



SUPPLEMENT
TO THE
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CONTAINING
Acts and Bills of the Legislative Council of India.

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Legislative Council of India.

28th January 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 15th January 1860 (communicated to the Legislative Council on the 28th idem), and is hereby promulgated for general information:—

ACT No. II. of 1860.

An Act to Amend the Law relating to the Carriage of Passengers by Sea.

Whereas by Section XCIX. of an Act of the Imperial Parliament called "The Passengers Act, 1855,"

Preamble.

it is enacted that "it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act, or any part thereof, shall apply to the carriage of passengers upon any voyage, from any ports or places within the Territories of British India, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts;" and it is thereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified: the provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced." And whereas it is expedient to make certain parts of the said Act of Parliament applicable to the carriage of Passengers upon the voyages hereinafter specified: It is enacted as follows:—

I. The provisions contained in Sections II., III., and IV. of this Act (being parts

Certain provisions of the Statute made applicable.

of the said Act of Parliament) are declared applicable to the Carriage of Passengers upon the following voyages:—

Voyages from the Ports of Calcutta, Madras, and Bombay, to the Mauritius, under Act XV. of 1842.

Voyages from the Ports of Calcutta, Madras, and Bombay, to Jamaica, British Guiana, and Trinidad, under Act XXI. of 1844.

Voyages from the Ports of Calcutta, Madras, and Bombay, to St. Lucia and Grenada, under Act XXXI. of 1855.

Voyages from Ports in British India, to Ports in the Red Sea or Persian Gulf, under Act XXI. of 1858.

II. If the Passengers on any such voyage as is specified in the last preceding Section, shall be taken off from the ship carrying such Passengers, or shall be picked up at Sea from any boat,

Governors or Consuls may pay expenses of Passengers taken off a Passenger ship.

Section, shall be picked up at Sea from any boat,

raft, or otherwise, it shall be lawful, if the port or place to which they shall be conveyed shall be in any of Her Majesty's Colonial possessions, for the Governor of such Colony, or for any person authorised by him for the purpose, or if in any Foreign country, for Her Majesty's Consular Officer at such port or place therein, to defray all or any part of the expenses thereby incurred.

III. If any Passenger of any such Passenger ship as aforesaid shall, without

Governors or Consuls may send on Passengers, if the Master of the ship fail to do so.

any neglect or default of his own, find himself within any Colonial or Foreign Port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorised by him for the purpose, or for Her Majesty's Consular Officer at such Foreign Port or place, as the case may be, to forward such Passenger to his intended destination, unless the Master of such ship shall, within forty-eight hours of the arrival of such Passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on, within six weeks thereafter, such Passenger to his original destination, and unless such Master shall accordingly forward or carry him on within that period.

IV. All expenses incurred under the last two preceding Sections or either of them, by or by the authority of such Governor or Consular Officer as aforesaid, including the cost of maintaining the Passengers until forwarded to their destination, and of all necessary beddings, provisions, and stores, shall become a debt to Her Majesty and Her successors from the Owner, Charterer, and Master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for

Expenses incurred under the two preceding Sections to be a Crown debt.

including the cost of maintaining the Passengers until forwarded to their destination, and of all necessary beddings, provisions, and stores, shall become a debt to Her Majesty and Her successors from the Owner, Charterer, and Master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for

the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall, in any suit or other proceeding for the recovery of such debt, be received in evidence without proof of the hand-writing or of the official character of such Governor or Consular officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: provided nevertheless that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the Owner, Charterer, or Master of such Passenger ship, or any of them, from or on account of the whole number of Passengers who may have embarked in such ship, which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt; but if any such Passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding Section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Passengers forwarded by Governor, &c. not entitled to compensation.

Passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding

Section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

28th January 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 16th January 1860 (communicated to the Legislative Council on the 28th idem), and is hereby promulgated for general information:—

ACT No. III. OF 1860.

An Act to empower Sessions Judges to pass Sentence in certain cases without Reference to the Sudder Court.

Whereas it is expedient to empower Sessions Judges in the Presidency of Fort William in Bengal, to pass sentence in certain trials without reference to the Nizamut Adawlut; and whereas it is likewise expedient to remove the restriction now imposed by law upon Sessions Judges in regard to the minimum of punishment which they are competent to inflict in cases of perjury and certain cases of forgery described in Clause 2 Section IX. Regulation XVII. 1817; It is enacted as follows:—

I. Clause 3 Section VI. and Clause 3 Section IX. Regulation XVII. 1817, of the Bengal Code, are hereby repealed; and Section IX. of the same Regulation, and Section IV. Regulation VI. 1832, of the same Code, are hereby modified.

II. When a person is convicted of the crime of rape, if the circumstances of the case shall not appear to call for a more severe punishment than imprisonment for seven years, with labour, in irons, the Sessions Judge, before whom the trial is held, shall himself pass sentence.

III. When a person is convicted in a trial held under the provisions of Regulation VI. 1832, of a crime, declared by a precedent of the Nizamut Adawlut to be a penal offence, if the circumstances of the case shall not appear to call for a more severe punishment than seven years' imprisonment, with labour, in irons, the Sessions Judge, before whom the trial is held, shall himself pass sen-

tence. If, however, the crime of which the person has been convicted has not been declared to be a penal offence by a precedent of the Nizamut Adawlut, the Sessions Judge shall not proceed to pass sentence, but shall refer the case for the consideration of the Nizamut Adawlut, stating at length in the proceedings the opinion of the punchayet, assessors, or jury, and his own opinion, as to the crime proved, and the nature and extent of the punishment which should be awarded.

IV. When a person is convicted of the crime of perjury, or subornation of perjury, or of forgery, or of procuring forgery, as defined and made punishable by Regulations II. 1807, and XVII. 1817, of the Bengal Code,

the Sessions Judge shall pass such sentence on the offender as he may consider adequate to the offence in reference to the particular circumstances of the case; provided that he shall in no case exceed the limit of the powers vested in him by Clause 2 Section IX. of the Regulation last mentioned.

V. If, in any case coming under the provisions of this Act, the Sessions Judge shall consider the sentence which he is empowered to pass inadequate to the guilt of the prisoner, he shall refer the case, with his sentiments, for the sentence of the Nizamut Adawlut, in conformity to Section VI. Act XXXI. of 1841, which is hereby declared applicable to such cases.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

4th February 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 23rd January 1860 (communicated to the Legislative Council on the 4th February 1860), and is hereby promulgated for general information:—

ACT No. IV. OF 1860.

An Act to amend Act VIII. of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter).

Whereas it is expedient to amend Act VIII. of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter); It is enacted as follows:—

I. From and after the passing of this Act, so much of the 332nd Section of Act VIII. of 1859, as enacts that "If the appeal lie to the Sudder Court it shall be heard and determined by a Court consisting of three or more Judges of that Court," shall be repealed, and in lieu thereof the following shall form portion of the said Section:—

"If the appeal lie to the Sudder Court, it shall be heard and determined by a Court consisting of two or more Judges of that Court. If, when the Court shall consist of only two Judges, there is a difference of opinion upon the evidence in cases in which it is competent to the Court to go into the evidence, and one Judge concur in opinion with the Lower Court as to the facts, the case shall be determined accordingly: If, in a Court so constituted, there is a difference of opinion upon a point of law, the Judges shall state the point upon which they differ, and the case shall be re-argued upon that question before one or more of the other Judges, and shall be determined according to the opinion of the majority of the Judges of the Sudder Court by whom the appeal is heard."

II. From and after the passing of this Act, the 215th Section of the said Act shall be repealed, and in lieu thereof the following shall be the 215th Section:—

“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 enter a note of the application and the date on which it was made, in the Register of the suit. If it shall be shown to the Court that the particulars do not 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.”

III. When under the provisions of Section 385 of the said Act the Act is extended to any part of the territories not subject to the general Regulations of Bengal, Madras, and Bombay, it shall be lawful for the Government to which the territory is subordinate to declare that the Act shall take effect therein subject to any restriction, limitation, or proviso which it may think proper. In such case the restriction, limitation, or proviso shall be inserted in the declaration or notification of such extension. When the Act is extended by the Local Government to any territory subordinate to such Government, and such extension is made subject to any restriction, limitation, or proviso, the previous sanction of the Governor General of India in Council shall be requisite.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

4th February 1860.

The following Bill was read a second time in the Legislative Council of India on the 4th February 1860, and was referred to a Select Committee, who are to report thereon within a week:—

A Bill to Amend Act XIX. of 1847 (Articles of War for the Native Army).

Whereas it is expedient to amend the 78th and 112th Articles of War for the Government of the Native Officers and Soldiers in the Military Service; It is enacted as follows:—

Powers of Commanding Officers of Native Regiments in punishing certain offences committed by Non-Commissioned Officers and Soldiers and Native Camp-followers.

I. There shall be added to the 78th Article of War for the Native Army the words following (that is to say):—

“The powers above specified may be conferred on Commanding Officers of Regiments, whenever the Commander-in-Chief of the Presidency to which the Regiment belongs may deem it expedient for the good of the Service so to order. Commanding Officers so empowered may summarily try all offences against any of the Articles of War for the Native Army committed by any Non-Commissioned Officer or Soldier, or by any Camp-follower, not being a European British subject, under their command; and to sentence such offender on conviction, and to confirm and carry out such sentence without any further authority, notwithstanding any provision to the contrary, contained in these Articles of War; provided that such sentence shall not exceed the powers of a District or Garrison Court Martial.

“The proceedings on such summary trials by a Commanding Officer shall be recorded in the presence of

two or more European or Native Commissioned Officers in the English language, and in the hand-writing of the Commanding Officer, who shall first make solemn affirmation duly to administer justice, and the evidence shall be taken on oath or affirmation, and interpreted by a competent Interpreter upon solemn affirmation; and when the Commanding Officer shall have recorded the finding and sentence, and signed the proceedings, his signature to which shall be witnessed by the Officers in whose presence the trial has been conducted, the proceedings shall, without delay, be forwarded to the General Officer Commanding the Division, who is hereby authorised to set aside the trial for reasons based on the merits of the case, but not of a merely technical nature; provided that every sentence so awarded by the Commanding Officer may be carried out without waiting for its approval by the reviewing Officer.”

II. There shall be added to the 112th Article of War for the Native Army the words following (that is to say):—

“Provided also that Soldiers subjected to confinement in the Quarter Guard, or Defaulters Room, or to solitary confinement as aforesaid, for any period not exceeding seven days, shall forfeit all claim to pay and allowances during such confinement, and shall receive subsistence only, according to the rates of pay laid down in the Regulations.”

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

4th February 1860.

The following Bill was read a second time in the Legislative Council of India on the 4th February 1860, and was referred to a Select Committee, who are to report thereon after the 8th of May next:—

A Bill for facilitating the Collection of Debts on Successions, and for the Security of Parties paying Debts to the Representatives of deceased persons.

Whereas it is expedient to consolidate and amend certain Acts now in force which provide greater security for persons paying to the representatives of deceased Hindoos, Mahomedans, and others not usually designated as British subjects, debts which are payable in respect of the estates of such deceased persons, and which facilitate the collection of such debts by removing all doubts as to the legal title to demand and receive the same; It is enacted as follows:—

I. Act XX. of 1841 (*for facilitating the collection of debts on succession, and for the security of parties paying debts to the representatives of deceased persons*): so much of Act VIII. of 1842, as relates to the said Act XX. of 1841: Act X. of 1851 (*to amend Act XX. of 1841, for the administration of personal estate of deceased persons*); and Act VIII. of 1854 (*to explain and amend Act X. of 1851 and Act XX. of 1851*)—are hereby repealed, except as to certificates granted and acts done under the authority of the said laws before the passing of this Act.

II. No debtor of any deceased person shall be compelled in any Court to pay his debt to any person claiming to be entitled to the effects of any deceased person or any part thereof, except on the production of a certificate to be obtained in manner hereinafter mentioned, or of a probate or letters of administration, unless the Court shall be of opinion that payment of the debt is withheld from fraudulent or vexatious motives, and not from any reasonable doubt as to the party entitled.

III. The District Court within the jurisdiction of which any part of the property of the deceased may be found shall have authority to grant a certificate under this Act. The applicant in his petition shall set forth his title. The Court shall issue notice of application, inviting claimants, and fixing a day for hearing the petition, and upon the appointed day, or as soon after as may be convenient, shall determine the right to the certificate and grant the same accordingly.

IV. The certificate of the District Court shall be conclusive of the representative title against all debtors to the deceased, and shall afford full indemnity to all debtors paying their debts to the person in whose favour the certificate has been granted.

V. The Court may take such security as it shall think necessary from any person to whom it shall grant a certificate for rendering an account of debts received by him, and for indemnity of persons who may be entitled to the whole or any part of the monies received by virtue of such certificate, whose right to recover the same by regular suit against the holder of the certificate is not affected by this Act.

VI. The granting of such certificate may be suspended by an appeal to the Sudder Court, which Court may declare the party to whom the certificate should be granted, or may direct the investigation of the title as it shall think fit.

Sudder Court may grant fresh certificate in supersession of the certificate granted by the District Court. Such fresh certificate shall not affect any payments made to the person to whom any former certificate may have been granted, without notice that the same has been superseded, but shall entitle the person named therein to receive all monies that may have been recovered under the first certificate from the person to whom the same may have been granted.

VII. Every certificate shall give authority to the person to whom the same is granted throughout the Presidency within which the same is granted; and no certificate subsequently granted in respect of the same property shall be valid or effectual, except as hereinafter mentioned.

VIII. A person certified as aforesaid may be empowered to receive interest on Government securities and dividends, or on shares of any Bank or parts thereof, and to negotiate such securities. He may be also empowered to receive a share of such interest or dividends, or to negotiate a share of such securities. But these powers shall only arise by express words in the certificate.

IX. In the case of disputes among persons claiming to be jointly entitled to be proprietors of any Government securities as the representatives of any deceased person, the District Court, whenever sufficient cause shall be shown, and on the request of any such claimant, may, so far as concerns the said securities, grant a certificate under this Act to such person as shall be, from time to time, appointed by the local Government to act as trustee under this Section, and shall specify in such certificate the several persons appearing to him to be such proprietors, and

their several shares; and the said trustee, by virtue of such certificate, shall be entitled to receive and give discharges for the interest accruing due on such securities, and shall account for and pay the sum to the several persons specified in the certificate to be thereunto entitled, according to the shares therein set forth, and shall be empowered to act in all other respects concerning the said securities as agent for such persons, and shall be entitled to receive such Commission, not exceeding per centum, on the sums received and paid by him, as the local Government shall think it.

Provided nevertheless, that the right of any other person to recover the whole or any part of the monies so paid by regular suit against all or any of the persons to whom the same have been paid, shall not be affected by this Act.

X. If any such disputes among persons claiming to be proprietors of Government securities are not ended within two years from the date of the certificate granted under the last preceding Section, the said trustee may apportion the principal sum of the said securities rateably among the parties appearing from the certificate to be proprietors thereof, and may apply for and receive new securities from the proper Officer appointed to issue the same in the respective names of the several parties certified to be entitled thereto: provided that such new securities shall be issued only according to the rules in use for the regulation and issue of such Government securities; and the receipt of the said trustee for such new securities, by endorsement on the old securities or otherwise, shall be a legal discharge to the Government against the disputing parties claiming to be entitled to the several amounts for which such securities shall be issued.

Provided always that, if the amount of any Government securities in dispute, or any part thereof, shall not be sufficient to admit of their rateable division according to the rules applicable to the issue of such securities, the said trustee may sell and dispose of the disputed securities, or such part as shall be necessary under this provision, and apportion the proceeds thereof among the parties entitled to receive the same.

XI. Every certificate granted to the trustee appointed under Section IX. shall be taken to supersede and annul any previous certificate so far as such previous certificate relates to the said Government securities.

XII. Where a certificate shall have been granted in cases in which such certificate would be valid but for the previous grant of a certificate, all payments made to the person holding the latter certificate in ignorance of the grant of the previous certificate, shall be held good against claims under such previous certificate.

XIII. With regard to the property of a deceased Hindoo, Mahomedan, or other person not usually designated by the term "British subject," no certificate in respect of any such property shall be valid if made after a probate or letters of administration granted in respect of the same; provided assets belonging to the deceased were, at the time of his death, within the local jurisdiction of the Court granting the probate or letters of administration.

XIV. Where a certificate shall have been granted in cases in which such certificate would be valid but for a probate or letters of administration previously granted, all payments made to

Certificate how to be obtained.

Effect of certificate.

Court may take security from grantee of certificate.

such further proceedings title as it shall think fit.

Sudder Court may grant fresh certificate in supersession of the certificate granted by the District Court.

Local extent of power given by certificate.

Interest on Government security and dividends, or Bank shares.

Appointment of Trustee in case of disputed succession.

Appropriation, if securities be not settled within two years.

Proviso.

Effect of certificate granted by trustee.

Payments under certificate void by reason of previous certificate.

Certificate in respect of property of deceased Hindoos, Mahomedans, &c. void after grant of probate or letters.

Certain payments under certificate, granted after grant of probate or letters, protected.

the person holding the certificate in ignorance of the previous granting of the probate or letters of administration, shall be held good against claims under the probate or letters of administration so previously granted.

XV. No probate or letters of administration shall be valid for the purpose of the recovery of debts, or for the security of debtors, after a certificate granted in respect of the same property for which such probate or letters of administration shall have been granted: provided assets belonging to the deceased were, at the time of his death, within the jurisdiction of the Court granting such certificate.

XVI. Where probate or letters of administration may have been granted in cases in which such probate or letters of administration would be valid but for the previous grant of a certificate, all payments made in ignorance of the previous grant of the certificate shall be held good against claims under such previous certificate.

XVII. Curators appointed under Act XIX. of 1841 who may be invested with certain powers which are conferred on persons obtaining certificates under this Act, shall not exercise any powers which, but for that Act, would lawfully belong to persons obtaining certificates, or to executors or administrators where a certificate, probate, or letters of administration has been actually obtained; but all persons who may have paid debts or rents to a curator authorised by a Court to receive the same, shall be indemnified, and the curator shall be responsible for the payment of the same to the person who has obtained a certificate, the executor, or administrator, as the case may be.

XVIII. All probates and letters of administration granted by any Supreme Court of Judicature in cases in which any assets belonging to deceased persons were at the time of their deaths, within the local jurisdiction of the Court granting the probate or letters of administration, shall have the effect of probate and letters of administration granted in respect of the property of British subjects, but for the purpose of the recovery of debts only and the security of debtors paying the same, except so far as is in this Act provided.

XIX. A certificate of administration granted by the British Representative accredited to any Foreign Prince or State, shall, as regards the residents within the Territories of such Prince or State, have the same effect in respect to Government securities as a certificate granted to a Native subject of Her Majesty under the provisions hereinbefore contained.

XX. Every certificate of administration granted under the last preceding Section shall, as regards the Government securities, give authority to the person to whom the same shall be granted throughout the British Territories in India, and have the same effect throughout the said territories as a certificate granted under Section VII. of this Act has within the Presidency within which the same is granted.

XXI. No certificate granted under this Act shall empower the person certified to negotiate any Government security or share of a Bank, or any share of such security, or to receive any interest or dividend due thereon, or any share of

such interest or dividend, unless the Government securities or Bank share shall be specified in such certificate.

XXII. Any Court or Officer authorised to grant a certificate may, from time to time, extend the same to any Government security or Bank share not originally specified therein, and every such extension shall have the same effect as if the Government security or Bank share to which the certificate shall be extended had been originally specified therein.

XXIII. Upon the extension of a certificate, security may be required in the same manner as upon the original grant of a certificate.

XXIV. Nothing in this Act contained shall be held to extend to the property of any person usually designated as a British subject.

XXV. The following words and expressions in this Act shall have the meaning 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.

Words importing the masculine gender shall include females.

The words "District Court" shall mean the principal Civil Court of original jurisdiction of a Zillah or District.

The words "Sudder Court" shall be deemed to include the highest Civil Court of Appeal in any part of the British Territories in India not subject to the control and superintendence of a Sudder Court.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

4th February 1860.

The following Bill was read a second time in the Legislative Council of India on the 4th February 1860, and was referred to a Select Committee, who are to report thereon after the 8th of May next:—

A Bill to Amend Act VIII. of 1855 (relating to the office and duties of Administrator General).

Whereas it is expedient to amend Act VIII. of 1855, relating to the office and duties of Administrator General; It is enacted as follows:—

I. The Administrator General shall, when duly authorised or required so to do by the Military Secretary to Government, secure and distribute the assets of the estate and effects of any Officer, Soldier, or other person subject to any Articles of War, in all cases in which such estate and effects do not exceed in the whole Five Hundred Rupees, charging the estate with a commission of three per centum only. Provided always that it shall not be necessary for the Administrator General to take out letters of administration in cases referred to in this Section.

II. If, within months, no person claiming to be entitled to a principal share of the effects of the deceased shall obtain a certificate from the Administrator General under Section XLIII. of the said Act, or letters of administration to the estate and effects of the deceased, the Administrator General, when required so to do by any creditor against

the estate, shall apply for, and the Supreme Court may, in such cases grant to him, letters of administration to the said estate and effects, or, if he omit to take such proceedings, such creditor may apply for, and the Supreme Court may in such cases grant to such creditor, letters of administration to the said estate and effects.

III. Whenever any person holding the office of Administrator General shall obtain leave of absence, it shall be lawful for the Government to appoint some person to officiate as Administrator General; and such person, while so officiating, shall be subject to the same conditions and bound by the same responsibilities as the Administrator General by any law now in force or that may hereafter be enacted.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

4th February 1860.

The following Bill was read a second time in the Legislative Council of India on the 4th February 1860, and was referred to a Select Committee, who are to report thereon after the 8th of April next:—

A Bill to remove certain Tracts on the Eastern Border of the Chittagong District from the Jurisdiction of the Tribunals established under the General Regulations and Acts.

Whereas it is expedient to remove the Hilly and Forest tracts of country, situated on the eastern border of the District of Chittagong, from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Offices of that District, under the general Regulations and Acts of the Government; It is enacted as follows:—

I. The tracts of country described in the Schedule to this Act are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Officers of Revenue constituted by the Regulations of the Bengal Code and the Acts passed by the Governor General of India in Council and the Legislative Council of India, as well as from the system of procedure prescribed for the said Courts and Offices by the Regulations and Acts aforesaid; and no Act hereafter passed by the Legislative Council of India relative to the constitution or procedure of the said Courts and Offices shall be deemed to extend to any part of the said tract, unless the same be specially named therein: provided that nothing herein contained shall extend to or affect any case now pending in any Court or office.

II. The administration of Civil and Criminal justice and the superintendence of the settlement and realisation of the public Revenue and of all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant Governor of Bengal may, for the purpose of tribunals of first instance, or of reference and appeal, appoint, and the Officer or Officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the Lieutenant Governor of Bengal, and be guided by such instructions as the Lieutenant Governor of Bengal may from time to time issue.

III. It shall be lawful for the Lieutenant Governor of Bengal to direct that an appeal may be heard in any of the matters described in the last preceding Section by the Civil and Session Judge of Chittagong, or the

Commissioner of Revenue for that District, or by the Sudder Dewanee and Nizamut Adawlut, or by the Board of Revenue, and to declare in what cases the order made by any Officer or Court, empowered by the Lieutenant Governor to dispose of any of the matters aforesaid, shall be final.

IV. It shall be lawful for the Lieutenant Governor of Bengal to direct any Officer empowered to administer Criminal jurisdiction in or for the tracts aforesaid, to refer the sentence passed by him in any class of Criminal trials for the confirmation of the Sudder Court; and no sentence of death passed by any person competent, under the direction of the Lieutenant Governor, to pass such sentence, shall be carried into execution until it be confirmed by the Sudder Court. In disposing of any trial referred for disposal under this Section, the Sudder Court shall not call for the Futwah of its Law Officer, and shall pass such order as it may deem just and proper, so as that it shall not convict any person acquitted by the referring Officer, or enhance any sentence pronounced by him.

V. Any person liable to be imprisoned in any Civil or Criminal Jail, or to be transported beyond sea under any order or sentence passed by any Officer or Court empowered as provided in this Act, may be imprisoned in any Civil or Criminal Jail, or transported to any place which the Lieutenant Governor of Bengal may direct.

VI. When a question shall arise whether any place falls within the tracts described in the Schedule to this Act, it shall be competent to the Commissioner of Revenue for the District of Chittagong to consider and determine on which side of the described boundary the place aforesaid may lie, and the order made by the Commissioner shall be final.

VII. This Act shall take effect from such date as shall be fixed by the Lieutenant Governor of Bengal, and notification thereof shall be published in the Office of the Commissioner of Revenue and the Courts of the Civil and Sessions Judge and of the Magistrate of Chittagong, and in such other manner as the Lieutenant Governor may direct.

SCHEDULE.

The boundary of the Hilly and Forest tract referred to in the foregoing Act shall be understood generally to run to the eastward of the surveyed area of the villages situated on the eastern frontier of the Chittagong District as surveyed and mapped in the course of the Revenue Survey of that District, and shall be more particularly taken to be indicated as follows:—

- As respects Thannah Fattickcherree: all the country lying east of the villages Ramghur, Joozkola, Hapuneah, Fuckerachung, Kunchunpoor, and Goomareetulla.
- ” ” Thannah Hathezaree: all the country lying east of Mugkatta, Radahmadheepoor, and other surveyed villages of this Thannah and of a line drawn from the south-eastern boundary to Gogra in Faree Rungunneah.
- ” ” Faree Rungunneah: all the country lying to the east of Gogra, Nichintapoor, Kodala, Puddooah, Dood-Pookereah, and other surveyed villages of this Faree, situated on both sides of the Fenny River.
- ” ” Thanah Putteah: all the country lying east of the surveyed villages of this Thannah, that is to say, lying east of a line drawn from the eastern surveyed boundary of Doo-Pookereah, in Faree Rungunneah, down to the eastern surveyed boundary of the village Doobacherree lying north of the River Sunkoo.

As respects Thannah Sutkuneah : all the country lying east of Pooranghur, Burdoora, Andar Manick, Rajbarree, and other surveyed villages of this Thannah.

” ” Thannah Chuckereah : all the country lying eastward of a line drawn from the village Rajbarree, in Thannah Tulkuneah, to the surveyed villages Boonoo and Bilcherrie on the Moree River, in Thannah Chukereah, and also all the country lying eastward of the surveyed villages of this Thannah between Bilcherrie and Pagolebeel.

” ” Thannah Ramoo : all the country lying east of a line drawn from Pagolebeel, in Thannah Chukeriah, to Edghur, Gurjamah, and Kucheppeah in Thannah Ramoo.

All also the country comprised in Thanah Teknaaf and lying south of the mouth of the Rajoo River, and south and east of a line drawn from the Rajoo River to the surveyed village Kucheppeah of Thanna Ramoo.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

28th January 1860.

The following Bill was read a second time in the Legislative Council of India on the 28th January 1860, and was referred to a Select Committee, who are to report thereon after the 1st of May next :—

A Bill to amend Act XXI. of 1856 (to consolidate and amend the Law Relating to the Abkaree Revenue in the Presidency of Fort William in Bengal).

Whereas it is expedient to increase the rate of duty levied on spirits manufactured at distilleries worked according to the Preamble. English method, and otherwise to

amend Act XXI. of 1856 ; It is enacted as follows :—

I. So much of Section VII. Act XXI. of 1856, as prescribes that the duty leviable on spirits manufactured at distilleries worked according to the English method, for the imperial gallon of the strength of London proof, shall be One Rupee—is hereby repealed ;

and, on and after the 21st January 1860, it shall be lawful for the Government to levy the duty aforesaid at the rate of Three Rupees.

II. When any person is sentenced to pay any fine or forfeiture, under the said Act, such person in default of payment of the same, may be imprisoned, by order of the Magistrate, for any term not exceeding two months, when the amount of the fine or forfeiture shall not exceed fifty Rupees, or for any term not exceeding four months, when the amount of the fine or forfeiture shall not exceed two hundred Rupees, or for any term not exceeding six months, when the amount of the fine or forfeiture shall exceed two hundred Rupees ; but in any case the imprisonment shall determine upon the payment of the fine or forfeiture adjudged.

III. Every Collector or other Officer is hereby indemnified, for anything done on and after the said 21st of January 1860, in collecting or enforcing the duty leviable under the 1st Section of this Act, or by virtue of any order of Government heretofore made, authorising the levy of any such duty, or in otherwise carrying out this Act ; and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of anything so done.

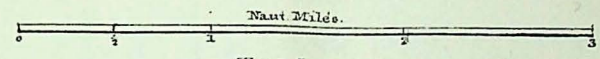
IV. This Act, and Act XXI. of 1856, as hereby amended, shall be read as one Act.

W. MORGAN,
Clerk of the Council.

SHAH ALLUM'S SHOAL.

H.M.S.S. "Marie," IV. 1859.

Long. E. of Boshare I. 10' 33"



True Copy
Sign'd H. Marshall,
Mid^l. Indian Navy.

Lat. 26° 25' 20" N.

