registrar of Joint-Stock Companies, of the names, addresses, and occupations of the Governors, Council, Directors, Committee, or other governing body then entrusted with the management of the affairs of the Society.

V. The property, moveable and immoveable, be-

Property of Society how to be vested. longed to a Society registered under this Act, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of such Society, and in all proceedings, Civil and Criminal, may be described as the property of the governing body of such Society by their proper title.

VI. Every Society registered under this Act may

How suits by and against Societies to be brought. sue or be sued in the name of the President, Chairman, or principal Secretary, as shall be determined by the Rules and Regulations of the Society, and in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion; provided that it shall be competent for any person having a claim or demand against the Society, to sue the President or Chairman thereof, if, on application to the governing body, some other Officer or person be not nominated to be the defendant.

VII. No suit or proceeding in any Civil Court

Suits not to abate.

shall abate or discontinue by reason of the person, by or against whom such suit or proceedings shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

VIII. If a judgment shall be recovered against the

How judgment to be enforced against. person or Officer named on behalf of the Society, such judgment shall not be put in force against the property, moveable or immoveable, or against the body of such person or Officer, but against the property of the Society. The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered

having sued or having been sued, as the case may be, on behalf of the Society only, and shall require to have the judgment enforced against the property of the Society.

IX. Whenever by any Bye-law, duly made in accordance with the Rules and Regulations of the Society, or, if the Rules do not provide for the making of Bye-laws, by any Bye-law made at a General Meeting of the Members of the Society convened for the purpose (for the making of which the concurrent votes of three-fifths of the Members present at such Meeting shall be necessary), any pecuniary penalty is imposed for the breach of any Rule or Bye-law of the Society, such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the Society shall be situate, as the governing body thereof shall deem expedient.

X. Any Member who may be in arrear of a subscription which, according to the Rules of the Society, he is bound to pay, or who shall possess himself of or detain any property of the Society, in a manner or for a time contrary to such Rules, or shall injure or destroy any property of the Society, may be sued for such arrear, or for the damage accruing from such detention, injury, or destruction of property, in the manner hereinbefore provided. But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the Society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the Officer in whose name the suit shall be brought, or from the Society, and in the latter case shall have process against the property of the said Society, in the manner above described.

XI. Any Member of the Society who shall steal, purloin, or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such Society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the Society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner as any person not a Member would be subject and liable to in respect of the like offence.

XII. Whenever it shall appear to the governing body of any Society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend, or abridge such purpose, or to amalgamate such Society either wholly or partially with any other Society, such governing body may submit the proposition to the Members of the Society in a written or printed report, and may convene a Special Meeting for the consideration thereof, according to the Regulations of the Society; but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every Member of the Society ten days previous to the Special Meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the Members present at such Meeting, and confirmed by the votes of three-fifths of the Members present at a second Special Meeting convened by the governing body at an interval of one month after the former Meeting.

XIII. Any number not less than three-fifths of the Members of any Society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the Society, its claims, and liabilities,

according to the Rules of the said Society applicable thereto, if any, and if not, then as the governing body shall find expedient; provided that, in the event of any dispute arising among the said governing body or the Members of the Society, the adjustment of its affairs shall be referred to the principal Court of original Civil jurisdiction of the District in which the Chief building of the Society is situate; and the Court shall make such order in the matter as it shall deem requisite. Provided that no Society shall be dissolved unless three-fifths of the Members shall have expressed a wish for such dissolution, by their votes, delivered in person, or by proxy, at a general Meeting convened for the purpose.

XIV. If, upon the dissolution of any Society registered under this Act, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the Members of the said Society, or any of them, but shall be given to some other Society, to be determined by the Members at the time of the dissolution, or in default thereof, by such Court as aforesaid; provided, however, that this Clause shall not apply to any Society which shall have been founded or established by the contributions of shareholders in the nature of a Joint-Stock Company.

Proviso for Joint-Stock Companies.

XV. For the purposes of this Act a Member of a Society shall be a person who, having been admitted therein according to the Rules and Regulations thereof, shall have paid a subscription, or shall have signed the roll or list of Members thereof; but in all proceedings under this Act, no person shall be entitled to vote or be counted as a Member whose subscription at the time shall have been in arrear for a period exceeding three months.

XVI. The governing body of the Society shall be the Governors, Council, Directors, Committee, or other body to whom, by the Rules and Regulations of the Society, the management of its affairs is entrusted.

XVII. Any Company or Society established for a Literary, Scientific, or Charitable purpose, and registered under Act XLIII. of 1850, or any such Society established and constituted previous to the passing of this Act, but not registered under the said Act XLIII. of 1850, may, at any time hereafter, be registered as a Society under this Act; subject to the proviso that no such Company or Society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the Members present personally, or by proxy, at some General Meeting convened for that purpose by the governing body. In the case of a Company or Society registered under Act XLIII. of 1850, the Directors shall be deemed to be such governing body. In the case of a Society not so registered, if no such body shall have been constituted on the establishment of the Society, it shall be competent for the Members thereof, upon due notice, to create for itself a governing body to act for the Society thenceforth.

XVIII. In order to any such Society as is mentioned in the last preceding Section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of Joint-Stock Companies, under Act XIX. of 1857, a Memorandum showing the name of the Society, the objects of the Society, and the names, addresses, and occupations of the governing body, together with a copy of the Rules and Regulations of the Society, certified as provided in Section II., and a copy of the report of the

Such Societies to file Memorandum, &c., with Registrar of Joint-Stock Companies.

Proceedings of the General Meeting at which the registration was resolved on.

XIX. Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of one Rupee for each inspection; and any person may require copy or extract of any document or any

Certified copies. part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained, in all legal proceedings whatever.

XX. The following Societies may be registered under this Act:—Charitable Societies, Societies established for the promotion of Science, Literature, or the Fine Arts, for instruction, the diffusion of useful knowledge, the foundation or maintenance of Libraries or Reading-rooms for general use among the Members or open to the Public, or Public Museums and Galleries of Paintings and other works of Art, Collections of Natural History, Mechanical and Philosophical Inventions, Instruments, or Designs.

To what Societies the Act shall apply. W. MORGAN,
Clerk of the Council.

Legislative Council of India.

20th November 1858.

The following Bill was read a first time on the 6th November 1858. The second reading has been postponed for four months, in order that the Bill may be published with a view to elicit the opinions of the public generally upon the subject of Judicial Oaths and Affirmations:—

A Bill concerning Oaths and Affirmations.

Whereas it is expedient to amend the law relating to Oaths and Affirmations; It is hereby enacted as follows:—

Preamble. I. Acts V. of 1840, and II. of 1847, are hereby repealed.

II. In all cases in which at present any person is required to make oath or affirmation in any Court of Justice, or before any person empowered by law to administer oaths or affirmations, such person shall, from and after the passing of this Act, be sworn to speak the whole truth and nothing but the truth (or, in the case of a juror, to give a true verdict according to the evidence), in the manner that may be considered most binding on the conscience of such person, by the Court or person before whom such person may be examined.

III. Provided always, that if a person be of a rank which, according to the customs of the country, would render it improper to compel him or her to take an oath, or if any person have conscientious scruples against taking an oath, the Court or person empowered by law to administer oaths or affirmations may dispense with such person being sworn, provided that such person shall make the following affirmation:—

"I solemnly affirm that what I shall state in the matter now under investigation shall be the whole truth and nothing but the truth."

Or, if the person be a juror,—

"I solemnly affirm that I will give a true verdict according to the evidence."

IV. If any person, making such oath or affirmation as aforesaid, shall wilfully and falsely state for truth that which he knows or believes

to be false, or which he does not know or believe to be true, such person shall be punishable in the manner provided by any law for the time being in force for the punishment of perjury and giving false evidence.

V. Any person causing or procuring another to commit the offence defined in the last preceding Section shall be punishable in the manner provided by any law for the time being in force for the punishment of subornation of perjury, or causing or procuring false evidence.

VI. Nothing in this Act shall be held to interfere with the provisions of Sections XV. and XVI. of Act II. of 1855 (for the further improvement of the Law of Evidence), which enact that any person who, by reason of immature age, or want of religious belief, or by reason of defect of religious belief, ought not, in the opinion of the Court or person before whom his or her attendance is required, to be admitted to give evidence on oath or solemn affirmation, shall be admitted to give evidence on a simple affirmation that he or she will speak the whole truth and nothing but the truth, and that the same provision shall apply to testimony given by affidavit or otherwise; and the provisions of the said Sections shall have the same force and effect as if this Act had not been passed.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

27th November 1858.

The following Bill was read a second time in the Legislative Council of India on the 27th November 1858, and was referred to a Select Committee, who are to report thereon after the 1st of March next:—

A Bill for the Establishment of Courts of Small Causes beyond the Local Limits of the Jurisdiction of the Supreme Courts of Judicature established by Royal Charter.

Whereas, with a view to the more easy recovery of small debts and demands, it is expedient to establish Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter at the several Presidencies of Calcutta, Madras, and Bombay; It is enacted as follows:—

I. It shall be lawful for the Executive Government of any of the said Presidencies or of any place, with the previous sanction of the Governor General in Council, to constitute Courts of Small Causes, with the required establishment of Officers, at any place within the limits of their respective Governments, for the trial of suits under this Act. Whenever any such Court may be so constituted, the Executive Government shall fix the territorial jurisdiction of such Court, and may from time to time alter the same, as may appear proper.

II. It shall also be lawful for any such Executive Government to invest any Court subordinate to a District Court, now existing, or which may hereafter be established, within the limits of their respective Governments, with Small Cause jurisdiction for the trial of suits made cognisable by Courts of Small Causes constituted under this Act.

III. The following are the suits which shall be cognisable by Courts of Small Causes constituted under this Act, namely, claims for money due, whether on bond or other contract, or for rent, or for personal property, or for the value of such

having sued or having been sued, as the case may be, on behalf of the Society only, and shall require to have the judgment enforced against the property of the Society.

IX. Whenever by any By-law, duly made in accordance with the Rules and Regulations of the Society, or, if the Rules do not provide for the making of Bye-laws, by any By-law made at a General Meeting of the Members of the Society convened for the purpose (for the making of which the concurrent votes of three-fifths of the Members present at such Meeting shall be necessary), any pecuniary penalty is imposed for the breach of any Rule or Bye-law of the Society, such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the Society shall be situate, as the governing body thereof shall deem expedient.

X. Any Member who may be in arrear of a subscription which, according to the Rules of the Society, he is bound to pay, or who shall possess himself of or detain any property of the Society, in a manner or for a time contrary to such Rules, or shall injure or destroy any property of the Society, may be sued for such arrear, or for the damage accruing from such detention, injury, or destruction of property, in the manner hereinbefore provided. But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the Society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the Officer in whose name the suit shall be brought, or from the Society, and in the latter case shall have process against the property of the said Society, in the manner above described.

XI. Any Member of the Society who shall steal, purloin, or embezzle any money or other property, or wilfully and maliciously destroy or injure any property of such Society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the Society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner as any person not a Member would be subject and liable to in respect of the like offence.

XII. Whenever it shall appear to the governing body of any Society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend, or abridge such purpose, or to amalgamate such Society either wholly or partially with any other Society, such governing body may submit the proposition to the Members of the Society in a written or printed report, and may convene a Special Meeting for the consideration thereof, according to the Regulations of the Society; but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every Member of the Society ten days previous to the Special Meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the Members present at such Meeting, and confirmed by the votes of three-fifths of the Members present at a second Special Meeting convened by the governing body at an interval of one month after the former Meeting.

XIII. Any number not less than three-fifths of the Members of any Society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the Society, its claims, and liabilities,

according to the Rules of the said Society applicable thereto, if any, and if not, then as the governing body shall find expedient; provided that, in the event of any dispute arising among the said governing body or the Members of the Society, the adjustment of its affairs shall be referred to the principal Court of original Civil jurisdiction of the District in which the Chief building of the Society is situate; and the Court shall make such order in the matter as it shall deem requisite. Provided that no Society shall be dissolved unless three-fifths of the Members shall have expressed a wish for such dissolution, by their votes, delivered in person, or by proxy, at a general Meeting convened for the purpose.

XIV. If, upon the dissolution of any Society registered under this Act, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the Members of the said Society, or any of them, but shall be given to some other Society, to be determined by the Members at the time of the dissolution, or in default thereof, by such Court as aforesaid; provided, however, that this Clause shall not apply to any Society which shall have been founded or established by the contributions of shareholders in the nature of a Joint-Stock Company.

XV. For the purposes of this Act a Member of a Society shall be a person who, having been admitted therein according to the Rules and Regulations thereof, shall have paid a subscription, or shall have signed the roll or list of Members thereof; but in all proceedings under this Act, no person shall be entitled to vote or be counted as a Member whose subscription at the time shall have been in arrear for a period exceeding three months.

XVI. The governing body of the Society shall be the Governors, Council, Directors, Committee, or other body to whom, by the Rules and Regulations of the Society, the management of its affairs is entrusted.

XVII. Any Company or Society established for a Literary, Scientific, or Charitable purpose, and registered under Act XLIII. of 1850, or any such Society established and constituted previous to the passing of this Act, but not registered under the said Act XLIII. of 1850, may, at any time hereafter, be registered as a Society under this Act; subject to the proviso that no such Company or Society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the Members present personally, or by proxy, at some General Meeting convened for that purpose by the governing body. In the case of a Company or Society registered under Act XLIII. of 1850, the Directors shall be deemed to be such governing body. In the case of a Society not so registered, if no such body shall have been constituted on the establishment of the Society, it shall be competent for the Members thereof, upon due notice, to create for itself a governing body to act for the Society thenceforth.

XVIII. In order to any such Society as is mentioned in the last preceding Section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of Joint-Stock Companies, under Act XIX. of 1857, a Memorandum showing the name of the Society, the objects of the Society, and the names, addresses, and occupations of the governing body, together with a copy of the Rules and Regulations of the Society, certified as provided in Section II., and a copy of the report of the

Proceedings of the General Meeting at which the registration was resolved on.

XIX. Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of one Rupee for each inspection; and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained, in all legal proceedings whatever.

XX. The following Societies may be registered under this Act:—Charitable Societies, Societies established for the promotion of Science, Literature, or the Fine Arts, for instruction, the diffusion of useful knowledge, the foundation or maintenance of Libraries or Reading-rooms for general use among the Members or open to the Public, or Public Museums and Galleries of Paintings and other works of Art, Collections of Natural History, Mechanical and Philosophical Inventions, Instruments, or Designs.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

20th November 1858.

The following Bill was read a first time on the 6th November 1858. The second reading has been postponed for four months, in order that the Bill may be published with a view to elicit the opinions of the public generally upon the subject of Judicial Oaths and Affirmations:—

A Bill concerning Oaths and Affirmations.

Whereas it is expedient to amend the law relating to Oaths and Affirmations; It is hereby enacted as follows:—

I. Acts V. of 1840, and II. of 1847, are hereby repealed.

II. In all cases in which at present any person is required to make oath or affirmation in any Court of Justice, or before any person empowered by law to administer oaths or affirmations, such person shall, from and after the passing of this Act, be sworn to speak the whole truth and nothing but the truth (or, in the case of a juror, to give a true verdict according to the evidence), in the manner that may be considered most binding on the conscience of such person, by the Court or person before whom such person may be examined.

III. Provided always, that if a person be of a rank which, according to the customs of the country, would render it improper to compel him or her to take an oath, or if any person have conscientious scruples against taking an oath, the Court or person empowered by law to administer oaths or affirmations may dispense with such person being sworn, provided that such person shall make the following affirmation:—

"I solemnly affirm that what I shall state in the matter now under investigation shall be the whole truth and nothing but the truth."

Or, if the person be a juror,—

"I solemnly affirm that I will give a true verdict according to the evidence."

IV. If any person, making such oath or affirmation as aforesaid, shall wilfully and falsely state for truth that which he knows or believes

to be false, or which he does not know or believe to be true, such person shall be punishable in the manner provided by any law for the time being in force for the punishment of perjury and giving false evidence.

V. Any person causing or procuring another to commit the offence defined in the last preceding Section shall be punishable in the manner provided by any law for the time being in force for the punishment of subornation of perjury, or causing or procuring false evidence.

VI. Nothing in this Act shall be held to interfere with the provisions of Sections XV. and XVI. of Act II. of 1855 (for the further improvement of the Law of Evidence), which enact that any person who, by reason of immature age, or want of religious belief, or by reason of defect of religious belief, ought not, in the opinion of the Court or person before whom his or her attendance is required, to be admitted to give evidence on oath or solemn affirmation, shall be admitted to give evidence on a simple affirmation that he or she will speak the whole truth and nothing but the truth, and that the same provision shall apply to testimony given by affidavit or otherwise; and the provisions of the said Sections shall have the same force and effect as if this Act had not been passed.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

27th November 1858.

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A Bill for the Establishment of Courts of Small Causes beyond the Local Limits of the Jurisdiction of the Supreme Courts of Judicature established by Royal Charter.

Whereas, with a view to the more easy recovery of small debts and demands, it is expedient to establish Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter at the several Presidencies of Calcutta, Madras, and Bombay; It is enacted as follows:—

I. It shall be lawful for the Executive Government of any of the said Presidencies or of any place, with the previous sanction of the Governor General in Council, to constitute Courts of Small Causes, with the required establishment of Officers, at any place within the limits of their respective Governments, for the trial of suits under this Act. Whenever any such Court may be so constituted, the Executive Government shall fix the territorial jurisdiction of such Court, and may from time to time alter the same, as may appear proper.

II. It shall also be lawful for any such Executive Government to invest any Court subordinate to a District Court, now existing, or which may hereafter be established, within the limits of their respective Governments, with Small Cause jurisdiction for the trial of suits made cognisable by Courts of Small Causes constituted under this Act.

III. The following are the suits which shall be cognisable by Courts of Small Causes constituted under this Act, namely, claims for money due, whether on bond or other contract, or for rent, or for personal property, or for the value of such

property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of five hundred Rupees. Provided that no action shall lie in any such Court on a balance of partnership account, unless the balance shall have been struck by the parties or their agents; or for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will; or for any claim relating to arrears or exactions of rent, or to alleged illegal distrains for rent, for which claim or for any part whereof a summary suit could have been brought before an Officer of Government in the Revenue Department, if commenced in due time; or for the recovery of damages on account of alleged personal injuries, unless special damage of a pecuniary nature shall have resulted from such injury.

Proviso.

IV. Every Court constituted under this Act shall use a seal, bearing the following inscription in English and in the language of the Court—"Court of Small Causes of —"; and every such Court shall be a Court of Record, and shall be subject to the general control and orders of the Judge of the District and of the Sudder Court.

Seal of the Court.

Court to be a Court of Record, and be generally subject to the Zillah Judge and Sudder Court.

V. The language to be used in the proceedings of the Courts constituted under this Act shall be the same as that in use in the principal Court of Civil jurisdiction in the District in which such Courts are established.

Language to be used in proceedings.

VI. No person whatever shall, by reason of place of birth, or by reason of descent, be excepted from the jurisdiction of any Court of Small Causes constituted or invested with Small Cause jurisdiction under this Act; and any such Court shall be competent to hear and determine all claims cognisable by such Court, when the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall reside as a fixed inhabitant, or personally work for gain, within the local limits of the jurisdiction of such Court.

VII. Whenever a Court of Small Causes is constituted under this Act, all suits cognisable under the provisions of this Act, which shall arise within the limits of the jurisdiction of such Court, shall be heard and determined in such Court, and shall not be cognisable, except in the way of appeal, in any other Court. In like manner, whenever any Court is invested with Small Cause jurisdiction under this Act, all suits cognisable under the provisions of this Act, which may arise within the limits of the jurisdiction of such Court, shall be heard and determined in accordance with the provisions of this Act.

VIII. Nothing in this Act shall be held to take away the jurisdiction which a Magistrate, or a person exercising the powers of a Magistrate, or an Assistant or a Deputy Magistrate, can now exercise in regard to debts or other claims of a Civil nature; or the jurisdiction which can be exercised by Village Moonsiffs or Village or District Panchayets in Madras; or by Panchayets under Regulation VII. 1827 of the Bombay Code, or by Military Courts of Request, or by a single Officer duly authorised and appointed, under the rules in force in the Presidencies of Fort St. George and Bombay respectively, for the trial of small suits in Military Bazaars, in Cantonnements, and Stations occupied by the troops of those Presidencies, respectively, or by Panchayets in regard to suits against Military persons, according to

the rules in force under the Presidency of Fort St. George.

And of Military Panchayets in Madras.

IX. Courts of Small Causes, constituted under this Act, shall be held at such place or places within the local limits of their respective jurisdictions as shall be appointed by the local Government to which such Courts are subordinate.

X. Whenever any such Court is directed to be held at more places than one within the local limits of its jurisdiction, the Judge of such Court, subject to the control of the Judge of the District, shall appoint the time at which the Court shall hold its sittings in every such place. Due notice of the time so appointed shall be given by a proclamation, to be fixed up in some conspicuous place in the Court-house or other building in which the sittings of the Court are to be held.

XI. The procedure to be observed in the trial of cases cognisable under this Act, shall be that prescribed in Act—(for Simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter), and the provisions of that Act, unless otherwise herein provided, shall be applicable to cases tried under this Act.

Procedure.

XII. In suits tried under this Act, the decision of the Court shall be final, if the amount or value of the property in dispute shall not exceed the sum of fifty Rupees; but if it exceed that sum, an appeal shall lie from the decision to the District Court, and the decision of the District Court upon the appeal, if any, shall be final.

XIII. If in the trial of any suit under this Act, whether originally or in appeal, any question of law or usage having the force of law, or the construction of a document affecting the merits of the decision, shall arise, on which the Court may entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties to the suit, draw up a statement of the case, and submit it, with its own opinion, for the decision of the Sudder Court.

XIV. The Court may proceed in the case, notwithstanding a reference to the Sudder Court, and may pass a decree contingent upon the opinion of the Sudder Court on the point referred; but no execution shall be issued in any case in which a reference may be made to the Sudder Court, until the receipt of the order of that Court.

XV. Cases referred for the opinion of the Sudder Court shall be dealt with by a full bench of that Court.

XVI. The Sudder Court shall fix an early day for the hearing of the case, and shall notify the same by a proclamation, to be fixed up in the Court-house of that Court.

XVII. The parties to the case may appear and be heard in the Sudder Court, in person or by pleader.

XVIII. The Sudder Court, when it has heard and considered the case, shall transmit a copy of its judgment, under the seal of the Court and the signature of the Register, to the Court by

Decision of Sudder Court how to be transmitted.

Parties may appear and be heard in person or by pleader.

Decision of Sudder Court how to be transmitted.

Parties may appear and be heard in person or by pleader.

Decision of Sudder Court how to be transmitted.

Parties may appear and be heard in person or by pleader.

Decision of Sudder Court how to be transmitted.

Parties may appear and be heard in person or by pleader.

which the reference was made; and such Court shall, on the receipt thereof, proceed to dispose of the case conformably to the decision of the Sudder Court.

XIX. Each party shall bear his own costs, if any, consequent on the reference of a case for the opinion of the Sudder Court.

XX. In cases decided under this Act, in which no appeal is allowed, or, if allowed, in which no appeal may have been referred, it shall be competent to the Court which decided the case, to grant one new trial, if applied for within the period of thirty days from the date of the decision, unless the party making the application can show just and reasonable cause for not having preferred the same within that period.

W. MORGAN,
Clerk of the Council.

Tenders for Provisions.

Notice is hereby given, that the Contract for the SUPPLY of PROVISIONS to about Seven Hundred (700) Prisoners in the Town and Fort Jails at Tanna, from 1st January to 31st December 1859, will be put up to Public Competition at the Adawlut at Tanna on Monday, the 20th instant.

Particulars and Conditions may be learnt on application at the Adawlut.

No reason will be assigned for the rejection of Offers.

M. MELVILL,
Actg. Asst. Session Judge in Charge, S. S.
Konkum Adawlut,
Tanna, 2nd December 1858.

અહરનામુ.

શરવેને માંલમ થાએ ને કરણે થાંણના કીલાના તુરંગ-મધેના તથા ગાંમધેનાં તુરંગનાં કોન્દારી અંદીવાન સુમારે ૭૦૦ ને ભાંતુ એટલે જમવાનો રામન દાંણો વગેરે આપવાનો મકતો ધરાવકાલીલ તારીખ ૧ લી માહિ જાનેવારી રાન ૧૮૫૯ થી તે તારીખ ૩૧ મી દીનંબર રાન મજકુર સુધી આપવાનો તેનુ લીલામ તારીખ ૨૦ મી માહિ દીનંબર રાન ૧૮૫૮ સોમવારને દાહો થાંણ મધે મેહેરવાન જડન્ય રાહોળની કચેરીમાં ઉઘડ થઆમાં આવરો.

રાહુ મકતા બદલ ઠરાવ રાંબંધી શરવે હકીકત ડ્રાઇને રામનવી જોઈએ તો અદાલતમાં પુઝાથી કહાંમાં આવરો ને મકતા રાંબંધી ડ્રાઇનો અરજ ના મંજુર કરે તેનુ કારણ રામનમાં આવનાર નહીં.

M. MELVILL,

અકઠિંગ અસિસ્ટન સેશન જડન્ય ધનિ આરજ.

મુા દાણે તારીખ ૨૭ માહિ દીનંબર

રાન ૧૮૫૮ ધિસરી.

જાહિરનામા.

સર્વોસ કઠાવિલેં જાતેં કીં કસવે ઠાળે થેથીલ કિલે તુરંગાતીલ વ ગાવાંતીલ તુરંગાતીલ કીજદારી વંદીવાન સુમારે ૭૦૦ યાંજલા ખાતેં મ્હળજે જેવણવેં સાહિય અનાજ વગેરે દેણ્યાચા મક્કા હસ્તકવીલ તારીખ ૧ લી જાનેવારી સન ૧૮૫૯ તાગાર્દત તારીખ ૩૧ વી દિસેંબર સન મજકુર પર્યંત ઘાવયાચા લ્યાવેં લિલાંવ તારીખ ૨૦ વી માહિ દિસેંબર સન ૧૮૫૮ સોમવાર રોજી ઠાળે એં મેહેરવાન જડન્ય સાહેવાંવે કચેરીસ ઉઘડ પુકારણ્યાંત યેઈલ.

સદરા મક્ક્યાબદલ ઠરાવાસંબંધી સર્વે હકીકત કોળાસ સમજલી પાહિજે તર અદાલતીલ વિચારણ્યાસ કઠાવિલી જાઈલ જર મક્ક્યાસંબંધી કોળાચા અજં ના મંજૂર કેલા તર સ્વાવેં કારણ સમજાવિલેં જાણાર નહીં.

M. MELVILL,

આકઠિંગ અસિસ્ટન સેશન જડન્ય ધં. સ.

મુા ઠાળે તારીખ ૨ રી માહિ દિસેંબર

સન ૧૮૫૮ હસરી.

Notice.

The following PASSAGES are required :—From Bombay to England, for ELEVEN (11) Invalid Seamen; from Bombay to England, for ONE (1) European Convict; from Bombay to Western Australia, for ONE (1) European Convict; from Bombay to Singapore, for TWENTY-FOUR (24) Native Convicts, and FIVE (5) Time-expired Native Convicts; from Bombay to Penang, for Six (6) Peons of the Penang Police; from Bombay to Calcutta, for TWENTY-THREE (23) Recruits for the East India Rifle Corps.

By order of the Commander in Chief I. N.,
F. G. BONE, Secretary.

Office of the Commander in Chief I. N.,
Bombay, 15th December 1858.

Notice to Mariners.

THE "CAIRNSMORE" ROCK.

The position of this Rock, upon which the British Ship *Cairnsmore*, of Liverpool, John Bragg, Master, bound from Hongkong to Shanghai, was totally wrecked, on the 26th of June last (see *North China Herald*, July 3rd), is given as follows, by Lieut. Ward, R. N., in charge of H. M.'s Yacht *Emperor*, from observations taken whilst the Wreck was upon it :—

"The Cairnsmore Rock lies in Latitude 30° 42' 10" North, and Longitude 122° 34' 40" East, very nearly in mid-channel between the Parker Islands and the Saddle Group. The following are the Bearings of the most conspicuous objects seen from the Rock :—

South-east point of Senhouse Island. . South.

A small rugged rock close to the South-east point of Raffles Island, and in a line with the point. } S. 59° W.

The Northernmost Rock of the Group off Chesney Island (very conspicuous) } N. 59° W.

On approaching this dangerous Rock, the lead can give no warning whatever, as the Rock is very small, apparently not more than 30 or 40 feet in diameter, and rises very abruptly.

It will be prudent, in future, for vessels navigating this channel, to keep on the Saddle Island side. When, going North, the Bit rock opens South of South Saddle Island, they will be to the Northward of the Cairnsmore Rock, and, when going South, the same Rock opens to the Northward of the South Saddle, they will be to the Southward of it."

"NORTH CHINA HERALD" OFFICE, Shanghai, 10th July, 1858.

Published by order of the Commander in Chief I. N.,

F. G. BONE, Secretary.

Office of the Commander in Chief I. N.,
Bombay, 8th September 1858.

Insolvent Debtors' Court.

Notice is hereby given, that the Petitions of the several Persons hereunder named and described have been presented to the Court for the Relief of Insolvent Debtors, Bombay, praying, respectively, for the benefit of the Act made and passed in the Eleventh Year of Victoria, Chapter XXI. :—

Names.	Profession.	Denomination.	Place of Residence in Bombay.	Dates of Petitions filed.		
				Day.	Month.	Year.
Husraz Ookerda	A Merchant	Hindoo	Without the Fort, at Mandvee Bunder.	17th	Nov.	1858
Goolam Hoossnin bin Hajee Tarr.	None	Mahomedan..	Without the Fort, in Caze Molla.	20th	"	"
Khundoo Ramjee, and Succaram Ramjee.	Bricklayers	Hindoos	Without the Fort, in Coombar Wada.	"	"	"
Goolam Mahomed Peesoree, and Assabae, his Wife.	The first is a Tailor.....	Mahomedans.	Without the Fort, in Bapoo Hajam's Molla.	23rd	"	"
Virzass Purbhoodass.	A General Merchant	Hindoo.....	Without the Fort, at Moombadavee.	"	"	"
Memon Sullamon Beg Mahomed.	A dealer in Cutlery.....	Mahomedan..	Without the Fort, in Rungaree Molla.	24th	"	"
Ladoo Woman, Nai-queen.	A Courtesan	Hindoo.....	Without the Fort, in Funeshwady.	"	"	"
Hajee Mahomed Rahimtoolla.	A Dyer.....	Mahomedan..	Without the Fort, at Null Bazar.	25th	"	"
Alexander Allan	A Tailor	European....	Within the Fort, in Apollo Street.	26th	"	"
Alladin Jaffer, and Hassum Jaffer.	Earthen Pot Sellers	Mahomedans.	Without the Fort, at Khudduck.	"	"	"
John Mortimer Bowie	First Class Assistant Surgeon, Bombay Medical Establishment.	European....	Lately without the Fort, at Mazagon (at present in the Bombay Gaol).	27th	"	"
Narrayen Khetsey ..	A Weaver	Hindoo.....	Lately without the Fort, in Goolall Wada (at present in the Bombay Gaol).	29th	"	"
Chimmabae, Widow of the late Nathoo Dhurmunjee, and Manick Jeewanjee.	None	Hindoos	Without the Fort, at Worlee.	30th	"	"
Cumlojee Gowrojee, and Luxumon Nar-ryen.	English Writers	Ditto	Without the Fort, on Nowrojee Hill.	1st	December	"
Jumnadass Hurgovundass.	Unemployed	Hindoo.....	Without the Fort, near Bholeshwer.	2nd	"	"
Jugga Jorra.....	Lately traded with Khooma Hemajee, Acka Sutturajee, Juna Futtajee, and Hussa Gumrajee, under the name of Khooma Hema, as Money-lenders.	Ditto	Without the Fort, at Doongry.	4th	"	"
Mooljee Ghella (sued by the name of Mooljee Gochla)...	Unemployed	Ditto	Lately without the Fort, at Mandvee (at present in the Bombay Gaol).	6th	"	"
Soomar bin Oosman .	A Barber.....	Mahomedan..	Without the Fort, in Ghogaree Molla.	"	"	"
Nanabhoy Shewsunker.	An English Writer	Hindoo.....	Without the Fort, in Coombar Tookada.	"	"	"
Ramjee Vusta	A Blacksmith	Ditto	Without the Fort, in Barbhoy's Molla.	"	"	"
Luxumon Kessowjee .	A Clerk in the Military Auditor General's Office.	Ditto	Without the Fort, near Cowasjee Patell's Tank.	"	"	"

Orders in the matters of the abovenamed Insolvents' Petitions, that the real and personal Estates and Effects of the said Insolvents be vested in the Official Assignee of this Honorable Court, under Clause VII. of the said Act, have been duly made.

Days appointed for Hearing the Petitions of the undermentioned Insolvents.

Names.	Time.		
	Day.	Month.	Hour.
Narayan Khetsey	3rd Monday	December instant.....	11 o'clock.
Mooljee Ghella	Ditto	Ditto	Ditto.
Khundoo Ramjee, and Succaram Ramjee ..	1st Monday	January next.....	Ditto.
Ramjee Vusta	Ditto	Ditto	Ditto.
Cumlojee Gowrojee, and Luxumon Narayan.	Ditto	Ditto	Ditto.
Ladoo Woman, Naiqueen	Ditto	Ditto	Ditto.
Goolam Hoossain bin Hajee Tarr	Ditto	Ditto	Ditto.
Hajee Mahomed Rahimfoolla.....	Ditto	Ditto	Ditto.
Husraz Ookerda	Ditto	Ditto	Ditto.
Memon Hajee Mahomed Esmall	Ditto	Ditto	Ditto.
Alexander Allan	Ditto	Ditto	Ditto.
Memon Sullamon Beg Mahomed	Ditto	Ditto	Ditto.
Goolam Mahomed Peesoree, and Assabae. his Wife.	Ditto	Ditto	Ditto.
Alladin Jaffer, and Hassum Jaffer	Ditto	Ditto	Ditto.
Nanabhoj Shewsunker	Ditto	Ditto	Ditto.
Narayan Cassinathjee	Ditto	Ditto	Ditto.
Luxumon Kessowjee	Ditto	Ditto	Ditto.

Opposing Creditors must file their Claims, verified by Affidavit, and pay the usual Fees, at my Office, at least three days before the Hearing. The abovenamed Insolvents have filed Schedules of their Debts, Estates, and Effects, in my Office.

Dividend payable in the undermentioned Insolvent's Estate.

Joseph Byron Betts, 3rd Monday in December instant, of 10 per Cent.

HENRY GAMBLE,

Acting Clerk of the Court.

Clerk of the Court's Office, Fort, Bombay, this 7th day of December 1858.

નાદાર દેવાદારોની ફોરટ મધે.

નહેર ખમર એ ઉપરથી આપનામાં આવે છે જે, વિગત સાથે હેની હેડીંગ ને જુદી જુદી આશામીઓનાં નામો લખેલાં છે, તેઓએ મુંબઈની નાદાર દેણદારોનાં છુટકા કરનારી ફોરટને અરજીઓ આપી છે, તેમાં એક એકની અરજ હેરી છે જે વિક્રયોરીયાના અગિઆરમે વરસે ને ધારો કરીને ઠરાવો છે, તેના એકવિશમાં બાબતોના ધલાલ હમોને મળે.

નામ.	ધંધો.	જાત.	મુંબઈમધે રહેવાનું ઠેકાણું.	અરજીઓ દાખલ કરાની તારીખ.		
				દાહાડા	માસ.	વરસ.
હરારાજ ઉકડા	વેપારી	હીંદુ.	ફોરટનાહાર માંડવી બંદરઉપર.	૧૭ મો	નવેમ્બર.	૧૮૫૮.
ગુલામ હુસાન ખીન હાજી કંઈનહી	મહમદીઅન.	ફોરટનાહાર કાજી મોલામો.	૨૦ મો	એવ.	એવ.	એવ.
ખંડુરામજી તથા રાખારામ કડીઆ	હીંદુ.	ફોરટનાહાર કુંભાર વાણમો.	એવ.	એવ.	એવ.	એવ.
ગુલામ મહમદ પીરોરી તથા પેલા દરજી છે.	મહમદીઅન.	ફોરટનાહાર બાપુ હજમના મોલામો.	૨૩ મો	એવ.	એવ.	એવ.
તેની ધણીઆણી આ-શાખાઈ.						
વરજદાર પરબુદારા	રાધલી વરાતુનો વેપારી	હીંદુ.	ફોરટનાહાર મસા દેવીપારો.	એવ.	એવ.	એવ.
મેમન શયેમાન બેગ છુરીકાતેર વગેરેનો વેપારી ..	મહમદીઅન.	ફોરટનાહાર રંગારી મોલામો.	૨૪ મો	એવ.	એવ.	એવ.
મહમદ.						
લાડુ બધરી નાએકણ ..	કરામેણ	હીંદુ.	ફોરટનાહાર ફુલશ વાડીમો.	એવ.	એવ.	એવ.
હાજી મહમદ રેમતુલા ..	રંગારી	મહમદીઅન.	ફોરટનાહાર નલના બજાર ૨૫ મો આગલ.	એવ.	એવ.	એવ.
અલેક્ઝાન્ડર અલન ..	દરજી	ધોરીઅન.	ફોરટનો આપાલો ઈરાટ-૨૬ મો મીટમો.	એવ.	એવ.	એવ.

નામ.	ધંધો.	જાત.	મુખ્યધર્મધે રહેવાનું ઠેકાણું.	અરજીઓ દાખલ કરાની તારીખ.		
				દાહાડા.	માસ.	વરસ.
અલાદીનજીર તથા હારામ	મોડીના વારાણ વેચનારા	મહમદીઅન.	કોટખાહાર ખડક ઉપર	૨૬ મો	નવેમ્બર.	૧૮૫૮.
જાફર-જાન મારીમર બોલી	મુબાઈના દલાખાનામાં પેલી દરજાનો આશીરાઠન રારજન	ધરોપીઅન.	થોડા દાહાડાઉપર કોટખાહાર મજગામ ને હાલ મુખ-ધની તુરંગમાં.	૨૭ મો	એજ.	એજ.
નારાએણુ એતશી	વણુનારો	હીંદુ.	થોડા દાહાડાઉપર કોટખાહાર ગુલાલ વાડીમો ને હાલ મુખધની તુરંગમાં.	૨૯ મો	એજ.	એજ.
ચીમાબાઈ તે મરનાર નધુકંઈનહીં	ધરમનજની વીધવા તથા માણેક જીવનજ.	હીંદુ.	કોટખાહાર વરલીમો	૩૦ મો	એજ.	એજ.
કમલોજી ગવરોજી તથા લખમન નારાએણુ.	અંગરેજી લખનારા	હીંદુ.	કોટખાહાર નવરોજીના કુગરઉપર.	૧ લો	ડીસેમ્બર.	એજ.
જમનાદાસ હરગોવિનદાસ.	બેકાર	હીંદુ.	કોટખાહાર જુલેશ્વર આગલ.	૨ જો	એજ.	એજ.
જગા બેરા	થોડાદાડા ઉપર ખુમા હેમાજી તા.અકારાતરાજી તા.જીના પતાજી તથા હરા ગમનાજી ની શાયે ખુમાહેમાને નામે નાણા ધીરનારા કરીને વેપાર કરતો હતો.	હીંદુ.	કોટખાહાર કુગરીઉપર	૪ થો	એજ.	એજ.
મુલજી ઘેલા (તેનાઉપર મુલજી ગોકલાને નામે ફરીઆદી કરી છે.)	બેકાર	હીંદુ.	થોડા દાહાડાઉપર કોટખાહાર માંડીઉપર ને હાલ મુખધની તુરંગમો.	૬ લો	એજ.	એજ.
શુમાર ખીન ઈશમાન	હજમ	મહમદીઅન.	કોટખાહાર ગોગારી મોલામો.	એજ.	એજ.	એજ.
નાનાભાઈ શીવરાંકર	અંગરેજી લખનાર	હીંદુ.	કોટખાહાર કુંભાર તુકડામો.	એજ.	એજ.	એજ.
રામજી વસતા.	સુવાર	હીંદુ.	કોટખાહાર પારભાઈના મોલામો.	એજ.	એજ.	એજ.
લખરામન કેરાવજી.	મીલીટરી આડીટર જનરલની હાશીરામાં લખનાર.	હીંદુ.	કોટખાહાર કાવરાજી પટેલના તલાવના પારો.	એજ.	એજ.	એજ.

ઉપર લખેલા નાદાર દેવાદારોની અરજીઓની બાબતોમાં ધટ્ટી રીતે હુકમ થયો છે, જે ઉપર લખેલા ધારાની સાતમી કલમ પ્રમાણે નાદાર દેવાદાર મમકુરોની સ્થાવર તથા જંગમ મિલકત તથા ચીજવસ્તુ આ નામદાર કોરટનાં આર્ડિસિઆલ આસાએનીના તાબામાં આપે.

નીચે લખેલા નાદાર દેવાદારોની અરજીઓ સાંભળવારાઈ કરાવેલા દીવસ.

નામ.	વખત.		
	દાહાડા.	માસ.	કલાક.
નારાએણુ એતશી	૩ જો રોમવાર.	આલતો ડીસેમ્બર.	૧૧.
મુલજી ઘેલા	એજ.	એજ.	એજ.
ખંડુ રામજી તથા સખારામ રામજી	૧ લો રોમવાર.	આલતો જાનેવારી.	એજ.
રામજી વસતા.	એજ.	એજ.	એજ.
કમલોજી ગવરોજી તથા લક્ષ્મણુ નારાએણુ.	એજ.	એજ.	એજ.
લાડુ બધરી નાએકણુ	એજ.	એજ.	એજ.
ગુલામ ફુરાન ખીન હાજી તાર.	એજ.	એજ.	એજ.
હાજી મહમદ રેમતુલા	એજ.	એજ.	એજ.
હંસરાજ ઉકડા	એજ.	એજ.	એજ.
મેમન હરજી મહમદ હસિમાલ.	એજ.	એજ.	એજ.

નામ.	વખત.		
	દાહાડા.	માસ.	કલાક.
અલેક્ઝાંડર અલન	૧ લો શોમવાર.	આવતો ડિસેમ્બર.	૧૧.
મેનન શુલેમાન બેગ મહમદ	એલ.	એલ.	એલ.
યુલામ મહમદ પીશોરી તથા તેની ધણીઆણી આરાબાઈ .	એલ.	એલ.	એલ.
અલાદીન બકર તથા હાસમ બકર	એલ.	એલ.	એલ.
નાનાભાઈ શિવરાંકર	એલ.	એલ.	એલ.
નારાયણ કાશીનાથજી	એલ.	એલ.	એલ.
લક્ષ્મણ કેસવજી	એલ.	એલ.	એલ.

આગ્ર આવનાર લેણદારોએ યોગમાં થોડા સાંભળવાના તણ દાહાડા અગાઉ સોગણનાંમાથી સાખીત કરેલા પોતાના દાવા હમારી આશીસમાં દાખલ કરવા જોઈએ, તથા સિરસ્તા પ્રમાંયે તેઓને શી આપતી જોઈએ. ઉપર લખેલા નાદાર દેવાદારોએ પોતાના દેવાની તથા માલ મિલકતની ટીપો હમારી આશીસમાં દાખલ કરાવી છે.

નીચે લખેલા ઇસ્ટેટમાં ફાલો આપવાને કાવીઓ છે તેહેની વીગત.

જોજેફ બાએરન બેટસ, ૩ જો શોમવાર ચાલતો ડિસેમ્બર રોકેડે ૧૦.

હેનરી કેમખલ,

મુંબઈનાં કોર્ટમધે, કોર્ટેના ક્લાર્કની આશીસમાં,
લખી તારીખ ૭ મી ડિસેમ્બર સને ૧૮૫૮.

કોર્ટેના આક્ટિંગ ક્લાર્કની રાહી.

(A true translation)

J. FLYNN, Chief Translator.

BANK OF BOMBAY.

At the ANNUAL GENERAL MEETING of the PROPRIETORS of the Bank, held, under Section XIII. of Act III. of 1840, on Monday, the 13th instant, Robert Ryrie and Cowasjee Jehangheer, Esquires, were elected Directors, in room of H. D. Cartwright and Franjee Nesserwanjee, Esquires, who retired by rotation.

By order of the Board of Directors,

JOHN STUART,

Secretary and Treasurer.

Bank of Bombay, 13th December 1858.

BANK OF BOMBAY.

DISCOUNT.

On Government Bills..... 6 per cent.

On Private Bills at or within 3 } 10 ditto.
Months

INTEREST.

On Fixed Loans on Government } 8 per cent.
Notes and Railway Shares.. }

On Open Loans on ditto..... 9 ditto.

On Cash Credit Accounts 9 ditto.

On Loans on Security of Goods.. 10 ditto.

Bills payable within one month are discounted under the above rate, and Discount at 3 per cent., under the rate charged, will be refunded on all Bills paid before maturity, for the unexpired portion of the time such Bills may have to run:

The Rate of Advance on deposit of 5 per Cent. Government Notes is 85 per cent., on 4 per Cent.

Government Notes 75 per cent., on Railway Shares *three-fourths* the paid-up value of the Shares, and on Goods *three-fourths* the approved value.

Loans on Goods, &c.

Advances are granted on the security of Goods not of a perishable nature, deposited in private Godowns situated either in the Fort, or in Grant Buildings, Colaba.

Government Agency.

The Bank undertakes the safe custody of Government Securities, Bank Shares, and other Indian Stock Certificates; also the purchase or sale of the same, and realises the Interest and Dividends as they become due; and is also authorised to transact the business hitherto carried on by the Government Agents for the public Creditors of Government and others, and to remit the Interest, Dividends, and Principal by *Bills of Exchange payable in England* to Constituents, Shareholders, and others, whether resident in Europe or elsewhere.

By order of the Board of Directors,

JOHN STUART,

Secretary and Treasurer.

Bank of Bombay, 7th December 1858.

No. 77 of 1857.

Notice

Is hereby given, that a small supply of ADHESIVE ENVELOPES, referred to in the undermentioned Notice of the Officiating Director General of the Post Office in India, dated Calcutta, the 29th November 1856, have been received by this De-

partment from Calcutta. Officers in charge of Local Depôts, requiring any, should prefer their Indent to this Department, as directed in the above notice.

"NOTICE."

"The Officers in charge of Treasuries and Depôts or the custody and sale of Postage Stamps are informed that Adhesive Envelopes, stamped with the value of One Anna, have been received from England, and, being now in charge of the Superintendent of Stamps, Calcutta, are now available on Indent.

"2. These Envelopes are in packets of 16, and each packet is enclosed in a wrapper, on which is marked the price, Rs. 1-2-0.

"3. The Rules for the sale of Postage Stamps are applicable to the sale of the Stamped Envelopes; but discount is allowed on the actual value of the latter, and not the extra charge of 2 annas on every 16 Envelopes, which is added to cover the cost of the paper and manufacture.

"4. The Superintendent of Stamps will not supply the Stamped Envelopes in a smaller quantity than one Ream at a time, which consists of 30 Packets, and is of the value of Rs. 33-12-0, including the extra charge of 2 annas on each Packet."

J. W. MUSPRATT,

Superintendent of Stamps.

Bombay, General Stamp Office,
4th February 1857.

Bombay Mechanics' Institution.

Government having made over to the Mechanics' Institution a portion of a Descriptive List of all the Patents issued under Her Majesty's order, and which is to be added to, from time to time, as new Volumes are published by Her Majesty's Commissioners of Patents; it is hereby notified, that the Institution will afford facilities, for inspecting the Work, to any Persons who, by education or profession, may be entitled to the privilege of so doing.

By order of the President and Directors,

W. A. HURST,

Secretary.

Bombay, 10th June 1858.

Notice.

Junior Members of the Civil Service, who may be liable or prepared to undergo an Examination in any of the Vernacular Languages before the Central Committee on Monday, the 3rd January next, are requested to send in their names to the undersigned by the 25th instant, stating, at the same time, the Languages which they may have been studying.

By order of the Central Committee for
Vernacular Examination,

VENAYEK WASSOODEW,

Secretary to the Central Committee for
Vernacular Examination.

Bombay Castle, 4th December 1858.

Salt Notice.

With reference to the Salt Notice dated the 28th September 1858, it is hereby notified, that the following Prices will be paid by the Malabar Authorities for Salt leaving the Ports in this Presidency in all December 1858, and delivered at the following Ports on the Malabar Coast:—

Per Garce of 120
Indian Maunds.

Calicut	Rs. 50
Tellicherry	„ 50
Cannanore	„ 50
Ponany	„ 51

RICHARD SPOONER,

Commissioner of Customs, Salt, and Opium.

Bombay Custom House, 26th November 1858.

જાહેરખબર.

આપવાનો આવે છે એલેવી ને મલબાર પ્રાંતમાં કીઆ બાવથી મીકુ લેવામાં આવે તે બાબત જાહેરખબર તારીખ ૨૮ મી સપ્ટેમ્બર સન ૧૮૫૮ ની જાહેરી હતી તે બાબતમાં વળી એલેવું જાહેર કરવામાં આવે છે કે મુંબઈ બંદરથી માલે ડિસેમ્બર સન ૧૮૫૮ મહીનામાં ને મીકુ રવાના થશે તેહને નીચે લખેલા બંદરોમાં તે બંદરને બાજુએ લખેલી કીમત મળશે.

કલિકટમાં ૧૨૦ બંગાલી મણના દર ચારસાસ ૩. ૫૦	
તેલીચેરીમાં „ એલન એલન „ ૫૦	
કાનાનોરમાં „ એલન એલન „ ૫૦	
પોનાનીમાં „ એલન એલન „ ૫૧	

સહી.

રિચાર્ડ સ્પુનર,

કમિશનર આફ કસ્ટમ્સ સાલ્ટ એન્ડ ઓપિયમ.

મુકામ મુંબઈ કસ્ટમ હૌસ,

તારીખ ૨૬ મી નવેમ્બર સન ૧૮૫૮ ઇસવી.

જાહેરખબર.

દિલ્હી જાતે એસી જે મલબાર પ્રાંતી કોળતે દરને મીટ ઘેળ્યાંત યેઈલ ત્યાજવદલ જાહેરખબર તારીખ ૨૮ મી સપ્ટેમ્બર સન ૧૮૫૮ ચી છાપલી હતી ત્યાજાવર્તીત આળીક અસે જાહેર કરણ્યાંત યેતે કી મુંબઈ બંદરાંહુન માલે નવેમ્બર સન ૧૮૫૮ મહિન્યાંત જે મીટ રવાના હોઈલ ત્યાસ ખાલી લિહિલેલ્યા બંદરી ત્યાબંદરાચે બાજુસ લિહિલેલી કીમત મિલેલ.

કલિકોટ યેથે ૧૨૦ બંગાલી મળાચ દર ચારસાસ રૂપયે ૫૦	
તેલીચેરી યેથે કિત્તા કિત્તા ૫૦	
કાનાનોર યેથે કિત્તા કિત્તા ૫૦	
પોનાની યેથે કિત્તા કિત્તા ૫૧	

સહી.

રિચાર્ડ સ્પુનર,

કમિશનર આફ કસ્ટમ્સ સાલ્ટ એન્ડ ઓપિયમ.

મુકામ મુંબઈ કસ્ટમ હૌસ,

તારીખ ૨૬ મી નવેમ્બર સન ૧૮૫૮ ઇસવી.

WEEKLY SUMMARY OF DEATHS ON THE ISLAND OF BOMBAY.

CASTE OR RACE.	Still-born.	Cholera.	Small-pox.	Measles.	Fever.	Disease of Nervous System.	Vascular System.	Respiratory System.	Alimentary System.	Urinary System.	Sexual System, and Child-bearing.	Locomotive & Tegumentary Systems.	Cachexy and Debility.	Leprosy, Tubercular and Articular.	Dropsy.	Accident and Violence.	Other and Unknown Cause.	Total—exclusive of Still-born.
Boodhist—Jain, &c.	..	..	..	..	9	1	..	2	..	..	..	..	2	..	..	1	..	15
Brahmun..	..	..	..	..	3	..	..	1	..	..	..	1	..	..	..	..	..	5
Lingaet and Bhatia	..	..	..	..	6	1	..	..	..	..	..	1	..	..	..	..	..	9
Hindoo of other Caste	..	5	2	3	64	8	..	7	13	..	2	..	16	..	3	..	..	118
Hindoo Out-caste	..	..	..	..	11	..	..	3	1	..	..	..	1	..	..	1	..	17
Moosulman	..	..	..	..	31	2	..	1	3	..	..	..	3	..	..	1	..	41
Parsee	..	..	..	..	2	..	..	2	..	..	1	..	..	..	..	..	..	5
Jew	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	1
Native-Christian..	..	1	..	..	1	1	..	..	..	..	..	..	1	..	1	1	..	6
Indo-European	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
European..	..	..	..	..	..	..	2	2	..	..	..	..	..	..	..	1	..	5
Negro-African	..	..	..	..	4	..	..	..	..	..	..	..	..	..	..	2	..	6
Other and Unknown Caste or Race	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	1
All Castes and Races....	5	3	3	..	131	13	..	17	20	..	3	1	24	..	6	7	1	229
Mean of the corresponding Weeks in the preceding Ten Years ..	..	36	3	1	134	11	..	25	41	..	3	2	13	1	4	4	1	279

A. H. LEITH,

Bombay, 15th December 1858.

In charge of Mortuary Returns.

Notice

Is hereby given, that the SUM on account of the ESTATE of the undermentioned DECEASED NATIVE SEAMAN, of the Ship specified herein, has been received into my Office, and the same will be paid by me to his legal representative, on application with full particulars (post-paid) :—

Seaman's Name.	No. of Register Ticket.	From what Port held.	Capacity.	To what Ship belonged.	Of the Port of	Amount.
Chand.....	41789	Calcutta....	Bundary....	Julia.....	Bombay..	Rs. a. p. 0 10 8

W. R. HAYMAN,

Acting Registrar of Merchant Seamen.

Register of Seamen Office, Bombay, 30th November 1858.

اِشْتِهَارِ نَامَہ

ظاہر کیا جاتا ہے کہ کچھ روپے بابت مال اور اسباب خلاصی متوفی کے جسکا اور جسکے جہاز کا نام نیچے لکھا گیا ہے میری آفیس میں جمع ہوئے ہیں جو کوئی اُسکے وارث ہونگے اور اپنی درخواست مع اثبات اپنی حقیقت کے دای کا محصول دیکر میرے پاس پہنچانے تو وہ روپے اُنکو دئے جائینگے

خلاصی کا نام	رجسٹر ٹکٹ کا نمبر	کون سے بندر سے رجسٹر ٹکٹ ملا	عہدہ	کون سے جہاز پر نوکرتھا	کون سے بندر کا	مبلغ
چاند	۴۱۷۸۹	کلکتہ ..	بھنداری ..	جولہ	ببلی	پای آنے روپے ۰ ۱۰ ۸

(صحیح) ولیم رگدن ہیمن صاحب
اگنگ رجسٹر اراں مرچنٹ سیمن

رجسٹر اف سیمن آفیس
ببلی تاریخ ۳۰ نومبر سنہ ۱۸۵۸

VENAYEK WASSODEW, Oriental Translator to Govt.

Bombay Custom House, 15th December 1858.

General Orders.

MILITARY DEPARTMENT.

BY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 9th December 1858.

No. 1191 of 1858.—Kirkee having ceased to be a Cantonment Command, as constituted by the General Order of the 9th January 1858, No. 45, that Station is again to be considered a part of the Poona Brigade, as heretofore, prior to the General Order of the 14th November 1857, No. 1057.

No. 1192 of 1858.—The following promotion is made :—

Regiment of Artillery.

Date of Rank.

Captain (Brevet Colonel) John Jacob, C.B., to be Lieutenant } From the 25th November 1858, vice
Colonel } Hicks, retired.

Supernumerary Captain H. P. B. Berthon is brought on the established strength of the Regiment, in succession to Jacob, promoted.

No. 1193 of 1858.—The following Gentlemen are admitted to the Service, in conformity with their appointments, as Cadets of Engineers, Cavalry, and Infantry, on this Establishment :—

Engineers.

Date of Arrival at Bombay.

No. 11, Mr. Thomas Freeman Dowden 27th November 1858.

Cavalry.

No. 592, Mr. Algernon Currie Ditto.

Infantry.

No. 596, Mr. Alfred Dowden }
No. 598, Mr. Wright Thomas Squire } Ditto.
No. 18, Mr. Christopher Banbury Myers }
No. 21, Mr. David Shaw }

The undermentioned Officers have returned to their duty, without prejudice to their Rank, by permission of Her Majesty's Principal Secretary of State for India in Council :—

Date of Arrival at Bombay.

Captain J. B. G. Close, of the Corps of Engineers, and Executive Engineer, }
Deesa and Aboon Stations } 27th November 1858.
First Class Assistant Surgeon J. Mc.A. Hyslop, M.D., Civil Surgeon, }
Bagdad }

Bombay Castle, 10th December 1858.

No. 1194 of 1858.—With reference to General Order No. 754, dated 19th July last, the Right Honorable the Governor in Council is pleased to sanction the addition of a Second in Command to the number of Officers attached to the Extra Battalions of the Native Infantry.

No. 1195 of 1858.—Her Majesty's 28th Regiment, having arrived at Bombay, is admitted on the Establishment of this Presidency from the 8th instant.

No. 1196 of 1858.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Honorable the President of the Council of the Right Honorable the Governor General of India in Council, dated Fort William, 9th November 1858, No. 1516 :—

"In supersession of existing Rules regarding the production of Certificates of No Demand by Military Officers when about to proceed on Leave beyond Sea, the Honorable the President of the Council of the Right Honorable the Governor General of India in Council is pleased to promulgate the following Rules for general observance :—

All Military Officers, Staff or Regimental, or on Civil employ, on their applying for Leave beyond Sea, whether to Europe or elsewhere, will be required to submit with their applications for Leave reports from the Officers noted in the margin, stating whether, according to the information before them, there is reason to require Security, as a special case, on account of any doubtful items outstanding against the applicant, or because of anything suspicious or extraordinary in the state of the applicant's accounts. The Reporting Officers must not delay their reports in ordinary cases by references to Local Officers, as with a proper system of despatch and proper vigilance on their part they ought, in all ordinary cases, to have the means of judging in their own Office. All Officers affected by these Rules are reminded of the necessity of using every means in their power for the settlement of their Accounts, in order to obviate inconvenience to themselves from any delay in the issue of the report by the several Departments concerned.

(Signed) FRED. D. ATKINSON, Major,

Officiating Secretary to the Government of India in the Military Department."

No. 1197 of 1858.—The following Orders are confirmed :—

Dated 1st March 1858.—By Lieutenant Colonel Prescott, appointing Captain Laurie, Line Adjutant at Neemuch, to perform the duties of the Sub-Assistant Commissary General at that Station, during the absence of Lieutenant Williams on duty to Nusseerabad.

- Dated 12th August 1858.*—By Captain Crombie, appointing Captain Carmichael, Her Majesty's 95th Regiment, to act as Staff Officer to the Troops at Neemuch, during the absence of Captain Carnegie.
- Dated 5th September 1858.*—By Brigadier Parke, appointing Captain Carmichael, Her Majesty's 95th Regiment, to act as Staff Officer to the Troops at Neemuch.
- Dated 10th October 1858.*—By Major Rocke, appointing Lieutenant Lord, of the 13th Regt. N. I., to act as Staff Officer to the Troops at Neemuch, vice Captain Carmichael.
- Dated 10th November 1858.*—By Brigadier Creagh, appointing Captain Houghton, of the 14th Regt. N. I., to act as Interpreter to the 1st Extra Battalion, vice Montrou.
- Dated 14th November 1858.*—By Major Lye, Commanding Hoosungabad District, appointing Lieutenant Cousens, of the 13th Regt. N. I., in addition to his other duties, to act as Staff Officer to the Force.
- Dated 14th November 1858.*—By Captain Collier, appointing Lieutenant and Adjutant Stevens to perform the duties of Quartermaster to the 2nd Extra Battalion, vice Lieutenant Knight.
- Dated 20th November 1858.*—By the Officer Commanding Left Wing 9th Regt. N. I., appointing Captain Baugh to act as Adjutant to the Wing, in the absence of a qualified Subaltern, vice Lieutenant Bonnor.
- Dated 24th November 1858.*—By Brigadier Shortt, appointing, with the sanction of the Right Honorable the Governor and Commander in Chief, Lieutenant Miles, of the Marine Battalion, to act as Interpreter to the 1st Gr. Regt. N. I., vice Lieutenant Barton.

Bombay Castle, 11th December 1858.

No. 1198 of 1858.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Honorable the President of the Council of the Right Honorable the Governor General of India in Council, dated Fort William, 9th November 1858, No. 1517 :—

"The following Extracts from the *London Gazette* of the 17th and 24th September 1858 are published for general information :—

‘WAR OFFICE, PALL MALL, 17TH SEPTEMBER 1858.

BREVET.

The undermentioned promotion to take place in the Indian Military Forces of Her Majesty, consequent on the death of Major General Richard Benson, C.B., Bengal Infantry, on the 26th August 1858 :—

To be Major General.

Colonel Harry Meggs Graves, Bengal Infantry. Dated 27th August 1858.

The undermentioned Officers, of the Indian Military Forces of Her Majesty, retired upon full pay, to have a step of honorary rank, as follows :—

To be Major Generals.

Colonel James Kilner, Bombay Engineers. Dated 21st May 1858.

Colonel William Biddle, Madras Infantry. Dated 17th September 1858.

To be Colonels.

Lieutenant Colonel Robert Edward Turnour Richardson, Bengal Infantry. Dated 17th September 1858.

Lieutenant Colonel Samuel Landon, Bombay Infantry. Dated 17th September 1858.

To be Lieutenant Colonel.

Major Charles William Hodson, Madras Infantry. Dated 17th September 1858.

To be Majors.

Captain David Lester Richardson, Bengal Infantry. Dated 17th September 1858.

Captain John William Goad, Madras Artillery. Dated 17th September 1858.

Captain Robert Levison James Ogilvie, Madras Infantry. Dated 17th September 1858.

‘WAR OFFICE, 24TH SEPTEMBER 1858.

Brevet Lieutenant Colonel Patrick Gordon, 11th Bengal Native Infantry, to be Colonel in the Army. Dated 20th July 1858.

(Signed) FRED. D. ATKINSON, Major,
Officiating Secretary to the Government of India in the Military Department.”

Bombay Castle, 13th December 1858.

No. 1199 of 1858.—The following Order is confirmed :—

Dated 9th November 1858.—By Major General Michel, C.B., Commanding Malwa Division, appointing Lieutenant Wood, Her Majesty's 17th Lancers, to act as Staff Officer to the Second Cavalry Brigade.

Bombay Castle, 14th December 1858.

No. 1200 of 1858.—Captain Ewan Grant, of the 3rd Regt. N. I., is appointed an Acting Assistant Commissary General for the special duty of superintending the formation of a Transport Train between Mhow and Neemuch, in continuation of that established between Wassind and Mhow.

No. 1201 of 1858.—Captain F. Schneider, 3rd European Regiment, has been appointed to act as Political Superintendent of Sawunt Warree, during the absence of Lieutenant Colonel Auld, on medical certificate.

No. 1202 of 1858.—Lieutenant J. R. Strutt, of the 3rd Regt. N. I., is appointed Quartermaster and Paymaster to the 2nd Extra Battalion, vice Knight, removed.

No. 1203 of 1858.—The undermentioned Document has been forwarded to the Home Government by the last Overland Mail :—

Supplementary General BOLL of Remittances to Europe, made by the Non-Commissioned Officers and Soldiers of Her Majesty's 95th Regiment, for the Quarter ending 31st July 1858.

Bombay Castle, 15th December 1858.

No. 1204 of 1858.—The Right Honorable the Governor in Council is pleased to republish the following Extract from General Orders by the Government of India, dated 5th November :—

"The undermentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate :—
Assistant Surgeon E. R. Butler, M.D., Bombay Artillery, for eighteen months, under the New Regulations."

No. 1205 of 1858.—The undermentioned document has been forwarded to the Home Government by the last Overland Mail :—

Supplementary General Roll of Remittances made to Europe by the Commissioned Officers of Her Majesty's Service, for the Quarter ending 31st July 1858.

No. 1206 of 1858.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Honorable the President of the Council of the Right Honorable the Governor General of India in Council, dated Fort William, 13th November 1858, No. 1540 :—

"No. 1540 of 1858.—The following Notification, issued from the Home Department with the Right Honorable the Governor General, is published in General Orders :—

"No. 501.—*The 5th November 1858.*—The Right Honorable the Governor General directs the publication of the subjoined Despatch from the Honorable Court of Directors, and of a Resolution passed by a General Court of the East India Company, on the 30th of August last :—

"PUBLIC DEPARTMENT.

No. 147 of 1858.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

We have the satisfaction of transmitting to you, for promulgation in such manner as you may consider suitable, the copy of a Resolution unanimously passed by the General Court of the East India Company, held on the 30th ultimo, expressing the thanks of the Court to the Servants and Officers of the Company 'of every rank and in every capacity.'

We are, &c.

(Signed) F. CURRIE,

London, 1st September 1858.

" W. J. EASTWICK.

Countersigned in accordance with 16 and 17 Vict. Cap. 95, Sec. 2.

(Signed) J. D. DICKENSON, Secretary.

" *Extract Minutes of a Special General Court of the East India Company, held at their House in Leadenhall Street, on Monday, the 30th August 1858.*

A Proprietor, adverting to the fact of this being the last occasion of the Meeting of the General Court before the severance of the connection of the East India Company with the Government of India, and moving the Court, it was

RESOLVED UNANIMOUSLY,—That the East India Company, on surrendering, at the bidding of Parliament, those powers connected with the Government of the British Territories in India, which it has long exercised as Trustees for the Crown, desires to return its warmest thanks to its Servants and Officers of every rank, and in every capacity, for the fidelity, zeal, and efficiency with which they have performed their several duties, and offers to them its best wishes for their future prosperity.

To those who are Natives of India, the East India Company has the satisfaction of being able to give the fullest assurance, that in Her Majesty Queen Victoria they will find a most Gracious Mistress, not unmindful of their past services under that authority which has hitherto had the honour of representing British Sovereignty in India, and ever ready to reward loyalty to the British Crown.

The East India Company is convinced that the Members of the Home Department of the Company's Government will maintain the high reputation which that Department now enjoys, and will continue, when enrolled in the direct service of the Crown, to command the esteem and confidence of their Official Chiefs and of the Public.

Of its Fellow-Countrymen employed in India, under the Company's Government, whether as Civilians or Soldiers,—of those especially whose duty has recently subjected them to trials of unexampled severity, and who have done their duty so admirably as to win for them the praise and sympathy of their Sovereign and their Country,—the East India Company is proud to say, that their past conduct affords the strongest security that the Crown will possess no Servants abler, none more devoted, than those who have been trained by the Company; and without in any manner arrogating to itself what is due to men, some of whose names are honoured in every region of the civilised World, the East India Company trusts that, in the page of impartial history, it may be recorded as having presented, in the career which it has opened both to the Members of its own Civil and Military Services, and to the gallant Troops of Her Majesty and Her Royal Predecessors, a field for the exercise of the highest qualities of the Statesman and the Soldier.

In the humble hope that the Company's rule will prove to have been, in the hand of Divine Providence, an instrument of good, and even of the highest good, to India, the East India Company earnestly prays, that it may please Almighty God to bless the Queen's Indian Reign by the speedy restoration of peace, security, and order, and so to prosper Her Majesty's efforts for the welfare of Her East-Indian subjects, that the millions who will henceforth be placed under Her Majesty's direct, as well as Sovereign dominion, constantly advancing in all that makes men and nations great, flourishing, and happy, may reward Her Majesty's cares in their behalf by their faithful and firm attachment to Her Majesty's Person and Government."

"The Right Honorable the Governor General, speaking not only for the Government of India, but for all of every Class who have acted under that Government, desires to record an assurance of the respectful thankfulness with which these parting words of good-will and approval will be received by the vast community of the Indian Civil and Military Services.

The Governor General is satisfied, that amongst all there is but one common feeling of acknowledgment of the just, considerate, and liberal treatment which has ever characterised the Great Company which has now ceased to govern the British Territories in India.

(Signed) FRED. D. ATKINSON, Major,
Officiating Secretary to the Government of India in the Military Department."

No. 1207 of 1858.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Honorable the President of the Council of the Right Honorable the Governor General of India in Council, dated Fort William, 19th November 1858, No. 1568:—

"The following Military Letter from the Honorable the Court of Directors to the Government of India, No. 263, of the 1st September 1858, is published in General Orders:—

' MILITARY DEPARTMENT.

No. 263 OF 1858.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

Para. 1.—The Secretary of State for War having expressed to us "his opinion that a uniform contribution of £5," as made by H. M.'s Officers of Infantry, "should be paid by Officers of all Arms of the Service for their Messing during their Passages to India, whether proceeding by the Overland or Long Sea route," we desire that all Officers of Her Majesty's Service, Staff or Regimental, who receive the regulated rates of Passage Money, or whose Passages are defrayed at the Public Expense, be required to pay a uniform rate of £5 each for Messing.

To or from India to	{ The Cape of Good Hope. New South Wales Isle of Franco Ceylon }	{ or £3 2s. 6d. or £0 10s. 8d. }	{ Of the rates between India and England. }	2. A ratable contribution will be required from all Officers between the Colonies and India, corresponding with the rates of Passage Money between those places as compared with the rates between India and England, as specified in the margin.

We are, &c.

(Signed) F. CURRIE,

W. J. EASTWICK.

London, the 1st September 1858.

Countersigned in accordance with 16 and 17 Vict. Cap. 95, Sect. 2.

(Signed) J. D. DICKENSON,
Secretary."

(Signed) FRED. D. ATKINSON, Major,
Officiating Secretary to the Government of India in the Military Department."

No. 1208 of 1858.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Honorable the President of the Council of the Right Honorable the Governor General of India in Council, dated Fort William, 19th November 1858, No. 1572:—

"The following Military Letter from the Right Honorable the Secretary of State for India to the Governor General of India in Council, No. 13, of the 29th September 1858, is published for general information:—

' MILITARY,
No. 13.

TO THE RIGHT HONORABLE THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

MY LORD,—The undermentioned Officers have proceeded in charge of Troops under the terms of the Circular, dated the 16th March last, copy of which was transmitted with the Court's letter of the 21st April, No. 98, and will be entitled, according to their respective circumstances, to the advantages conceded by that Circular. Those who would have proceeded Overland, but for their services being required to proceed round the Cape of Good Hope, will be entitled to draw Indian Pay and Allowances, and reckon service from the dates of arrival of the Mails specified opposite their names respectively, and those who are not proceeding in charge to their own Presidencies will be entitled to free Passages to those Presidencies, viz:—

Lieutenant Walter Fane, 11th Madras N. I. and 3rd Punjaub Cavalry.	Per <i>Violet</i> , to Calcutta	Per Mail, 4th June.
Lieutenant Alexander Patterson, 2nd Bengal Fusiliers	Per <i>Harvest Home</i> , to Calcutta.	Per Mail, 20th June.
Brevet Captain H. E. Hicks, Madras Artillery	Per <i>Bucephalus</i> , to Madras.	Per Mail, 20th June.
Captain W. C. P. Haines, 35th Madras N. I. Brevet Major J. F. Stevens, 18th Madras N. I.	Ditto ditto	Per Mail, 20th June.
Lieutenant Robert Menzies, 1st Madras Fusiliers	Per <i>Clarence</i> , to Madras.	Per Mail, 20th June.
Lieutenant C. J. Richards, 38th Madras N. I.	Per <i>Sir Robert Sale</i> , to Calcutta ..	Per Mail, 20th June.
Captain A. G. Paul, 23rd Bombay N. I. ...	Per <i>Sutlej</i> , to Calcutta	Per Mail, 10th July.
Lieutenant W. J. H. Stevenson, Bombay Artillery	Per <i>Hope</i> , to Bombay.	Per Mail, 10th July.
Lieutenant C. C. Taylor, 1st Madras N. I. ...	Per <i>Forerunner</i> , to Bombay	Per Mail, 20th July.
Lieutenant Walter Lumsden, 22nd Bombay N. I.	Per <i>Jalawar</i> , to Calcutta	Per Mail, 20th July.
Captain E. A. Green, 21st Bombay N. I., and Brigade Major, Rajpootana.	Per <i>Genghis Khan</i> , to Kurrachee ..	Per Mail, 20th July.
Captain T. H. Chamberlain, 3rd Bengal European Regiment.	Per <i>Hope</i> , to Bombay.	Per Mail, 4th August.
Captain R. S. Symonds, 1st Bengal N. I. ...	Per <i>Jalawar</i> , to Calcutta	Per Mail, 20th August.
Lieutenant H. A. W. Waterfield, 27th Bengal N. I.	Per <i>Jalawar</i> , to Calcutta	Per Mail, 20th August.
	Per <i>Vernon</i> , to Bombay	Per Mail, 27th August.

Captain D. J. F. Newall, Bengal Artillery..	Per <i>Vernon</i> , to Bombay	Per Mail, 2nd October.
Captain G. H. Atkinson, 42nd Madras N. I.	Per <i>Gloriana</i> , to Madras.....	Per Mail, 20th October.
Lieutenant H. P. T. McCarthy, Madras Artillery	Ditto ditto	Per Mail, 4th November.
Captain T. H. L. Miller, Madras Invalids..	Per <i>Sir Robert Sale</i> , to Calcutta ..	(Not Overland).
Ensign George Marsh, 28th Madras N. I. .	Ditto ditto.	
Captain Digby Compton, 7th Bengal L. C.	Per <i>Walmer Castle</i> , to Calcutta.	
Lieutenant E. Davidson, Bengal Engineers.	Ditto ditto.	
Lieutenant F. F. Rowcroft, 2nd Bengal N. I.	Ditto ditto.	
Lieutenant R. C. Money, 2nd Bengal N. I.	Ditto ditto.	
Lieutenant C. J. R. Bell, 6th Madras N. I.	Per <i>Clarence</i> , to Madras.	
Captain M. F. Evatt, 36th Bengal N. I. .	Per <i>John Duncan</i> , to Calcutta.	
Brevet Major James G. Balmain, M. Artillery, Civil Employ	Per <i>Tyburnia</i> , to Calcutta.	
Lieutenant H. W. Lumsden, Madras Artillery.	Per <i>Holinsdale</i> , to Calcutta.	
Captain H. G. Dickinson, 45th Madras N. I.	Per <i>Anne Royden</i> , to Calcutta.	
Lieutenant J. C. Bayley, 36th Madras N. I.	Per <i>Eastern Monarch</i> , to Kurrachee.	
Lieutenant William Phaire, 47th Bengal N. I.	Per <i>Marchioness of Londonderry</i> , to Madras.	
Captain Edward Thompson, 1st Bengal N. I.	Per <i>Chatham</i> , to Kurrachee.	
Captain H. P. S. Berthon, Bombay Artillery	Per <i>Genghis Khan</i> , to Kurrachee.	
Captain W. H. Macnaghten, 1st Bengal L.C.	Per <i>Plantagenet</i> , to Calcutta.	
Brevet Major George Selby, Madras Artillery.....	Per <i>Barham</i> , to Calcutta.	

I have, &c.

(Signed) STANLEY.

East India House, London, 29th September 1858.

(Signed) FRED. D. ATKINSON, Major,

Officiating Secretary to the Government of India in the Military Department."

No. 1209 of 1858.—The following promotions are made:—

*Commissariat Department.**Date of Rank.*

Sub-Conductor (Acting Conductor) J. Jackson to be Conductor, and Commissariat Sergeant (Acting Sub-Conductor) J. Moon to be Sub-Conductor, in succession to Rice, deceased	} 17th October 1858.
Sub-Conductor W. McGrath to be Acting Conductor, during the absence of Conductor Benison <i>alias</i> Eccles, on furlough to Europe	

No. 1210 of 1858.—With reference to G. O. No. 1105, of the 12th ultimo, Captains S. G. Paul, of the 23rd Regt. N. L. I., and E. A. Green, of the 30th Regt. N. I., and Brigade Major Rajpootana Field Force, are to be considered as having returned to duty, without prejudice to their rank, the former on the 7th August, and the latter on the 9th September 1858, the dates of the arrival at Bombay of the Overland Mails which left England on the 10th July and 4th August, respectively.

No. 1211 of 1858.—The following postings are made, to fill vacancies, and Regimental rank is assigned as follows:—

Rank and Names.	Regimental Rank.	To what Corps posted.
Cornet Robert Graham Mayne	21st July 1858 ..	1st Regiment Light Cavalry (Lancers), as 2nd Cornet.
Ensign Henry Martin	10th ditto ..	25th Regt. N. L. I., as 2nd Ensign.
Ensign Robert Macdonald Chambers	21st ditto ..	17th Regt. N. I., as 2nd Ensign.
Ensign Sidney Holmes Barnes	21st ditto ..	26th Regt. N. I., as 2nd Ensign.
Ensign John McKnight Hartigan	21st ditto ..	5th Regt. N. L. I., as 2nd Ensign.
Ensign Algernon William Godson	27th ditto ..	12th Regt. N. I., as 3rd Ensign.
Ensign Charles Pulteney Forbes	27th ditto ..	3rd European Regiment, as 5th Ensign.

By order of the Right Honorable the Governor in Council,

P. M. MELVILL, Colonel,

*Secretary to Government.**M A R I N E D E P A R T M E N T.**Bombay Castle, 15th December 1858.*

No. 240 of 1858.—The following temporary arrangements and appointments are confirmed:—

*By Commodore G. G. Wellesley, C.B., R. N., Commander in Chief of the Indian Navy.**Calcutta Squadron Orders.*

Mr. G. Connor, Acting Master, Indian Navy, to assume the Command of 50 Petty Officers and Seamen from the Fort William Detachment, from the 16th June 1858, and to proceed to Jessera, until relieved by Lieutenant Jackson.

Mr. Mignon, Purser, from Sick Quarters, to rejoin the "Semiramis," from 21st June 1858, vice Lieutenant Hurlock.

Commander Balfour, supernumerary on board the "Auckland," to the Command of the "Semiramis," from 22nd June 1858, vice Lieutenant Hurlock, superseded.

Lieutenant G. O'B. Carew, Indian Navy, from Sick Quarters, to resume Command of the Indian Naval Detachment at Barrackpore, from 24th June 1858, vice Lieutenant Windus.

Lieutenant H. W. Etheridge, Indian Navy, of the "Auckland," to be borne on the Books of the "Achar," and to Command the Indian Naval Detachment at Sasseram, from 25th June 1858.

Mr. Handley, Acting Purser, supernumerary of the "Auckland," to be borne on the Books of the "Achar," for detached service in Bengal, and to join the Dépôt in Fort William, for duty under Acting Lieutenant Warden, from 23rd June 1858.

Mr. R. O. Jones, temporary Acting Master of the "Semiramis," to be Store Accountant of that Vessel, from the 23rd May 1858, vice Captain Campbell, transferred to the "Calcutta."

Mr. Mignon, Purser, of the "Semiramis," to proceed to Bombay on board the "Auckland," on special service, relative to the organising of the Pay Department of the Indian Naval Brigade in Bengal, from the 9th July 1858.

Mr. Handley, Acting Purser, supernumerary on the Books of the "Achar," on detached duty in Fort William, to be Acting Purser of the "Semiramis," from the 9th July 1858, vice Mr. Mignon, proceeding to Bombay on special service.

Mr. T. R. Rogers, Mate, Indian Navy, from Sick Quarters, to join the "Coromandel" as Acting Lieutenant, from the 13th July 1858, to fill an existing vacancy.

Lieutenant T. H. B. Barron, of the "Coromandel," to be borne on the Books of the "Achar," for duty in the Indian Naval Brigade in Bengal, and to proceed in Command of a reinforcement of 100 Seamen to Patna, from the 12th July 1858.

Mr. Finnis, Midshipman, supernumerary on board the "Semiramis," to proceed on duty in charge of 20 Seamen from Fort William to join the Naval Guard at Port Blair, from the 12th July 1858.

Mr. D. H. Morrison, temporary Acting 1st Class 2nd Master of the "Semiramis," to proceed in charge of a Guard of 15 Seamen with Convicts to Akyab, from the 16th July 1858.

Mr. S. S. Ridge, temporary Acting Master of the Indian Navy Detachment in Fort William, to proceed to Patna with a reinforcement, to join the Brigade under Command of Lieutenant Barron, from 16th July 1858.

Mr. Handley, Acting Purser, of the "Semiramis," to perform the Paymaster's duties of the Indian Naval Detachment Dépôt in Fort William, in addition to his own, from the 9th July 1858.

Mr. W. F. Yates, Mate, having arrived from Bombay on the 30th July 1858, to be Acting Lieutenant on the Books of the "Achar," from that date, for duty at the Indian Naval Detachment Dépôt in Fort William.

Mr. T. M. Lambarde, Mate, having arrived from Bombay on the 30th July 1858, to be Acting Lieutenant of the "Semiramis," from that date, to fill an existing vacancy.

Aden Squadron Order.

Mr. W. J. McGee, Captain's Clerk, of the "Assaye," to be Senior Naval Officer's Clerk, and to join the "Elphinstone," from 24th August 1858, vice Mr. Ellis, transferred to the "Assaye."

No. 241 of 1858.—Mr. J. E. C. Pryce, Second Assistant to the Master Attendant, returned to duty on the 27th instant, with the permission of the Secretary of State for India.

By order of the Right Honorable the Governor in Council,

P. M. MELVILL, Colonel,

Secretary to Government.

Civil Appointments, &c.

POLITICAL DEPARTMENT.

Bombay Castle, 15th December 1858.

Mr. H. B. E. Frere, Commissioner in Sind, resumed charge of his duties on the 6th instant.

Captain A. Y. Shortt, Second Assistant to the Political Agent in Kattywar, having resumed charge of his duties on the 22nd November last, the unexpired portion of the leave granted to that Officer on the 17th of the said month is cancelled.

JUDICIAL DEPARTMENT.

Bombay Castle, 9th December 1858.

R. T. Reid, Esquire, LL.D., is appointed Coroner of Bombay.

Bomanjee Hormusjee Wadia, Esquire, to be Sheriff of Bombay for the ensuing year.

Captain J. A. S. Faulknor, in charge of the Cantonment at Seroor, is appointed Assistant Magistrate in the Ahmednuggur Collectorate.

Bombay Castle, 13th December 1858.

Lieutenant Fraser assumed charge of the duties of Adjutant of the Hyderabad Police on the 16th November last.

Mr. A. B. Warden, Judge and Session Judge of Ahmedabad, left the Sudder Station on the 23rd ultimo, for Circuit to the Detached Station of Kaira, and returned thence on the 1st instant.

By order of the Right Honorable the Governor in Council,

H. L. ANDERSON, *Secretary to Government.*

**TERRITORIAL DEPARTMENT,
REVENUE.**

Bombay Castle, 13th December 1858.

Mr. Leslie Copeland, Civil Service, is permitted to proceed from Poona to Bombay, for the purpose of prosecuting his studies in the Hindoostanee language.

Mr. E. W. Ravenscroft, on special duty in the Alienation Department, is allowed leave of absence for one month from the 20th instant, on medical certificate, under Section VI. of the Civil Absentee Rules, preparatory to obtaining sick leave to England.

Mr. W. M. Hearn, Assistant Inam Commissioner, Southern Division, is allowed leave of absence for one month and fifteen days, under Section VII. of the Uncovenanted Service Absentee Rules.

Bombay Castle, 14th December 1858.

Mr. A. J. DeH. Larpent, Supernumerary Third Assistant to the Collector of Tanna, is placed in charge of the Bhewndy Talooka.

Bombay Castle, 15th December 1858.

Mr. T. S. Jordan, Deputy Collector and Magistrate, Ahmedabad, having returned to India, the unexpired portion of the leave of absence for twelve months, granted to him on the 10th May 1858, is cancelled.

Mr. R. W. Hunter, Second Assistant Collector of Tanna, acted as Sub-Collector of Colaba from the 15th June to the 13th September 1858.

*By order of the Right Honorable the Governor in Council,
B. H. ELLIS, Acting Secretary to Government.*

GENERAL DEPARTMENT.

Bombay Castle, 11th December 1858.

Mr. D. C. R. Leighton to act as Postmaster General of Bombay, during Dr. Impey's absence on sick certificate.

Mr. F. R. Griffith received charge of the Engineering School at Poona, from Mr. Coke, on 7th December 1858.

Bombay Castle, 15th December 1858.

Mr. D. C. R. Leighton received charge of the Office of Postmaster General of Bombay, from Dr. Impey, on the 9th December 1858.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 10th December 1858.

Captain Duncan, Acting Executive Engineer Poona District, is appointed to act as Executive Engineer of Khandeish.

Bombay Castle, 11th December 1858.

With reference to the Government General Order No. 1169 of 1858, Serjeants R. Smith, J. Hodgson, and P. Devitt, of the Sappers and Miners, are appointed Probationary Assistant Overseers; and 1st Corporals J. Cochrane, J. Ward, and M. Dowling, are appointed to act as Probationary Assistant Overseers, during the absence, on Field Service, of the abovenamed Serjeants.

*By order of the Right Honorable the Governor in Council,
H. YOUNG, Chief Secretary.*

NOTIFICATIONS

BY THE

DIRECTOR GENERAL MEDICAL DEPARTMENT.

Bombay, 14th December 1858.

No. 99.—Hurjeebhun Veeswunath is admitted as an Apprentice in the Vaccination Establishment, Western Division, Guzerat, and General No. 154 is assigned to him.

By order of the Director General,
W. C. COLES, M.D., Assist. Surgeon,
Secretary.

MILITARY

ARRIVALS AND DEPARTURES.

1858 ARRIVALS.

7th Dec.—Assistant Surgeon Robert C. McConnell, Medical Department, on duty, from Surat.
8th „ Cadet G. O. Hogg, Cavalry, to join, from England.
9th „ Assistant Surgeon A. P. Glass, Medical Department, on duty, from Kurrachee.

9th Dec.—Lieutenant A. Carey, Artillery, on duty, from Kurrachee.
„ „ Captain H. Rivers, Engineers, on duty, from Poona.
„ „ Assistant Surgeon C. J. F. McDowall, Medical Department, on duty, from Indian Navy.
„ „ Surgeon S. M. Pelly, 2nd Light Cavalry, on medical certificate, from Rajpootana Division.
„ „ Lieutenant L. Hall, 4th Rifles N. I., on duty, from Mhow.
10th „ Lieutenant J. Harpur, Superintendent of Police, on leave, from Rutnagherry.
11th „ Assistant Surgeon R. C. McConnell, Medical Department, on duty, from Surat.
12th „ Lieutenant C. H. Boyé, Staff, on leave, from Dapoolie.
„ „ Captain W. C. Stileman, Acting Deputy Assistant Quartermaster General, on duty, from Tankaria.
13th „ Assistant Surgeon H. T. Daun, Medical Department, to join.
„ „ Lieutenant E. H. Ord, 3rd Regt. L. I., on duty, from Sholapoor.

- 13th Dec.—Colonel W. Scott, Engineers, on duty, from Aden.
 " " Assistant Surgeon Robert Nicholson, M.D., Guzerat Irregular Horse, to rejoin, from England.
 " " Captain C. T. Boddam, Engineers, to rejoin, from England.
 " " Cadet A. Poole, Infantry, to rejoin, from England.
 " " Assistant Surgeon H. F. McGrath, on duty, from Ahmedabad.
 " " Lieutenant Colonel Burnett, Bengal Artillery, to rejoin, from England.
 " " Cadet H. L. Nutt, Infantry, to join, from England.
 " " Captain St. C. Ford, 14th Regt. N. I., to rejoin, from England.
 " " Lieutenant J. Muspratt, 2nd Light Cavalry, on duty, from Neemuch.
 " " Major W. Reynolds, Invalids, to rejoin, from England.
 14th " Lieutenant R. Woodhouse, 30th Regt. N. I., on duty, from Malligaum.
 15th " Major J. Wray, Deputy Quartermaster General, on duty, from Surat.
 " " Lieutenant F. S. Iredell, 16th Regt. N. I., on duty, from Surat.

1858 DEPARTURES.

- 8th Dec.—Captain J. B. G. Close, Engineers, on duty, to Poona.
 " " Assistant Surgeon R. C. McConnell, Medical Department, on duty, to Surat.
 9th " Assistant Surgeon A. M. Blomfield, Medical Department, on duty, to Aden.
 " " Major C. R. Whitlock, 11th Regt. N. I., on sick leave, to Europe.
 " " Lieutenant E. H. Ashe, 8th Regt. N. I., on sick leave, to Europe.
 " " Colonel H. Macan, 17th Regt. N. I., on medical certificate, to Europe.
 " " Surgeon E. Impey, Post Master General, on medical certificate, to Europe.
 10th " Major J. Wray, Deputy Quartermaster General, on duty, to Surat.
 11th " Lieutenant J. B. Tudor, 7th Regt. B. H., to join, to Jaulnah.
 " " Lieutenant A. Carey, Artillery, on duty, to Belgaum.
 " " Surgeon A. Gibson, Conservator of Forests, on duty, to Northern Konkun.
 13th " Lieutenant Wilkins, Ordnance, on duty, to Gwalior.
 " " Lieutenant W. Jacob, 2nd Jacob's Rifles, to join, to Jacobabad.
 " " Captain W. C. Stileman, Acting Deputy Assist. Quartermaster General, on duty, to Poona.
 14th " Cadet A. Dowden, Infantry, to join, to Poona.
 " " Cadet W. T. Squire, Infantry, to join, to Poona.
 " " Captain St. C. Ford, 14th Regt. N. I., to join, to Sind.
 " " Lieutenant G. H. F. Codrington, 14th Regt. N. I., to join, to Kurrachee.
 " " Major C. F. North, Engineers, on leave, to Southern Konkun.
 " " Captain E. A. Green, Staff, on duty, to Nusseerabad.
 15th " Cornet Mayne, Cavalry, to join H. M.'s 5th Dragoons, to Kirkee.

*Bombay, Town Major's Office,
 15th December 1858.*

The Sir Jamsetjee Jejeebhoy's Parsee Benevolent Institution.

NOTICE is hereby given, that a GENERAL MEETING of the MEMBERS of the above Institution will be held in the Fort School Room, in Church Gate Street, on THURSDAY, the 23rd instant, at 10 o'clock in the forenoon, for the purpose of *Electing Three Members of the Panchayet*, in the room of BOMANJEE HORMUSJEE WADIA, CURSETJEE JAMSETJEE, and CURSETJEE FURDOONJEE, Esquires, who retire by Rotation, in conformity with the 8th Bye-Law of the said Institution.

A correct List of the Members of the Society qualified to Vote at the above Meeting has been prepared, and may be inspected on application to the Officiating Secretary of the Institution.

By order of the Panchayet,

NUSSERWANJEE BYRAMJEE,
 Officiating Secretary to the Sir Jamsetjee
 Jejeebhoy Parsee Benevolent Institution.

Bombay, 16th December 1858.

NOTICE.—Mr. HENRY LEONHARD BRODBECK has been admitted PARTNER into our FIRM.

VOLKART, BROTHERS.

Bombay, 13th December 1858.

Shortly Expected,

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15th December 1858.

In the Court for the Relief of Insolvent Debtors at Calcutta.

*In the Matter of the ASIATIC
 MARINE INSURANCE OFFICE.*

NOTICE is hereby given, that by an Order made in this Matter, bearing date the Seventh day of August last, it is Ordered that such of the Creditors of the said Asiatic Marine Insurance Office as have not already come in and proved their Debts, do come in and prove their several Claims against the said Asiatic Marine Insurance Office on or before the First Saturday in the month of March, One thousand Eight hundred and Fifty-nine.

DENMAN & HATCH,

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4th September 1858.

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Adjutant General's Circular No. 7, 13th Feb. 1858.

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Bombay, 15th December 1858.

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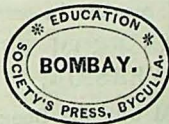
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POST OFFICE NOTIFICATIONS.

Overland Mail.—The OVERLAND MAIL, per P. & O. Company's Steamer "BENARES," will be closed on FRIDAY, the 24th December, at 5 o'clock P. M. An After-Packet will be kept open, on payment of the usual fee, till 6 o'clock P. M.

Mauritius.—Letters for the MAURITIUS can be sent by this opportunity.

China Mail.—Post Office Packets for CEYLON, PENANG, SINGAPORE, and HONGKONG, per P. & O. Company's Steamer "CADIZ," will be closed on THURSDAY, the 16th December, at 1 o'clock P. M. An After-Packet will be kept open, on payment of the usual fee, until 2 o'clock P. M.

Australian and Calcutta Mails.—Mails for AUSTRALIA and CALCUTTA will likewise be sent to Galle by the China Mail.

Scinde Mails.—Mails for KURRACHEE and SCINDE, per Bombay & N. Company's Steamer "SCINDIAN," will be closed on FRIDAY next, the 17th instant, at 10 o'clock A. M.

SHIP LETTERS.

The Ship Letter Office will despatch Letters, under the usual Regulations, by any of the following Ships.

N.B.—The Post Office takes every means in its power to ascertain the exact date on which the Vessels enumerated below will leave the Harbour, but it cannot in any way guarantee their departure on the days mentioned in this List.

NAMES OF VESSELS.	AGENTS' NAMES.	DATE OF INTENDED DEPARTURE.	TO WHAT PORT.	WHERE TOUCHING.
Cadiz	P. & O. Steam Navigation Company ..	16th December	Hongkong	Galle, Penang, and Singapore.
Benares	Ditto ditto ditto ..	24th ditto	Suez	Aden.
Scindian	Bombay Steam Navigation Company ..	17th ditto	Kurrachee.	
Eliza	Messrs. William Nicol & Co.	16th ditto	London	Cape of Good Hope.
Thomas Fielden	" Cardwell, Parsons, & Co.	16th ditto	Koorla Moorla.	
Wolfe	" Rennie, Scovell, & Co.	18th ditto	Ditto ditto.	
Norah Graeme	" Edward Bates & Co.	20th ditto	Liverpool.	
James Pilkington	Ditto ditto	24th ditto	Ditto.	
Ceylon	Ditto ditto	20th ditto	Falmouth.	
Coriolanus	" Cardwell, Parsons, & Co.	21st ditto	Liverpool.	
Confidence	" W. and A. Graham & Co.	30th ditto	Falmouth.	

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

LIST OF PACKETS MADE UP during the last Week at the Bombay General Post Office, for despatch by the following Vessels:—

NAMES OF VESSELS.	DATE OF DEPARTURE.	TO WHAT PORT.
Madras	9th December	Suez.
Mountstuart Elphinstone	9th ditto	Surat.
Lowjee Family	10th ditto	Ditto.
Dwarka	11th ditto	Ditto.
Carac	13th ditto	Ditto.
Bombay	14th ditto	Kurrachee.
Pioneers	14th ditto	Hongkong and Singapore.
Eliza	15th ditto	Cape of Good Hope.

Bombay, General Post Office, 15th December 1858.

TIME TABLE of the ARRIVAL of the OVERLAND MAIL, and DELIVERY of LETTERS and NEWSPAPERS.

Name of the Steamer.	Time at which the Steamer anchored.		Time at which the first Box was received in the Post Office.		Time at which the last Southampton Letter Box was received in the Post Office.		Time at which the last Mail Box was received in the Post Office.		Time at which the Window Delivery commenced.		Time at which the Delivery Peons left the Office with the first Delivery of Overland Letters and Papers.		Number of Boxes received.	
	1858	A. M.		A. M.		A. M.		A. M.		A. M.		A. M.	Iron.	Wooden.
"Madras"	Dec. 13	7-0	13th	7-45	13th	8-28	13th	8-30	13th	10	13th	10-15	80	50

W. BLOWERS,
Deputy Post Master General.

Bombay Post Office, 14th December 1858.

Cairo.—Letters for Cairo must be PREPAID, but cannot be Registered.

Ionian Islands.—Letters for the IONIAN ISLANDS must be prepaid to Alexandria, whence they will be forwarded *via* Trieste. Postage Four Annas on a letter not exceeding half an ounce.

Jerusalem and Baghdad.—Letters posted in India for JERUSALEM and BAGHDAD for despatch *via* Alexandria, and thence by French Packets to Jaffa, must, in addition to the regular steam-postage of Eight Annas per half ounce, prepay Four Annas, being equal to the postage (the prepayment of which is compulsory) due to the French Government. Newspapers for the same places must each prepay Nine Pies in money, when not exceeding two ounces in weight.

Bombay, Post Master General's Office, 1st September 1858.

Letter Boxes on Board Mail Packets.—Her Majesty's Post Master General has directed that Moveable Letter Boxes may be placed in the Mail Packets employed in the Indian Seas, with the view of affording to passengers and others on board those Packets an opportunity of posting any Letters which they may write during the voyage.

All letters found in the Moveable Boxes are to be charged with postage as if originating at the last Port at which the Packet touched before its arrival at Bombay or elsewhere.

Bombay, Post Master General's Office, 31st August 1858.

Securing Letters with Sealing Wax.—The Public are urgently recommended to close all letters, containing Remittances, Cheques, Bank Notes, or valuable Documents, with *Sealing Wax*. Bank Notes ought always to be divided, one half being sent after the receipt of the other half has been acknowledged.

Letters closed with gum, or the ordinary wafer, can be opened without any difficulty, or the slightest chance of detection.

Foreign and Colonial Postage.—The Rates of Postage chargeable on Letters sent through the United Kingdom to British Colonies and Foreign Countries can be ascertained, by application, at every Post Office.

Bombay, Post Master General's Office, 5th August 1858.

Packets Plundered.—It is hereby notified, for general information, that Packets, despatched from Khull Post Office to Seerpoor Post Office on the 24th of November 1858, have been PLUNDERED by Rebels between Chowkee Bursalla and Than.

From whence Despatched.	To what place Addressed.	No. of Packets.	From whence Despatched.	To what place Addressed.	No. of Packets.
Mhow ...	Bombay	1	Mundlesir..	Bombay	1
Do. ...	Malligaum	1	Do. ...	Seerpoor	1
Do. ...	Dhoolia	1	Do. ...	Yeola	1
Do. ...	Nassick	1	Khull ...	Nagpore	1
Do. ...	Seerpoor	1	Do. ...	Parola	1
Do. ...	Wassind	1	Do. ...	Seerpoor	1
Do. ...	Nuggur	1	Do. ...	Dhoolia	1
Indore....	Bombay	2	Do. ...	Poona	1
Do. ...	Nuggur	1	Do. ...	Bombay	1
Do. ...	Dhoolia	1	Do. ...	Scindwah	1
Do. ...	Captain Helbert	1			
Do. ...	Seerpoor	1			
				Total..	23

Bombay Post Master General's Office, 2nd December 1858.

Banghy Parcels Plundered.—It is hereby notified, for general information, that the Banghy Parcels, despatched from Indore to Sehore on the 26th August, have been PLUNDERED on the Sehore Road, on the 30th idem.

List of Parcels despatched from Indore to Sehore.

Originally despatched from	Address.	Destination.	No. of Parcels.	Weight, Tolas.	Description.
Mhow ...	His Highness Nawab, Secundrubagum.	Bhopal.....	1	65	Bearing.
Bombay ..	Major Hampton, 31st Bengal N. I.	Saugor.....	1	477	Ditto.
Ditto ..	Lieutenant E. T. Williams, 3rd Madras European Regt., care of Commanding Officer Detachment	Ditto	1	422	Ditto.
Ditto ..	Lieut. G. W. Hanson, 9th Regt. N. I.	Sehore	1	136	Ditto.
Indore	The Political Agent in Bhopal	Ditto	1	70	Service.

Letters, &c. on the Public Service.—Under orders of the Honorable the President in Council the following addition is to be made to List No. I., published under date the 29th Sept. 1854, of parties authorised to send by Post, without actual payment of Postage, all Letters, Packets, or Parcels, *bonâ fide* and exclusively on the Public Service.

List No. I.

Her Majesty's Envoy at the Court of Persia.

Bombay, Post Master General's Office, 1st September 1858.

Letters, &c. on the Public Service.—Under orders of the Honorable the President in Council the following addition is to be made to List No. II., published under date the 29th September 1854, of parties authorised to send by Post, without actual payment of Postage, all Letters, Packets, or Parcels *bonâ fide* and exclusively on the Public Service.

List No. II.

Head Assistant in charge of the Office of the Forest Department in the Tenasserim and Martaban Provinces, to the Superintendent of Forests in Pegu, Tenasserim, and Martaban Provinces.

Bombay, Post Master General's Office, 29th September 1858.

Letters on the Public Service.—It is hereby notified, for information and guidance, that as some uncertainty seems to prevail on the subject of the obligation on Public Officers to receive Letters, purporting to be Public Letters, which are charged with Postage, the Director General considers it desirable that the rule in this matter should be known as widely as possible, and that all Officers of the Postal Department, at all events, should have it constantly in mind, in order that they may direct attention to it when necessary.

The following Extract of an Order by the Supreme Government, No. 884, dated 13th July 1855, is therefore republished:—

"No Public Officer is authorised to send covers on the Public Service by Post without payment of Postage, unless he is at the time on active duty and in charge of the Office by virtue of which the privilege is enjoyed. All Letters superscribed as 'On the Public Service only' must, even though the Postage thereon be not paid, be received and opened by the Officer to whom they are addressed; but if any such or partially paid Letter so superscribed, and addressed to any Officer except a Secretary to Government, be found, when opened, to relate to the private affairs of the sender, the Postage will be debited to him, and he will be further liable to be dealt with under Section 47, Act No. XVII. of 1854.

"His Honor in Council further directs, that unpaid or insufficiently paid Letters addressed to any such Officer or Department, and not superscribed 'On the Public Service only,' be refused, or, if opened, that it be at the risk and cost of the opener."

E. IMPEY,
Post Master General.

Bombay, Post Master General's Office, 20th August 1858.

Mail Robbery.—It is hereby notified, that the Mail despatched from the Barreilly Post Office on the 4th October has been ~~robbed~~ on the night of the 5th idem, on the Hatrass Road, and the case is in the hands of the Magistrate of Allypore.

Bombay Post Office, 12th November 1858.

Holders of Window Delivery Tickets.—The Holders of Window Delivery Tickets are reminded that their Overland Letters, if not sent for before the Second Delivery, will be sent out by that Delivery instead of being kept in the Post Office for an indefinite period.

Bombay Post Office, 27th October 1858.

Malta and Gibraltar.—Letters for MALTA and GIBRALTAR may be prepaid or not, at the option of the sender.

Bombay Post Office, 1st September 1858.

Banghy Parcels for Scinde and the Punjaub.—Notice is hereby given, that all Banghy Parcels for Scinde and the Punjaub, intended to be sent by Sea *viâ* Kurrachee, must be so marked, that is "Per Steamer," or else they will be subject to be sent by land, and to be charged with Banghy rates of Postage.

Bombay Post Office, 30th August 1858.

Newspapers.—Newspapers RE-DIRECTED are chargeable with FORWARD POSTAGE.

W. BLOWERS,
Depy. Post Master General.

Bombay Post Office, 11th August 1858.

The Mails from the undermentioned Stations reached the Bombay Post Office in time for despatch by the P. & O. Co.'s Steamer "BOMBAY," which started on the 9th December 1858.

1858	1858	1858	1858
Agra 3 Dec.	Chundwara 4 Dec.	Kolapore 6 Dec.	Oojein 4 Dec.
Ajmere 2 "	Delhi 2 "	Kuppurwunj 3 "	Oomrawuttee ... 5 "
Asseerghur ... 5 "	Dhurrungaum ... 5 "	Kaira 5 "	Odeypore 1 "
Ahmedabad 5 "	Dhoolia 6 "	Ketty 1 "	Osoor 1 "
Ahmedabad	Deesa 5 "	Kherwarra 2 "	Peshawur 28 Nov.
Cantonment .. 5 "	Dapoolce 7 "	Kohat 18 Nov.	Palee 3 Dec.
Ahmednuggur .. 7 "	Dhar 5 "	Kurrachee 6 Dec.	Palanpore 5 "
Allahabad 2 "	Dharwar 6 "	Kurnool 2 "	Poona 8 "
Alleppy 29 Nov.	Dholka 4 "	Khandalla 8 "	Panwell 8 "
Aurungabad 7 Dec.	Dannoor 4 "	Kamptee 5 "	Palamcottah ... 28 Nov.
Almorah 29 Nov.	Dhollera 5 "	Kirkee 8 "	Parolla 5 Dec.
Akote 4 Dec.	Damaun 7 "	Karajuh 5 "	Poonany 20 Nov.
Aboo 4 "	Dera Gazez Khan 29 Nov.	Kunhur 3 "	Penn 7 Dec.
Asnee 28 Nov.	Dowlaiswaram .. 25 "	Kisnaghur 30 Nov.	Poree 19 Nov.
Arcot 2 Dec.	Dinapore 28 "	Khamgaum 5 Dec.	Quilon 29 "
Anjar 4 "	Dumnow 27 "	Kulladghee 5 "	Ramghur 29 "
Anantapore 24 Nov.	Dadree 27 "	Kottree 3 "	Rutlam 3 Dec.
Aska 25 "	Dohud 2 Dec.	Kotta 2 "	Roree 2 "
Bulia 30 "	D. Ismael Khan .. 28 Nov.	Kurrar 6 "	Rutnagherry ... 6 "
Bhundara 4 Dec.	Dindigall 29 "	Khull 5 "	Rajamundry 29 Nov.
Berhanpore 16 Nov.	Darrampoor 30 "	Kangra 27 Nov.	Ramandroog ... 3 Dec.
Ballapore 5 Dec.	Erinpoora 3 Dec.	Kalka 29 "	Roorkee 1 "
Bassin 2 "	Etawah 1 "	Kerva 29 "	Rajkote 5 "
Bangalore 4 "	Ellichpoor 5 "	Khettree 26 "	Rahoree 6 "
Bhopaul 3 "	Egutpoora 8 "	Kottergherry ... 1 Dec.	Russulconda ... 25 Nov.
Boorhanpore ... 5 "	Ellore 29 Nov.	Lucknow 1 "	Raichoor 2 Dec.
Benares 2 "	Fattyghur 1 Dec.	Lahore 30 Nov.	Rewah 2 "
Bellimora 6 "	Futtaypoor 29 Nov.	Lingsogoor 4 Dec.	Shorapore 3 "
Baroda 6 "	Fyzabad 19 "	Luchimoughur .. 29 Nov.	Sehore 3 "
Bellary 4 "	French Rocks .. 2 Dec.	Matheran, Go-	Sultanpore 30 Nov.
Bolaram 3 "	Gundavie 6 "	vernor's Camp.. 8 Dec.	Saugor 2 Dec.
Buxar 29 Nov.	Gwalior 3 "	Malliporem 26 Nov.	Soraon 23 Nov.
Baitool 3 Dec.	Ghazeepore 30 Nov.	Mandvie 4 Dec.	Snugumnaire ... 6 Dec.
Broach 6 "	Gogo 5 Dec.	Mehidpore 3 "	Seerpore 29 Nov.
Booldanah 5 "	Governor Gene-	Meerut 30 Nov.	Surat 7 Dec.
Beawar 2 "	ral's Camp. 1 "	Mooltan 30 "	Sukkur 2 "
Bejapore 5 "	Do, by Express 3 "	Murree 28 "	Sholapore 6 "
Bhownuggur ... 5 "	Godra 3 "	Mundoosore 3 Dec.	Sattara 7 "
Bulsar 6 "	Gogaira 27 Nov.	Malligaum 7 "	Shemoga 4 "
Bassein 8 "	Goonah 25 "	Matheran 8 "	Secunderabad .. 3 "
Bhoj 4 "	Goordaspore 28 "	Masulipatam ... 28 Nov.	Siree 4 "
Bunkapore 4 "	Gootee 1 Dec.	Mangalore 4 Dec.	Shikarpore 2 "
Barsee 6 "	Gohaghur 6 "	Madras 3 "	Sirsa 29 Nov.
Banda 29 Nov.	Ghopigunje 22 Nov.	Mahableshwar .. 7 "	Seroor 7 Dec.
Bareilly 1 Dec.	Hooblee 5 Dec.	Malwan 5 "	Seepree 4 "
Bindrabin 30 Nov.	Honore 3 "	Moondha 3 "	Shahjehanpore .. 29 Nov.
Bussao 28 "	Hoominabad 4 "	Moozaftergur ... 28 Nov.	Sukkur 29 "
Bhurutpore 26 "	Hyderabad (Dec.) 3 "	Mirzapore 2 Dec.	Serapore 28 "
Bhevnidy 8 Dec.	Do. (Scinde) .. 3 "	Mahar 7 "	Sumbulpore 1 Dec.
Beorah 4 "	Hoosingabad 2 "	Mundlasisir 5 "	Sealkote 29 Nov.
Burwah 3 "	Hursole 1 "	Mahin 8 "	Subathoo 29 "
Belgaum 6 "	Huttras 2 "	Mominabad 5 "	Seronge 2 Dec.
Beypore 1 "	Hurryhar 5 "	Mhow 5 "	Salem 1 "
Cawnpore 1 "	Hingolie 5 "	Manantody 28 Nov.	Seonce 4 "
Cullian 8 "	Hissar 29 Nov.	Mercara 2 Dec.	Samulkota 21 Nov.
Cambay 5 "	Hawper 30 "	Madapolam 2 Nov.	Tanna 9 Dec.
Cannanore 2 "	Hd. Qrs. Camp. 30 "	Mean Meer 30 "	Tarrapore 7 "
Calicut 4 "	Indore 5 Dec.	Mypoor 1 Dec.	Tatta 3 "
Coonor 2 "	Jooneer 7 "	Mundawa 29 Nov.	Tellicherry 1 "
Coimbatore 1 "	Jhelum 19 Nov.	Macktul 26 "	Trevandrum 28 Nov.
Coompta 3 "	Jawud 2 Dec.	Nagpore 5 Dec.	Tuticorin 27 "
Chiploon 6 "	Jeypore 30 Nov.	Nusseerabad 1 "	Tillara 3 Dec.
Colombo 24 Nov.	Jaulgaum 5 Dec.	Neemuch 3 "	Tanjore 27 Nov.
Campoolee 8 Dec.	Jacobabad 2 "	Nineetal 1 "	Umritsur 30 "
Calcutta 30 Nov.	Jondpore 3 "	Nassick 7 "	Umballa 6 Dec.
Cochin 2 Dec.	Jumbooseer 5 "	Nundoorbar 5 "	Vingoria 5 "
Chandore 6 "	Jaulnah 6 "	Nuldroog 4 "	Vizagapatam ... 21 Nov.
Chooroo 28 Nov.	Jajooree 6 "	Nursingpore 2 "	Vizianagram 23 "
Cuddapah 2 Dec.	Jubbulpore 3 "	Nowshera 27 Nov.	Vellore 29 "
Chunar 1 "	Jhoonjhoonoo ... 29 Nov.	Narrayenpet 3 Dec.	Vethery 26 "
Chanda 3 "	Jooria 5 Dec.	Nagode 30 Nov.	Wassind 8 Dec.
C.I.F. Force Camp 3 "	Jhansee 3 "	Negapatam 30 "	Wagotna 5 "
Coimbatore 1 "	Jaulgaum B. 4 "	Nawulghur 27 "	Warce 5 "
Chittoor 28 Nov.	Jujeram 26 Nov.	Nellore 18 "	Wace 5 "
Coconada 28 "	Kalliawary 6 Dec.	Nagotun 7 Dec.	Wargaum 8 "

Bombay Post Office, 13th December 1858.

W. BLOWERS, Depy. Post Master Genl.