



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE,

CONTAINING

Acts and Bills of the Legislative Council of India.

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Separate Paging is given to these Supplements, in continuation from one to the other, that the Acts and Bills may be collected into a separate Compilation.

Legislative Council of India.

24th March 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 12th March 1860 (communicated to the Legislative Council on the 24th idem), and is hereby promulgated for general information:—

ACT No. VIII. OF 1860.

An Act for Regulating the Establishment and Management of Electric Telegraphs in India.

Whereas it is expedient that better provision should be made for regulating the establishment and management of lines of Electric Telegraph in India; It is enacted as follows:—

I. Act XXXIV. of 1854 (*for regulating the establishment and management of Electric Telegraphs in India*),

Act repealed.

is hereby repealed, except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation, and except also as to any licence for the establishment of a line of Electric Telegraph granted under the said Act. All things done under the authority or in pursuance of the said Act, shall be as valid and effectual as if this Act had not been passed.

II. Within the British territories in India, the

Governor General in Council to have the exclusive privilege of establishing Electric Telegraphs.

Governor General of India in Council shall have the exclusive privilege of establishing lines of Electric Telegraph: provided that

the Governor General of India in Council may grant a licence to any person or company to establish a line of Electric Telegraph within any part of such territories, which licence shall be revocable on the breach of any of the conditions therein contained.

Proviso.

III. Whoever shall, otherwise than under a licence duly granted as aforesaid, establish, or, after revocation of such licence, maintain a line of Electric Telegraph within the said territories,

Penalties for establishing or maintaining unauthorised Electric Telegraphs.

shall be liable to a fine not exceeding one thousand Rupees; and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred Rupees.

IV. Whoever shall use a line of Electric Telegraph, knowing or having reason to believe that it is an unlicensed line, for the purpose of sending or receiving messages, or shall perform any service incidental thereto, shall, for every such offence, be liable to a fine not exceeding fifty Rupees.

V. The Governor General of India in Council may, on the occurrence of any public emergency, take temporary possession of any line of Electric Telegraph established under licence within the said territories.

VI. Any Railway Company, on being required so to do by the Governor General of India in Council, shall permit the Government to establish, upon the land of such Company adjoining the line of Railway, a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.

VII. The Governor General of India in Council may, from time to time, frame rules for the conduct of Electric Telegraphs established by Government not inconsistent with this Act, and therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted.

VIII. The Government shall not be responsible for any loss or damage which may occur in consequence of any person, employed by the Government in the Electric Telegraph Department, failing to transmit with accuracy any message entrusted to him for transmission; and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

IX. Whoever shall, without permission, enter into the signal room of a Government Telegraph Office, or shall refuse to quit the

Penalty for intruding into signal-room, &c.

same on being requested to do so by any Officer or servant employed therein, or shall wilfully obstruct or impede any such Officer or servant in the performance of his duty, shall be liable to a fine not exceeding one hundred Rupees.

X. Whoever shall wilfully cause or attempt to cause any interruption to the transmission of signals along a line of Electric Telegraph established by the Government, by cutting or injuring the wire, or by injuring any portion of the line or posts or any instrument or apparatus, or by any other means, shall be liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XI. Whoever, being in the employ of the Government in the Electric Telegraph Department, shall wilfully secrete, make away with, alter, or omit to transmit any message which he may have received for transmission or delivery, or shall wilfully, or otherwise than by the official order of a Secretary to the Government of India, or Government of Madras or Bombay, or Lieutenant Governor of Bengal or of the North-Western Provinces or of the Punjab, or Chief Commissioner of Oude, or such other Officers as the Governor General of India in Council shall authorise to give such order, divulge any message, or the purport of any message or signal, to any person not entitled to receive or to become acquainted with the same, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XII. Whoever offers a bribe to any person in the employ of the Government in the Electric Telegraph Department in order to induce such person to act in a manner inconsistent with his duty, shall be liable to be imprisoned for a term not exceeding six months, or to fine, or to both.

XIII. Whoever, being in such employ, shall be guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or who shall loiter or make delay in the transmission or delivery of any message, shall be liable to imprisonment, with or without hard labour for a term not exceeding three months, or to a fine not exceeding one hundred Rupees, or to both.

XIV. Whoever, being in such employ, shall transmit by the Electric Telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XV. Whoever shall transmit or cause to be transmitted, by an Electric Telegraph established by Government, a message which he knows to be false or fabricated, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XVI. Any person not being a European British subject, who shall, beyond the local limits of the jurisdiction of a Court of Judicature established by Royal Charter, commit any of the offences mentioned in Sections X., XI., XII., XIII., XIV., and XV. of this Act, shall be punishable, upon conviction, by any Magistrate within whose jurisdiction the offence shall be committed. If any such offence be committed beyond the said local limits by a European British subject, the offender shall be punishable upon conviction before a Court of Judicature established by Royal Charter.

XVII. Any person, whether a European British subject or not, who shall, within the local limits of the jurisdiction of a Court of Judicature established by Royal Charter, commit any of the offences referred to in the last preceding Section, shall be punishable upon conviction before such Court.

XVIII. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Magistrate of Police for any of the Presidency Towns of Calcutta, Madras, and Bombay, or for the Settlement of Prince of Wales' Island, Singapore, and Malacca, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, within whose jurisdiction the offence shall be committed; and any person hereby made punishable by a Magistrate of Police, shall be punishable upon summary conviction.

XIX. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Police Magistrate, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the abovenamed Officers; and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security, to the satisfaction of such Officer, for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognisance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XX. If any servant of the Government, employed in the Electric Telegraph Department, within the dominions of any Foreign Prince or State in alliance with the Government of India in which an Electric Telegraph is established by the Government, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed within the British territories in India, such servant of the Government shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories; and every such person may be tried, convicted, and punished, either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognisance of offences committed in such dominions by servants of the Government, or by any Court or Magistrate or other competent Officer in any part of the British terri-

teries in India, in the same manner as if the offence had been committed in such part of the said territories.

XXI. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates; and the word "Fine" shall include a penalty or forfeiture.

XXII. It shall be lawful for the Governor General in Council to frame rules for the conduct of any Electric Telegraphs established by licence under this Act, and to declare, from time to time, what portions of this Act shall be applicable to such Telegraph, and to persons using the same or employed in connexion therewith. It shall also be lawful for the Governor-General in Council to declare, from time to time, that this Act, or such portions thereof as may be specified, shall be applicable to any Electric Telegraph established or to be established within the British Territories in India by any Foreign Prince or State with the consent of the British Government, and to persons using such Telegraph or employed in connexion therewith.

And to declare Act applicable to Telegraphs established within British Territories by Foreign Powers.

graph established or to be established within the British Territories in India by any Foreign Prince or State with the consent of the British Government, and to persons using such Telegraph or employed in connexion therewith.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 12th March 1860 (communicated to the Legislative Council on the 24th idem), and is hereby promulgated for general information:—

Act No. IX. of 1860.

An Act to make Provision for the Speedy determination of certain Disputes between Workmen engaged in Railway and other Public Works and their employers.

Whereas it is expedient to make provision for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers; It is enacted as follows:—

I. It shall be lawful for the Executive Government of any Presidency or place within the British Territories in India to invest any Magistrate or other Officer exercising the powers of a Magistrate with power to enquire into and decide disputes on account of wages, hire of carriage, or the price of work, between any workmen employed in the construction of any Railway, Canal, or other public work, the construction of which is or shall be sanctioned by Parliament or by any such Executive Government, and the persons by whom such workmen are employed.

II. Magistrates empowered to decide disputes under the preceding Section shall have jurisdiction only in case the amount in dispute shall not exceed the sum of two hundred Rupees, and the claim is preferred within six months from the date on which the cause of action arose.

III. The Executive Government shall fix, and may, from time to time, alter the local limits of the jurisdiction of any Magistrate invested with jurisdiction under Section I. of this Act. A Magistrate so invested may hold a Court for the investigation of disputes of the nature described in the said Section, at any place within the local limits of his jurisdiction.

IV. The rules for the institution of suits as provided in Act VIII. of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter) shall, as far as circumstances will allow, be followed in the investigation of disputes under the preceding Section, and the procedure adopted shall be that provided for cases in which the suit may be disposed of at the first hearing.

V. There shall be no appeal against any decision passed under this Act.

VI. The Magistrate, having heard and decided the case, shall make an order for the payment of such sum of money (if any) as shall appear to him to be justly due; and if the person ordered to pay shall make default in the payment of such sum immediately, or within such time as the Magistrate shall direct, the Magistrate shall issue his warrant to levy the money by distress and sale of the goods and chattels of the defaulter.

VII. If any question shall arise whether any goods or chattels seized under the warrant of distress belong to the defaulter, or are liable to be distrained and sold as aforesaid, the same shall be determined in the manner provided by the said Act VIII. of 1859 for the determination of the like questions arising in the execution of decrees.

VIII. Any person who shall voluntarily engage for a stipulated period to work on any Railway, Canal, or other public work, the construction of which is or shall be sanctioned in the manner specified in Section I. of this Act, or to execute any specific work in connection with such public work, and who shall wilfully and without lawful or reasonable excuse neglect or refuse to perform the work so stipulated for, shall be liable, on conviction before a Magistrate, to a fine not exceeding twenty Rupees. The Magistrate may, at the request of the complainant or of any one authorized to act on his behalf, instead of fining such person, order him to perform or get performed the work according to the terms of his contract or engagement; and if he shall fail to comply with the order, the Magistrate may, upon proof to his satisfaction of such noncompliance, sentence such person to be imprisoned with or without hard labour for any term not exceeding two months.

IX. This Act shall take effect only in those districts or places to which it shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency or place.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 12th March 1860 (communicated to the Legislative Council on the 24th idem), and is hereby promulgated for general information:—

Act No. X. of 1860.

An Act to amend Act VII. of 1859 (to alter the Duties of Customs on Goods Imported or Exported by Sea).

Whereas it is expedient to amend the law relating to Customs Duties, it is enacted as follows.

Preamble.

I. From and after the 18th day of February 1860, Customs Duties to be levied as prescribed in the Schedules annexed to this Act, in lieu of the Customs Duties authorized to be charged in Acts VII. of 1859 (to alter the Duties of Customs on goods imported or exported by Sea) and XXIII. of 1859 (to alter the rates of duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively), there shall be levied and collected the Duties as contained in the two Schedules A and B annexed to this Act; provided always that nothing herein contained shall be deemed to alter the existing

Proviso.

Duties upon Salt and Opium, or to authorise the levy of Duties in any free Port, or to affect the provisions of Acts VI. of 1848 (for equalizing the Duties on goods imported and exported on Foreign and British Bottoms, and for abolishing Duties on goods carried from Port to Port in the Territories subject to the Government of the East India Company) and VII. of 1848 (to except certain free Ports from the operation of Section III. Act No. VI. of 1848, and otherwise to amend that Act).

II. In case it shall be proved to the satisfaction of the Collector of Customs Duties, that, in respect to any

Duty on Cotton Twist or Yarn sold or contracted to be delivered in India, duty-paid, before 18th February 1860.

Cotton Twist or Yarn which, on the said 18th day of February, had arrived in any Port in British India but upon which the Duty of Customs had not been paid, or which had, on or before that date, been shipped on board any Vessel in a Foreign Port and which had sailed for a Port in British India, the said Cotton Twist or Yarn had, before the said 18th day of February, been sold or contracted to be delivered at a price including the Duty payable in India, then in every such case such Cotton Twist or Yarn shall be admitted at a Duty of five per centum upon the value thereof.

III. If, in a matter concerning the Revenue, any

dispute shall arise in respect to the construction of this Act or of any Act relating to Customs Duties or in respect

to any other matter whatever relating to the importation or exportation of goods or merchandize, or relating to the levy or collection of the Duties thereon, the Collector or other chief Revenue authority of the Port at which the same may take place shall settle the same, subject, however, to an appeal to the Government of India in the Revenue Department.

IV. Whereas doubts have existed as to the conditions upon which goods or

Goods in bond to be treated as new importations.

merchandize are bonded, in any Port of India in respect to the liability of such goods or merchandize to be charged with any new rate of Duty that may be imposed while yet such goods or merchandize remain in bond, be it enacted that all goods and merchandize being bonded in any Port in India shall, in the event of any change of Duties taking place, be considered in every respect in relation thereto as if they were new importations.

SCHEDULE A.

Rates of Duty to be charged on the following goods imported by Sea into any Port of India not being a free Port.

1. Bullion and Coin	Free.
2. Precious Stones and Pearls	"
3. Grain and Pulse	"
4. Horses and other living Animals	"
5. Ice	"
6. Coal, Coke, Bricks, Chalk, and Stones	"
7. Cotton Wool	"
8. Wool	"
9. Flax	"
10. Hemp	"

11. Jute	Free.
12. Hides and Skins, Raw	"
13. Books	"
14. Maps, Prints, and Works of Art	"
15. Seeds when imported by any Public Society for gratuitous distribution	"
16. Agricultural implements	"
17. Machinery of all kinds	"

And the Collector of Customs, subject to the General Orders of the Government of India in the Revenue Department, shall decide what articles come within the definition of Machinery, and such decision shall be final in law.

18. Conveyances and carriages of every description	Free.
19. Military and other Regulation Uniforms and Accoutrements, when imported for private use by persons in the Public Service	"
20. Guano and manures of all kinds	"
21. Porter, Ale, Beer, Cider, and other similar fermented Liquors	4 annas the imperial gallon.
22. Wines and Liqueurs	2 Rupees the imperial gallon.
23. Spirits	3 Rupees the imperial gallon. And the duty to be rateably increased as the strength exceeds London Proof.
24. Tobacco, unmanufactured	8 annas a seer of 80 tolas weight.
25. Tobacco, manufactured	1 Rupee a seer of 80 tolas weight.
26. All Articles not included in the above enumeration	10 per cent. ad valorem.

SCHEDULE B.

Rates of duty to be charged upon goods exported by Sea from any Port in India not being a free Port.

1. Bullion and Coin	Free.
2. Precious Stones and Pearls	"
3. Horses and other living Animals	"
4. Sugar and Rum	"
5. Spirits	"
6. Tobacco, and all preparations thereof	"
7. Tea	"
8. Coffee	"
9. Raw Silk	"
10. Cotton Wool	"
11. Wool	"
12. Flax	"
13. Hemp	"
14. Jute	"
15. Hides and Skins, Raw	"
16. Books	"
17. Maps, Prints, and Works of Art	"
18. Teak Timber exported from the Arracan, Pegu, Martaban, and Tenasserim Provinces	"
19. Grains and Pulse of all sorts	2 annas the Indian Maund.
20. Saltpetre	2 Rupees the Indian Maund.
21. Indigo	3 Rupees the Indian Maund.
22. Lac Dye and Shell Lac	4 per cent. ad valorem.
23. All country articles not enumerated or named above	3 per cent. ad valorem.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Bill was read a second time in the Legislative Council of India on the 24th March 1860, and was referred to a Select Committee, who are to report thereon (under a suspension of the Standing Orders) within a week :—

A Bill to Amend Act V. of 1858 (for the punishment of certain Offenders who have escaped from Jail, and of persons who shall knowingly harbour such Offenders).

Whereas it is expedient to amend Act V. of 1858
Preamble. (for the punishment of certain Offenders who have escaped from Jail, and of persons who shall knowingly harbour such Offenders); It is enacted as follows :—

I. It shall be competent to the Executive Government of any Presidency or place to declare, by an order, as regards any or all of the Districts under such Government, the time within which the persons, who within such District or Districts shall, since the 1st of May 1857, have escaped from jail or other lawful custody whilst detained either under sentence of imprisonment for any of the crimes mentioned in Section III. of the said Act, or under committal for trial or under a charge of being guilty of any such crimes, could and ought to have surrendered themselves to a Magistrate or Police Officer; and no such person, who shall have so surrendered himself within the period fixed as aforesaid, shall be liable to be prosecuted under the said Act.

II. So much of Sections I. and II. Act V. of 1858 as enacts that the persons therein mentioned shall, upon conviction, be sentenced to transportation for life, is hereby repealed. Every person, who, since the 1st of May 1857, shall have escaped from jail or other lawful custody whilst detained as aforesaid, and who shall not have surrendered himself within the time declared by the Executive Government as aforesaid, may be sentenced to transportation for life or for any shorter period not being less than five years, or to imprisonment with or without hard labour in irons for any period not exceeding three years, in addition to any unexpired term of his original sentence. In any case falling within the provisions of this Section

In what cases Magistrate may pass sentence without commitment to Sessions Court.

in which the Magistrate shall be of opinion that a more severe sentence than three years' imprisonment with or without labor is not called for, it shall not be necessary for the Magistrate to order the commitment of the offender to the Sessions Court, but he may himself pass sentence within the limit abovementioned, and proceed to carry the sentence into execution.

III. All sentences already passed which would be valid under Sections I. and II. Act V. of 1858 as now amended, shall be deemed valid sentences.

IV. If any person, subject to the penalty prescribed in Section I. Act V. of 1858, shall, before the passing of this Act, have been remanded to jail, under the order of a Magistrate, to undergo the portion of his sentence remaining unexpired at the date of his escape from jail or other lawful custody, such person shall not be liable to be prosecuted under this Act.

Certain escaped offenders, remanded to jail, not liable to be prosecuted under this Act.

M. WYLIE,
 Clerk of the Council.

Legislative Council of India.

24th March 1860.

The following Bill was read a second time in the Legislative Council of India on the 24th March 1860, and was referred to a Select Committee, who are to report thereon after the 28th May next :—

A Bill to remove the Pergunnahs of Koonch and Calpee in Zillah Jaloun from the operation of the general Regulations.

Whereas the Zillah of Jaloun, with the exception of the Pergunnahs of Koonch and Calpee, has never been brought under the operation of the general Regulations; and whereas it is expedient that those Pergunnahs should, for the sake of uniformity and public convenience, be administered on the same system as prevails in the rest of the Zillah; It is enacted as follows :—

I. Regulation VIII. of 1805 of the Bengal Code (for extending to the conquered Provinces situated within the Doab, and on the right bank of the river Junna, and to the Territory ceded to the Honorable the English East India Company in Bundelkund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations), in so far as it relates to the Pergunnahs of Koonch and Calpee in the Zillah of Jaloun, is hereby repealed, and the said Pergunnahs shall be subject to the same Laws as are now or may hereafter be in force in the said Zillah.

II. All suits and proceedings which, at the time of the passing of this Act, shall be pending in any Court or before any Officer in the said Pergunnahs shall be heard and determined in the same manner as if the said Pergunnahs had never been brought under the operation of the general Regulations.

III. Any suit which, before the passing of this Act, had been determined and which hath been or shall be remanded by any Appellate Court, shall be tried before the Court which, for the time being, would be competent to try such a suit if instituted after the passing of this Act.

IV. All appeals or proceedings now pending in the Court of Sudder Dewanee Adawlut, or in the Court of Nizamut Adawlut, or before the Sudder Board of Revenue for the North-Western Provinces, shall be determined by such Court or Board in the same manner as if this Act had not been passed;

and all applications for execution of decrees or orders in pending suits or proceedings, and all applications for execution of decrees or orders which, but for the passing of this Act, would have been made to any Court or Officer existing at the period abovementioned, shall be made to the Court or Officer that would have had jurisdiction in respect of the matter in dispute, had the suit or proceeding been instituted after the passing of this Act.

V. All appeals from decrees or orders, passed before the passing of this Act, shall be received, heard, and determined by the Court or Officer who would have had jurisdiction over such appeals, had the decrees or orders to which they relate been passed after the passing of this Act.

New appeals from decrees or orders passed before the passing of this Act.

M. WYLIE, Clerk of the Council.

Legislative Council of India.

31st March 1860.

The following Bill, as read a third time this day, is published for general information :—

A Bill to enforce the fulfilment of Indigo Contracts, and to provide for the Appointment of a Commission of Inquiry.

Whereas it is expedient to issue a commission of

Preamble.

inquiry into the practice of Indigo planting in Bengal, and the relations between the Indigo Planter and the Ryots and holders of land in Bengal, and to make temporary provision for enforcing, by summary process, the execution of agreements entered into for the cultivation of Indigo plant; and better to provide for the punishment of certain unlawful acts connected with such cultivation; It is enacted as follows :—

I. If any person, who has received a cash advance

Magistrate may, on complaint, issue summons for appearance of a person who has received a cash advance, and delays or neglects to fulfil his agreement.

upon his agreement to cultivate Indigo plant during the season now current, shall wilfully delay or omit, from and after the 4th day of

April 1860 to cultivate according to the conditions of such agreement the whole quantity of land which he has agreed to cultivate, or otherwise to fulfil his engagement, it shall be competent to the Magistrate to entertain a complaint made to the above effect, on oath, by the Planter who has made the advance, or by any person on his behalf, and to summon the person complained of to appear before him, in order to the investigation of the complaint preferred. If the Magistrate has reason to believe that the person complained of will not appear in obedience to the summons, he may issue a warrant for the arrest of such person.

II. On hearing the answer of the person com-

Remedy.

plained of, and on taking such evidence as both parties

may adduce, if the complaint be established, to the satisfaction of the Magistrate, the Magistrate shall assess a certain sum as damages sustained by reason of the breach of the contract. If it shall appear to the Magistrate that the person who has agreed to cultivate the Indigo plant is still able to perform his contract, the Magistrate shall order him specifically to perform the same, and shall also, in such case, award a certain sum to be paid as damages as an alternative. In cases in which the land to be cultivated with the Indigo plant is defined by the agreement, the Magistrate may order the attachment, as a security for the amount of the damages assessed or to be assessed for the breach of the agreement, of any other crop of the defaulter that may, at any time during the present season, be growing on such land. If, after an order for specific performance of agreement, the defendant fail to perform the agreement, or to pay the amount of damages ordered to be paid as an alternative, or if, after an order for payment of damages the same be not immediately paid, the Magistrate may order the defendant to be imprisoned in the Civil Jail for a term not exceeding three months; and may, on the motion of the complainant, furthermore proceed to levy the damages assessed from the property of the defendant, in the mode provided for enforcing decrees of Court under Act VIII. of 1839 (for simplifying the Procedure of the Courts of Civil Judicature

Proviso.

not established by Royal Charter). Provided that, if

the amount of the said damages is paid or levied within the aforesaid term of three months, the defendant shall be released from Jail on that amount being paid or levied.

III. In case it shall appear, to the satisfaction of

If agreement obtained by force or intimidation, complaint to be dismissed.

the Magistrate, that the agreement has been obtained by means of fraud, force, or unlawful intimidation, the

complaint shall be dismissed.

IV. If any complaint preferred under this Act be dismissed for want of proof

In what cases Magistrate may levy costs and compensation from complainant.

or appearance of the complainant, or for any other cause, the Magistrate may order the complainant to pay such amount for costs and compensation as he may think reasonable. In default of payment of any such amount, the same may be levied by distress and sale of the property of the person ordered to pay the same.

V. If any person, from and after the 4th day of April 1860, shall, by violence, threats, or otherwise

intimidate or attempt to intimidate any other person who shall have entered into any such agreement as aforesaid, with the intention of inducing such person to break the conditions thereof, he shall, on conviction before a Magistrate, be liable to a sentence of imprisonment, with or without labour, for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

VI. If any person shall maliciously destroy or damage, or if any person shall maliciously command, compel, or persuade any

other person to destroy or damage any growing crop of Indigo, he shall, on conviction before a Magistrate, be liable to be sentenced to imprisonment, with or without labour, for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both; such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

VII. No appeal shall lie from the decision of a Magistrate under this Act.

No Appeal.

VIII. The power of a Magistrate under this Act may be exercised by any

Jurisdiction.

person vested with the full powers of a Magistrate, and by any Assistant Magistrate, or Deputy Magistrate specially empowered on that behalf by the local Government.

IX. A decision of a Magistrate shall be a bar to any further proceeding for the same breach of agreement. No decision under

this Act shall have any force or effect in regard to anything not to be performed during the current season.

X. This Act shall have effect from and after the 4th day of April 1860, and shall not extend beyond the Territories subject to the

Lieutenant Governor of Bengal. And no complaint or prosecution shall be entertained under this Act, unless

preferred within six months from the date aforesaid.

XI. All orders made or acts done before the 4th day of April 1860, which would have been lawful if

the Bill "to enforce the fulfilment of Indigo Contracts," as read a second time on the 24th day of March 1860; had then become law, are hereby declared to be valid. And all Magistrates and other Public Officers are

hereby indemnified for any acts done before the said 4th day of April 1860, which would have been justifiable under the said Bill if the same had become law on the said 24th day of March 1860.

XII. The Lieutenant Governor of Bengal shall, as soon as conveniently may be,

Appointment of Commission of Inquiry.

issue a Commission to such persons as the said Lieutenant Governor shall think fit, for the purpose of inquiring into and reporting on the system and practice of Indigo planting in Bengal, and the relations

between the Indigo Planter and the Ryots and holders of land in Bengal aforesaid. The said Commissioners shall fully inquire into the matters aforesaid, and shall, as soon as they conveniently can, report to the Lieutenant Governor the result of their inquiries; and shall, in their report or reports, suggest such alterations, if any, as may, in their opinion, be beneficially made in the law relating to the system and practice and the relations aforesaid.

XIII. In case of the death or resignation of any of

Death or resignation of the said Commissioners, or any of the Commissioners. of any of them becoming unable or refusing to act, it shall be lawful for the other Commissioners or Commissioner to act alone; and all the powers by this Act given to Commissioners shall and may be exercised by the continuing Commissioners or Commissioner alone, but only until such vacancy can be filled up. It shall be lawful for the said Lieutenant Governor, from time to time, and he shall, as soon as conveniently may be, without issuing a new Commission, appoint some other person or persons to act as a Commissioner or Commissioners jointly with the continuing Commissioners or Commissioner; and in such case, all the powers conferred by this Act shall and may be exercised by the said newly appointed Commissioner or Commissioners jointly with the continuing Commissioner or Commissioners.

XIV. It shall be lawful for the Commissioners

Attendance of witnesses. aforesaid, by a summons under the hand of any one of them, to require the attendance before them, at a time and place to be mentioned in such summons, of any person or persons whomsoever, residing or being within the Lieutenant Governorship of Bengal, whose evidence shall, in the judgment of the Commissioners aforesaid, be material to any of the matters of the inquiry aforesaid; and to require the person or persons so summoned to bring and produce before them all such books, papers, deeds, and writings as to them, the said Commissioners, shall appear necessary for arriving at the truth of the matters directed to be inquired into by the said Commissioners, all which persons shall accordingly attend before the said Commissioners, and shall produce such books, papers, deeds, and writings as shall be required of them, and shall be in their custody and control, or in the custody and control of any one of them, according to the tenor of the summons.

Provided always, that no person shall be compelled to attend before the said Commissioners or to give his evidence at a greater distance than fifty miles from the place where such person shall be residing.

XV. It shall be lawful for the Commissioners aforesaid, or one of them, to administer an oath, or in the

Examination of witnesses on oath or affirmation. case of persons allowed by law to make affirmation instead of taking an oath, an affirmation in such form as to them, the said Commissioners, shall seem fit, to all persons who shall be examined before them touching the matters to be inquired into by them as aforesaid. Provided, that nothing herein contained shall

Proviso. render it necessary for the said Commissioners to take evidence upon oath or affirmation, unless they shall think fit or expedient so to do.

XVI. If any person, upon whom any such summons shall be served by the

Witnesses neglecting to attend, &c. delivery thereof to him or by the leaving thereof at his usual place of abode, being a person living within fifty miles of the place at which he shall be required to attend, without reasonable cause (to be allowed by the Commissioners aforesaid), fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or to make affirmation (as the case may be), or shall not make answer to such questions as

shall be put to him touching the matters directed, or which may hereafter be directed to be inquired into by the Commissioners aforesaid, or shall refuse or fail without reasonable cause (to be allowed by the Commissioners aforesaid), to produce and show to the said Commissioners any such paper, book, deed, or writing, being in his possession or under his control, as to the Commissioners aforesaid shall appear necessary for arriving at the truth of the matters to be inquired into by them, the Commissioners aforesaid shall have the same powers in all respects touching any such person so failing to appear or refusing to be sworn or to make affirmation, or not answering such questions as shall be put to him, or refusing to produce and show any such book, paper, deed, or writing as aforesaid, as the principal Court of original Civil jurisdiction, within the limits of which the said person shall be residing, may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence on any issue joined in any action depending in such Court.

XVII. Whenever a summons is issued for the attendance of a witness under this

Expenses of witnesses. Act, the Commissioners may, if they think fit, order such witness to receive from the Collector such travelling and other expenses as he would have been entitled to receive had he been summoned to appear and give evidence in the principal Court of original Civil jurisdiction in the District.

XVIII. Every person who, upon examination upon

Punishment for false evidence. oath or affirmation before the Commissioners aforesaid, shall wilfully give false evidence, shall be liable to the punishment of perjury.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

31st March 1860.

The following Bill, as read a second time in the Legislative Council on the 24th March 1860, is referred to in the foregoing Bill:—

A Bill to enforce the Fulfilment of Indigo Contracts.

Whereas it is expedient, pending a commission of enquiry into the practice of Indigo planting in Bengal, which the Executive Government purposes to appoint after the close of the present season of cultivation, to make temporary provision for enforcing by summary process the execution of agreements entered into for the cultivation of Indigo plant; and better to provide for the punishment of certain unlawful acts connected with such cultivation; It is enacted as follows:—

I. If any person who has received a cash advance upon his agreement to cultivate Indigo plant during the season now current, shall wilfully delay or omit, from and after the 24th day of March 1860, to cultivate, according to the conditions

of his agreement, the whole quantity of land which he has agreed to cultivate, and for the cultivation of which the cash advance was made, it shall be competent to the Magistrate to entertain a complaint made to the above effect on oath by the Planter who has made the advance, or by any person on his behalf, and to summon the person complained of to appear before him in order to the investigation of the complaint preferred. If the Magistrate has reason to believe that the person complained of will not appear in obedience to the summons, he may issue a warrant for the arrest of such person.

II. On hearing the answer of the person complained of, and on taking such evidence as both parties may

Penalty.

adduce, if the complaint be established to the satisfaction of the Magistrate, the Magistrate shall assess a certain sum as damages, not exceeding five times the said advance made, and five times the value of any seed that may have been furnished to him for such cultivation, to be paid by the defendant; and, failing the immediate payment of the damages assessed, may order the defendant to be imprisoned in the Civil Jail for a term not exceeding three months; and may, on the motion of the complainant, furthermore proceed to levy the damages assessed from the property of the defendant, in the mode provided for enforcing decrees of Court under Act VIII. of 1859 (for simplifying the

Proviso.

Procedure of the Courts of Civil Judicature not established by Royal Charter).

Provided that if the amount of the said damages is paid or levied within the aforesaid term of three months, the defendant shall be released from jail on that amount being paid or levied.

III. If any person, from and after the 24th day of March 1860, shall, by violence, threats, or otherwise, intimidate or attempt to intimidate any other person who shall have entered into any such agreement as aforesaid, with the intention of inducing such person to break the conditions thereof; or if any person, from and after the date aforesaid, shall conspire with any other person or persons for the purpose of causing the breach of any such contract or contracts as aforesaid, he shall, on conviction before a Magistrate, be liable to a sentence of imprisonment with or without labour for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both; such fine being commutable, if not paid, to a

further period of imprisonment not exceeding six months.

IV. If any person shall maliciously destroy or damage, or if any person shall maliciously command, compel, or persuade, or shall, with others, maliciously conspire to command, compel, or persuade any other person to destroy or damage any growing crop of Indigo, he shall, on conviction before a Magistrate, be liable to be sentenced to imprisonment with or without labour for a period not exceeding six months, or to a fine not exceeding two hundred Rupees, or to both; such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.

Penalty for destroying or damaging crops.

V. No appeal shall lie from the decision of a Magistrate under this Act.

VI. The power of a Magistrate under this Act may be exercised by any person vested with the full powers of a Magistrate, and by any Assistant Magistrate or Deputy Magistrate specially empowered on that behalf by the local Government.

VII. This Act shall have effect from and after the 24th day of March 1860, within the Territories subject to the Lieutenant-Governor of Bengal. And no complaint or prosecution shall be entertained under this Act, unless preferred within six months from the date aforesaid.

Duration of Act.

M. WYLIE,
Clerk of the Council.

सन १८६० चा आक्ट ६ वा.

इंडियाचे लेजिस्लेटिव कौन्सिलाने ठरविला तो, गवर्नर जनरल याणी सन १८६० चे फेब्रुवरी महिन्याचे २३ वे तारिखेस मंजूर केला.

“एतद्देशीय फौजेचे लष्करी आईन” सगून सन १८४७ चा १९ वा आक्ट आहे तो सुधारण्याविषयी आक्ट.

लष्करी चाकरीतील एतद्देशीय अंमलदार व शिपाई यांचे बंदोबस्ताविषयी ७८ वा, व ११२ वा लष्करी आईन आहे तो सुधारणे योग्य आहे यास्तव, खाली लिहिल्या प्रमाणे ठरविले आहे:—

उद्देश-

१. एतद्देशीय फौजेचे ७८ वे लष्करी आइनांत खाली लिहिलेले शब्द आणखी वाढवावे (म्हणजे).—

गैरसनदी अंमल-
दारांनी व शिपायांनी
व एतद्देशीय जुगम्या-
नी काही अपराध
केले असता त्यांस
शिक्षा करण्या विष-
यी एतद्देशीय पल-
टणाचे कमांडिंग आ-
फिसरांचे अधिकार.

१. इलाक्याचे कमांडर इन चीफ आपले इलाक्याचे पलटणीचे कमांडिंग आफिसरास या आइनांत लिहिलेले अधिकार देण्यास मुखत्यार आहेत, सदहू प्रकारचे पलटणीचे कमांडिंग आफिसरास खाली लिहिल्या प्रमाणे करण्याचा अधिकार आहे म्हणजे, एतद्देशीय फौजेचे लष्करी आईन लागू असणारा मनुष्य सनदी अंमलदार नसेल त्याणे सदहू आइना विरुद्ध केलेले सर्व गुन्ह्यांची, संक्षिप्त रितीने चौकशी करण्याचा अधिकार आहे; आणि गुन्ह्याची शाबिती झाली असता गुन्हेगारास शिक्षा करविण्या विषयी ठराव करण्याचा अधिकार आहे; आणि वरिष्ठ अधिकार्याचे मंजुरी वांचून किंवा आणखी अधिकारा वांचून सदहू शिक्षेचा ठराव अमलांत आणण्याचा अधिकार आहे. सदहू लष्करी आइनांत या विरुद्ध ठराव असले तरी चिंता नाही; परंतु असे ठरविले आहे की 'डिस्ट्रिक्ट, किंवा ग्यारिसन' कोर्टमार्शलस शिक्षेचे ठराव करण्याचा अधिकार आहे त्या बाहेर सदहू प्रकारचे शिक्षेचे ठराव असू नये.

२. या आक्टा अन्वये कमांडिंग आफिसर इनसाफ करील तेव्हा तो कोर्टमार्शलच आहे असे समजावे, आणि लष्करी आइन लागू असणारे मनुष्यांस सदहू लष्करी आइनां पैकी ६४ वे, व ६६ वे, व ६७ वे, व ६८ वे आइन लागू असतील तेवढ्या पूर्वे मात्र त्या आइनांतील कोर्टमार्शल या शब्दांत सदहू प्रमाणे इनसाफ करणारे कमांडिंग आफिसराचा समावेश होतो असे समजावे.

३. कमांडिंग आफिसराने सदहू प्रमाणे संक्षिप्त रितीने इनसाफ करण्याचे काम चालविणे तें दोन, किंवा अधिक युरोपियन किंवा एतद्देशीय सनदी अंमलदारां समक्ष चालवावे, व त्याचे दप्तर इंग्रजी भाषेत ठेवावे; आणि साक्ष घेणे ती शपथेवर, किंवा प्रतिज्ञेवर घ्यावी, व ती सत्यस्मरणपूर्वक प्रतिज्ञा केलेले हुशार दुभाष्याने तरजुमा करून समजाविली पाहिजे. आणि कमांडिंग आफिसराने आपला अभिप्राय, व शिक्षेचा ठराव लिहिला म्हणजे त्यावर त्या कमांडिंग आफिसराने, व जा अमलदारां समक्ष इनसाफ झाला असेल त्या अमलदारांनी सत्या कराव्या. आणि ते कागद पत्र तात्काळ तुकडीचे कमांडिंग जनरल आफिसराकडे पाठवावे. सदहू कमांडिंग आफिसरास या कलमा वरून खाली लिहिल्या प्रमाणे अधिकार आहे म्हणजे मुकदम्यांतील मुद्याचे सबबे वरून तो इनसाफ करण्याचा अधिकार आहे, परंतु नुस्ते रिती प्रमाणे नाही एवढेच सबबेवरून रद्द करण्याचा अधिकार नाही. आणखी असे ठरविले आहे की कमांडिंग आफिसराने सदहू प्रमाणे केलेला शिक्षेचा ठराव तपासणारे अंमलदाराने पसंत केल्याची वाट न पाहाता तो अमलांत आणला असता चिंता नाही.

२. एतद्देशीय फौजेचे ११२ वे लष्करी आइनांत खाली लिहिलेले शब्द आणखी वाढवावे (म्हणजे).—

आणखी असे ठरविले आहे की या आइना अन्वये काटेर गाडीत, किंवा अपराध्यांचे खोलांत, किंवा एकांत कैदेत सदहू प्रमाणे शिपाई कैद असतील तर, ते कैद असतील त्या मुदतीचा त्यांचा पगारावरील व नेमणुकी वरील सर्व दावा बुडेल; आणि कायद्यांत लिहिलेले पगाराचे दराप्रमाणे मात्र त्यांस भत्ता मिळेल.

११२ वे लष्करी
आइना प्रमाणे कैदेत
असतील त्या मुद-
तीचा पगार व नेम-
णूक बुडेल.

(True translation)

VENAYEK WASSOODOW,
Oriental Translator to Government.

सन १८६० नो आक्ट ६ ठो.

इंडियानी लेजिस्लेटिव कौंसिले ठराव्यो ते, गवरनर जनरले सन १८६० ना फेब्रुआरी महिनानी २३ मी तारिखे मंजूर क्यो.

“एतद्देशीय फोजना लश्करी आईन” करिने सन १८४७ नो १९ मो आक्ट छे ते सुधारवा बाबतनो आक्ट.

उद्देश.

लश्करी चाकरी माहेना एतद्देशीय अंमलदारो तथा सिपाईओना बंदोबस्तबाबत ७८ मो अने ११२ मो लश्करी आईन छे ते सुधारवो योग्य छे, वास्ते हेठल लख्याप्रमाणे ठराव्युं छे:—

गेर सनदी अमलदारो तथा सिपाईओ अने एतद्देशीय बुणगांना लोक केटलाएक अपराधो करे त्यारे ते ओने शिक्षा करवानो एतद्देशीय पलटणोना कम्प्यांडिंग् आफिसरोनो अधिकार.

१. एतद्देशीय फोजना ७८ मा लश्करी आईनमां हेठळ लखेला शब्दो वधारवा तेनी विगत:—

१. इलाकाना कम्प्यांडर इन् चीफ पोताना इलाकानी पलटणना कम्प्यांडिंग् आफिसरने आ आईनमां लखेलो अधिकार आपवाने मुखत्यार छे. जे मांणसने एतद्देशीय फोजना लश्करी आईन लागू होय ते मांणस सनदी अंमलदार नहीं होय ते सदहू आईन विरुद्ध गुन्हा करे ते सवळा गुन्हानी संक्षेप रीते चोक्सी करवाने, अने गुन्हो साबित थया पछी गुन्हेगारने शिक्षा करवानो ठराव करवाने ते पलटणना कम्प्यांडिंग् आफिसर मुखत्यार छे; अने उपरी अधिकारीनी मंजूरी वगर अथवा वळी बीजा अधिकार वगर ते शिक्षांनो ठराव अंमलमां लाववानो पण ते कम्प्यांडिंग् आफिसरने अधिकार छे. सदहू लश्करी आईनमां ए वात विरुद्ध ठराव होय तोपण चिंता नथी; पण एतुं ठराव्युं छे के “डिस्ट्रिक्ट” अथवा “ग्यारिसन” “कोर्टमाशाल” ने जेटली शिक्षा करवानो अधिकार छे ते कर्तो वत्ती शिक्षा करवानो ठराव करवो नहीं.

२. आ आक्ट प्रमाणे कम्प्यांडिंग् आफिसर इनसाफ करे त्यारे ते कम्प्यांडिंग् आफिसर कोर्ट माशालज छे एतुं समजवुं; अने जे मांणसने लश्करी आईन लागू होय तेओन सदहू लश्करी आईनो-मांनो ६४ मो, ६६ मो, ६७ मो, अने ९८ मो आईन लागू होय त्याहांसुधी ते आईनमांनो “कोर्ट माशाल” आ शब्दोमां उपर कव्वा प्रमाणे इनसाफ करनारा कम्प्यांडिंग् आफिसरनो समास थाय छे एतुं समजवुं.

३. कम्प्यांडिंग् आफिसरने उपर कव्वा प्रमाणे संक्षेपरीते इनसाफ करवानुं काम चलाववुं जोईये ते, तेणे वे अथवा वत्ता युरोपियन अथवा एतद्देशीय सनदी अंमलदारोनी रुबरू चलाववुं, अने तेनुं दफतर अंग्रेजीमां राखवुं; अने सम खबडावीने अथवा प्रतिज्ञा करावीने साहेदी लेवी; अने जेणे सत्यस्मरणपूर्वक प्रतिज्ञा करी होय ते हुशियार दुभाषियाए तरजुमो करिने ते साहेदी समजाववी; अने कम्प्यांडिंग् आफिसर पोतानो अभिप्राय, तथा शिक्षांनो ठराव लखे त्यारपछी ते उपर ते कम्प्यांडिंग् आफिसरने, अने जे अंमलदारोनी रुबरू इनसाफ थयो होय ते अंमलदारोए सही करवी. अने ते कागळ पत्रो ताबडतोब तुकडीना कम्प्यांडिंग् जनरल आफिसरनी पासे मोकलवा. पछी ते कम्प्यांडिंग् जनरल आफिसर मुकरदमाना मुद्दाना सबब उपरथी ते इनसाफ रद्द करवाने मुखत्यार छे; पण रीती प्रमाणे नथी एटलाज सबब उपरथी रद्द करवाने मुखत्यार नथी. पण एतुं ठराव्युं छे के कम्प्यांडिंग् आफिसरने ए प्रमाणे शिक्षांनो ठराव क्यो होय ते तपासनारो अंमलदार मंजूर करे तेनी वाट जोयावगर अंमलमां लाववानी हरकर नथी.

११२ मा लश्करी आईन प्रमाणे केद होय त्याहां सुधीनो पगार तथा नेमणूक उबयो.

२. एतद्देशीय फोजना ११२ मा लश्करी आईनमां हेठळ लखेला शब्दो वधारवा तेनी विगत:—

वळी एतुं ठराव्युं छे के आ आईन प्रमाणे “क्वार्टर गार्ड”मां, अथवा गुन्हेगारनी ओरडीमां, अथवा एकांत केदमां उपर कव्वाप्रमाणे सिपाई केद होय तो ते जेटली मुदत सुधी केद होय तेटली मुदतना तेना पगार तथा नेमणूक उपर तेनो केद दावो चालसे नहीं; अने कायदामां लखेला पगारना दर प्रमाणे तेने एकलुं भातुंज मळशे.

(True translation)

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