



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

CONTAINING

Acts and Bills of the Legislative Council of India.

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Legislative Council of India.

5th February 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General this day, and is hereby promulgated for general information:—

Act No. II. of 1859.

An Act to Amend Act XXX. of 1858 (to Provide for the Administration of the Estate and for the Payment of the Debts of the late Nabob of the Carnatic).

Whereas, in pursuance of the provisions of Section XIV. of Act XXX. of 1858,

Preamble.

numerous declarations were filed in the Office of the Registrar of the Supreme Court of Judicature at Madras, within three months from the passing of the Act, by persons claiming to be creditors of the late Nabob of the Carnatic, but as yet, with very few exceptions, such persons have not made any application to the Court, under the provisions of Section XIX. of the said Act, to appoint a day for ascertaining the amount of their debts, or furnished any particulars of their claims; and whereas, since the passing of the said Act, two of the seals formerly belonging to the said Nabob have been unlawfully taken away by some person or persons unknown, and there is reason to believe that they have been feloniously stolen, and it is necessary, in order to guard against fraud, to limit the time within which particulars of the said claims shall be furnished, and to require all documents intended to be used in support thereof to be filed, and also to enable the Court, upon the application of the Government of Madras, to fix a day for the investigation of any of the said claims; It is enacted as follows:—

I. Every person who has filed a declaration under the provisions of Section XIV. of the said Act shall file, in the Office of the Registrar of the Supreme Court

Time limited for filing particulars of claim when declaration has been filed.

at Madras, full particulars of his claim, with dates and items, within one week after the publication of this Act in the *Fort St. George Gazette*, or within such time, not exceeding one month after such publication, as may be allowed by the said Court or a Judge thereof, for any special reason which may appear to the said Court or Judge to be sufficient.

II. If the particulars filed as above provided be insufficient, the said Court or a Judge thereof may, upon an application on the part of Government, make an order for the filing, within a time to be specified in such order, of such further particulars as the said Court or Judge may consider necessary.

III. If the particulars be not filed within the time limited by Section I. of this Act—or in the case of an claimant to be barred from proceeding, under Section II. of this Act, if such further particulars be not filed within the time limited by the order—the said Court or a Judge thereof, upon an application on behalf of Government, shall make an order barring the claimant from proceeding under Section XIV. or any subsequent Section of Act XXX. of 1858, and from the benefits of the provisions of Section XXV. of the said Act; and in such case the claimant shall not be entitled to proceed under Section XIV. or any subsequent Section of the said Act, or to be paid under the provisions of Section XXV. of the said Act.

IV. Every person who has filed a declaration under the provisions of Section XIV. of the said Act shall file, in the Office of the Registrar of the said Court, all documents intended to be used on the investigation in support of his claim (whether the same are intended to be used as independent or corroborative evidence or otherwise), within one week after the publication of

Time limited for filing documents to be used in support of claim.

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this Act in the *Fort St. George Gazette*, or within such time, not exceeding one month from the time of such publication, as may be allowed by the said Court or a Judge thereof for any special reason which may appear to the said Court or Judge to be sufficient.

V. Whenever the particulars of a claim or any document is filed under the provisions of this Act, a memorandum shall be made thereon of the date on which the same is filed.

Memorandum to be made, on particulars of claim or documents, of the date when they are filed.

VI. The Solicitor to Government, and such other persons as may be authorised by him, may examine and take copies of the particulars of any claim or of the provisions of this Act.

Solicitor to Government may examine and take copies of particulars, &c.

VII. No document shall be admitted in evidence in support of any claim, or used by the claimant upon the investigation thereof under Section XXII. of the said Act, unless the same shall have been filed in the manner and within the time required by this Act; and upon every investigation under Section XXII. of the said Act, the claimant shall be bound by the particulars of his claim, in the same manner and to the same extent as a plaintiff is bound by the particulars of his demand in an action brought in the said Court.

Claimants to be bound by particulars filed.

VIII. Whenever particulars of a claim shall have been filed under the provisions of this Act, it shall not be necessary for the claimant to furnish particulars under Section XX. of the said Act.

If particulars of claim are filed under this Act, particulars under Act XXX. of 1858 not necessary.

IX. The Supreme Court of Judicature at Madras, or a Judge thereof, may, upon application on behalf of the Government of Madras, appoint a day for ascertaining the amount due to any of the persons who have filed a declaration under Section XIV. of the said Act; and in such case notice of the day so appointed shall be given to the claimant. The day so appointed shall not be less than twenty-one days from the time when the said application shall be made.

X. If the claimant shall appear on the day so fixed, or on any other day to which the Court may think fit to postpone the investigation, all such proceedings shall be had for ascertaining and determining the amount due to the claimant, and for payment of the amount so ascertained, as if the day for ascertaining the amount of the debt had been appointed upon the application of the claimant under Section XIX. of the said Act, except that it shall not be necessary for the claimant to furnish particulars under Section XX. of the said Act.

XI. If the claimant do not appear on the day fixed, as provided by Section IX. of this Act, or upon the day to which the Court may postpone the investigation, the Court, upon proof of service of the notice required by Section IX. of this Act, shall make an order barring the claimant from proceeding under Section XIV. or any subsequent Section of Act XXX. of 1858, and from the benefits of the provisions of Section XXV. of the said Act; and in such case the claimant shall not be entitled to proceed under Section XIV. or any subsequent Section of the said Act, or to be paid under the provisions of Section XXV. of the said Act, unless within one week from such day, or within such time as the said Court or a Judge thereof shall appoint for investigating the excuse for

not appearing, the Court shall be satisfied that he had a reasonable excuse for not appearing, and shall fix another day for the hearing of his claim.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

12th February 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 7th February 1859, and is hereby promulgated for general information:—

ACT NO. III. OF 1859.

An Act for Conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for Constituting those Officers Registers of Deeds.

Whereas it is expedient that Cantonment Joint Magistrates should be invested with Civil jurisdiction in certain cases within the local limits of their Criminal jurisdiction, and that they should also be appointed Registers of Deeds within the same limits; It is enacted as follows:—

I. It shall be competent to the Governor General in Council and to the Executive Government of any Presidency or place, to invest the Joint Magistrate of any Military Cantonment Bazar or Station, within the limits of their respective Governments, with Civil jurisdiction. Every Joint Magistrate so invested shall have power to hear and determine actions of debt and other personal actions in which the value in question shall not exceed the sum of Two Hundred Rupees, and which shall not involve any dispute of estate or any right of real property against any person who, at the time when the cause of action arose, and at the time of the institution of the suit, shall have been, or shall be, subject to the Articles of War for the Native Army, or residing or carrying on trade or business within the limits of such Military Cantonment Bazar or Station, and not subject to any Articles of War made by Her Majesty.

II. Whenever the Joint Magistrate of any Military Cantonment Bazar or Station shall be invested with Civil jurisdiction under the provisions of the preceding Section, and so long as he shall remain so invested, so much of Act XI. of 1841 as authorises the Commanding Officers of Stations or Cantonments to convene Military Courts of Requests for the trial of actions of debt and other personal actions as aforesaid shall be suspended within the limits of such Cantonment Bazar or Station.

III. Whenever, in either of the Presidencies of Madras or Bombay, an Officer shall be invested with Civil jurisdiction as aforesaid, and so long as he shall remain so invested, the Rules for the trial of small suits in Military Bazaars at Cantonments and Stations occupied by the Troops of those Presidencies respectively, shall cease to have effect within the jurisdiction of such Officer.

IV. Whenever the Joint Magistrate of any Military Cantonment Bazar or Station shall be invested with Civil jurisdiction under the provisions of this Act, no person amenable to the Articles of War for the Native Army, who may be liable to be sued before such Joint Magistrate for any cause of action cognisable by him, shall be sued elsewhere.

Executive Government may invest Cantonment Joint Magistrates with Civil jurisdiction in certain cases.

Part of Act XI. of 1841 suspended in Cantonments where Joint Magistrates are so invested with Civil jurisdiction.

Also the Rules in force in the Madras and Bombay Presidencies for the trial of small suits in Military Bazaars.

Persons amenable to the Articles of War for the Native Army to be sued before Cantonment Joint Magistrates invested with Civil jurisdiction, and not elsewhere.

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V. Provided that nothing in the preceding Sections shall be held to alter or affect the rules in force in the Madras Presidency for the trial by Panchayet of suits against Military persons belonging to that Presidency.

VI. No person carrying on trade or business within the limits of any Military Cantonment, or who shall have carried on trade or business within any such limits, shall be allowed to recover in any Court, held under this Act, any debt contracted in the way of such trade or business, or the loan of money within any such Cantonment by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall, at the time of contracting the same, have been registered as a Military Bazar-man within such Cantonment.

VII. In cases instituted under the provisions of this Act, the plaintiff shall prefer his claim in writing to the Court of the Joint Magistrate having jurisdiction over the same; and if the defendant be a Native Officer, or Soldier, or a Mustered Camp Follower, the summons to appear and answer to the claim shall be transmitted, for the purpose of being served on the defendant, to the Commanding Officer of the Corps or Detachment to which such defendant may belong; and the Commanding Officer shall return the summons to the Joint Magistrate, with the acknowledgment of the defendant endorsed thereon; or, if the summons cannot be served, the reason of the non-service shall be stated. In other respects, the rules of procedure and all other rules contained in Act XI. of 1841 (*for Facilitating the Collection of Debts on Successions, and for the Security of Parties paying Debts to the Representatives of Deceased Persons*), shall be applicable to such cases, and to the execution of the decrees passed therein, so far as the same are applicable. Provided that the decisions of the Joint

No revision or appeal. Magistrate in cases cognisable by him under this Act, shall not be open to revision or appeal; and provided further, that it shall not be necessary to publish in Station Orders the decrees passed in such cases before they are carried into execution; and the Joint Magistrate passing the decree shall determine whether the execution shall be general or special, and shall proceed, of his own authority, with the execution.

VIII. If the claim of the plaintiff be dismissed, and it shall appear to the Joint Magistrate that the suit was groundless, and that there was no probable cause for instituting the same, it shall be competent to such Joint Magistrate to award against the plaintiff, in favour of the defendant, such sum as he may consider a reasonable compensation to the defendant for the loss of time and expense to which he may have been subjected by the institution of the suit against him, and to proceed to recover the amount so awarded under the rules applicable to execution of decrees passed under this Act.

IX. It shall further be lawful for the Governor General in Council, or for the Executive Government of any Presidency or place, to appoint the Joint Magistrate of any Military Cantonment Bazar or Station, subject to their respective Governments, Register of Deeds within the limits of such Cantonment Bazar or Station; and when such appointment is made, and so long as it shall continue in force, the powers of the Register of Deeds of the Zillah or District in which such Cantonment Bazar or Station is situate, shall be suspended within the limits thereof.

X. Whenever the Joint Magistrate of any Military Cantonment Bazar or Station shall be appointed Register of Deeds under this Act, all rules, for the time being in force, applicable to Registers of Deeds, shall be applicable to such Joint Magistrate, and to the Deeds registered by him, or brought to him for registry.

XI. Every Joint Magistrate who shall be invested with Civil jurisdiction, or who shall be appointed Register of Deeds under the provisions of this Act, shall, previously to entering upon the performance of his duties, make and subscribe, before the Chief Civil Officer, or, where there may be no Civil Officer, before the Chief Military Officer of the District or Zillah in which such Cantonment Bazar or Station is situate, the oaths required by law to be made and subscribed by Civil Judges and Registers of Deeds respectively, or the Declarations substituted for such oaths.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

12th February 1859:

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 10th February 1859, and is hereby promulgated for general information:—

ACT NO. IV. OF 1859.

An Act to make Further Provision for the Removal of Prisoners.

Whereas, by the laws in force, the Executive Government of any Presidency or place is authorised to order the removal of any person under sentence of imprisonment from the prison or place in which he is confined to any other public prison or place of confinement within the same Presidency or Government; and whereas it is expedient to make temporary provision for the removal of prisoners, in certain cases, beyond the limits of the Presidency or Government in which the place where such prisoners are confined is situate; It is enacted as follows:—

I. Whenever it shall be judged necessary or expedient that any person, who has been convicted of any offence and sentenced to imprisonment for life, or for any term exceeding three years, should be removed to some place of confinement beyond the limits of the Presidency or Government within which he is confined, it shall be lawful for the Governor General in Council, or for the Executive Government of the Presidency or place, with the sanction of the Governor General in Council to order the removal of such person from the prison or place in which he is confined to any other prison or place, of confinement within any part of the territories which are or may become vested in Her Majesty by the Statutes 22 and 23 Vict. c. 106, entitled "An Act for the Government of India."

Duration of Act.

II. This Act shall continue in force for One Year.

III. Any prisoner who, previously to the passing of this Act, shall have been removed, in manner aforesaid, from any prison or place of confinement to any other prison or place of confinement in the said territories, shall be held to have been lawfully removed.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

19th February 1859.

The following Bill, as settled in Committee of the whole Council, was ordered to be published for general information, and to be re-considered after Two Months:—

A Bill to Provide for the Limitation of Suits.

Whereas it is expedient to amend and consolidate the laws relating to the limitation of suits; It is enacted as follows:—

Preamble.

I. No suit shall be maintained in any Court of Judicature within any part of the British territories in

Limitation of suits.

India in which this Act shall be in force unless the same is instituted within the period of limitation hereinafter made applicable to a suit of that nature, any Law or Regulation to the contrary notwithstanding; and the periods of limitation, and the suits to which the same respectively shall be applicable, shall be the following, that is to say:—

1. To suits to enforce the right of pre-emption,

Limitation of one year.

Pre-emption suits.

whether the same is founded on law or general usage or on special contract—the period of one year, to be computed from the time at which the purchaser shall have taken possession under the sale impeached.

2. To suits for pecuniary penalties or forfeitures for the breach of any Law or Regulation; to suits for damages for injury to the person and personal property,

Limitation of one year.

Suits for damages, summary suits, &c.

or to the reputation; to suits for damages for the infringement of copyright, or of any exclusive privilege; to suits to recover the wages of servants, artisans, or labourers; the amount of tavern bills or bills for board and lodging or lodging only; and to summary suits before the Revenue authorities regarding arrears and exactions of rent—the period of one year from the time the cause of action arose.

3. To suits to set aside the sale of any property,

Limitation of one year.

moveable or immovable, sold under an execution of a decree of any Civil Court not established by Royal Charter when such suit is maintainable; to suits to set aside the sale of any property, moveable or immovable, for

Suits to set aside sales under decrees, or for arrears of Government Revenue, &c.

arrears of Government Revenue or other demand recoverable in like manner; to suits by a Putneedar or the proprietor of any other intermediate tenure saleable for current arrears of rent, or other person claiming under him; to set aside the sale of any Putnee Talook or such other tenure sold for current arrears of rent; to suits to set aside the sale of any property, moveable or immovable, sold in pursuance of any summary award or order of a Collector or other Officer of Revenue in disputes regarding arrears and exactions of rent—the period of one year from the date at which such sale was confirmed, or would otherwise have become final and conclusive if no such suit had been brought.

4. To suits to alter or set aside summary decisions and orders of any of the Civil Courts not established by Royal Charter, when such

Limitation of one year.

Suits to set aside summary decisions, &c.

such suit is maintainable; to suits to alter or set aside summary awards or orders by Collectors and other Officers of Revenue in disputes regarding arrears and exactions of rent—the period of one year from the date of the final decision, award, or order in the case.

5. To suits not falling within the last preceding

Limitation of three years.

Suits to contest certain awards.

Clause brought by any person to contest the justice of an award which shall have been made under Regulation VII.

1822, Regulation IX. 1825, and Regulation IX. 1833, of the Bengal Code, or to recover any property comprised in such award—the period of three years from the date of the final award or order in the case.

6. To suits by any party bound by any order re-

Limitation of three years.

Suits to recover property comprised in an order made under Clause 2, Section I. of 1838, or Act IV. of 1840, or Act XVI. of 1838, or Act IV. of 1840.

specting the possession of property made under Clause 2, Section I. of 1838, or Act IV. of 1840, or any person claiming under such party, for the recovery of the property comprised in such order—the period of three years from the date of the final order in case.

7. To suits to recover the hire of animals, vehicles,

Limitation of three years.

Suits for goods sold by retail, &c.

boats, or household furniture; or the amount of bills for any articles sold by retail; and to all suits for the rents of any buildings or lands (other than summary suits before the Revenue authorities regarding arrears and exactions of rent)—the period of three years from the time the cause of action arose.

8. To suits brought to recover money lent or interest

Limitation of three years.

Suits for money lent on interest, or for breach of contract where no written contract exists.

or for the breach of any contract—the period of three years from the time when the debt became due or when the breach of contract, in respect of which the suit is brought first took place, unless there is a written engagement to pay the money lent or interest, or a contract in writing signed by the party to be bound thereby, or by his duly authorised agent.

9. To suits brought to recover money lent or interest,

Limitation of three years.

Suits for the same where there is a written contract which has not been registered within three months.

or for the breach of any contract in cases in which there is a written engagement or contract, and in which such engagement or contract could have been registered by virtue of any Law or Regulation in force at the time and place of the execution thereof—the period of three years from the time when the debt became due, or when the breach of contract, in respect of which the action is brought, first took place, unless such engagement or contract shall have been registered within six months from the date thereof.

10. To suits in cases governed by English law upon

Limitation of 12 years.

Suits for specialty-debts and legacies.

all debts and obligations of record and specialties; and to suits for the recovery of any legacy—the period of twelve years from the time the cause of action arose.

11. To suits for the recovery of immovable property,

Limitation of 12 years.

Suits for immovable property.

or of any interest in immovable property, to which no other provision of this Act applies—the period of twelve years from the time the cause of action arose.

12. To suits to enforce the right to share in any

Limitation of 12 years.

Suits for shares in joint family property and for maintenance.

property, moveable or immovable, on the ground that it is joint family property; and to suits for the recovery of maintenance, where the right to receive such maintenance is a charge on the inheritance of any estate—the period of twelve years from the death of the persons from whom the property alleged to be joint is said to have descended, or on whose estate the maintenance is alleged to be a charge; or from the date of the last payment to the plaintiff or any person through whom he claims, by the person in the possession or management of such property or estate on account of such alleged share, or on account of such maintenance, as the case may be.

13. To suits by the proprietor of any land, or by any person claiming under him, for the resumption or assessment of any Lakheraj or rent-free land—the period of twelve years from the time when the title of the person claiming the right to resume and assess such lands, or of some person under whom he claims, first accrued. Provided that, in estates permanently settled, no such suit, although brought within twelve years from the time when the title of such person first accrued, shall be maintained, if it is shown that the land has been held Lakheraj or rent-free from the time of the permanent settlement.

Limitation of 12 years.
Suits to resume or assess Lakheraj or rent-free land.

Proviso if the land has been held rent-free from the time of the permanent settlement.

14. To suit against a depositor, pawnee, or mortgagee of any property, moveable or immovable, for the recovery of the same—a period of thirty years if the property be moveable, and sixty years if it be immovable, from the time of the deposit, pawn, or mortgage; or if, in the meantime, an acknowledgment of the title of the depositor, pawner, or mortgagor, or of his right of redemption shall have been given in writing, signed by the depositor, pawnee, or mortgagee, or some person claiming under him, from the date of such acknowledgment in writing.

Limitation for 30 and 60 years, respectively.

Suits against depositaries, pawnees, or mortgagees to recover immovable property.

15. To all suits for which no other limitation is hereby expressly provided—the period of six years from the time the cause of action arose.

Limitation of 6 years applicable to all suits not especially provided for.

II. No suit against a trustee in his lifetime, and no suit against his representatives for the purpose of following in their hands the specific property which is the subject of the trust, shall be barred by any length of time; but no suit to make good the loss occasioned by a breach of trust out of the general estate of a deceased trustee shall be maintained in any of the said Courts unless the same is instituted within the proper period of limitation, according to the last preceding Section, to be computed from the decease of such trustee; Provided that nothing herein contained shall prevent a co-trustee from enforcing, against the estate of a deceased trustee, any claim for contribution, if he shall institute a suit for that purpose within six years after such right of contribution shall have arisen.

Suits against trustees and their representatives for breach of trust, &c.

Proviso.

III. When, by any law now or hereafter to be in force, a shorter period of limitation than that prescribed by this Act is specially prescribed for the institution of a particular suit, such shorter limitation shall be applied notwithstanding this Act.

IV. If, in respect of any legacy or debt, the person who, but for the law of limitation, would be liable to pay the same, shall have admitted that such debt or legacy or any part thereof is due by an acknowledgment in writing signed by him, a new period of limitation, according to the nature of the original liability, shall be computed from the date of such admission; Provided that, if more than one person be liable, none of them shall become chargeable by reason only of a written acknowledgment signed by another of them.

Revival of right to sue by admission in writing.

Proviso.

V. In suits for the recovery from the purchaser or any person claiming under him of any property purchased *bona fide*, and for valuable consideration from a trustee, depositor, pawnee, or mortgagee, the cause of action shall be deemed to have

arisen at the date of the purchase; Provided that in the case of purchase from depositor, pawnee, or mortgagee, no such suit shall be maintained unless brought within the time limited by Clause 14, Section I.

Proviso.

VI. In suits in the Courts established by Royal Charter by a mortgagee to recover from the mortgagor the possession of the immovable property mortgaged, the cause of action shall be deemed to have arisen from the latest date at which any portion of principal money or interest was paid on account of such mortgage debt.

VII. In suits to avoid incumbrances or under-tenures in an estate sold for arrears of Government Revenue due from such estate, or in a Putnee Talook or other saleable tenure sold for arrears of rent, which, by virtue of such sale, becomes freed from incumbrances and under-tenures, the cause of action shall be deemed to have arisen at the time when the sale of the estate, Talook, or tenure became final and conclusive.

VIII. In suits for balances of accounts current between merchants and traders who have had mutual dealings, the cause of action shall be deemed to have arisen at, and the period of limitation shall be computed from, the close of the year in the accounts of which there is the last item admitted or proved indicating the continuance of mutual dealings; such year to be reckoned as the same is reckoned in the accounts.

IX. If any person entitled to a right of action shall, by means of fraud, have been kept from the knowledge of his having such right or of the title upon which it is founded, or if any document necessary for establishing such right shall have been fraudulently concealed, the time limited for commencing the action against the person guilty of the fraud or accessory thereto, or against any person claiming through him otherwise than in good faith and for a valuable consideration,—shall be reckoned from the time when the fraud first became known to the person injuriously affected by it, or when he first had the means of producing or compelling the production of the concealed document.

X. In suits in which the cause of action is founded on fraud, the cause of action shall be deemed to have first arisen at the time at which such fraud shall have been first known by the party wronged.

XI. If, at the time when the right to bring an action first accrues, the person to whom the right accrues is under a legal disability, the action may be brought by such person or his representative within the same time after the disability shall have ceased as would otherwise have been allowed from the time when the cause of action accrued, unless such time shall exceed the period of three years, in which case the suit shall be commenced within three years from the time when the disability ceased; but if, at the time when the cause of action accrues to any person, he is not under a legal disability, no time shall be allowed on account of any subsequent disability of such person or of the legal disability of any person claiming through him.

XII. The following persons shall be deemed to be under legal disability within the meaning of the last preceding Section—married women in cases to be decided by English law, minors, idiots, and lunatics.

What persons to be deemed to be under legal disability under preceding Section.

XIII. In computing any period of limitation prescribed by this Act, the time during which the defendant shall have been absent out of the British territories in India shall be excluded from such computation, unless service of a summons to appear and answer in the suit can, during the absence of such defendant, be made in any mode prescribed by law.

XIV. In computing any period of limitation prescribed by this Act, the time during which the claimant, or any person under whom he claims, shall have been engaged in prosecuting a suit upon the same cause of action against the same defendant, or some person whom he represents, *bond fide* and with due diligence, in any Court of Judicature which, from defect of jurisdiction or other cause, shall have been unable to decide upon it, or shall have passed a decision which, on appeal, shall have been annulled for any such cause, including the time during which such appeal, if any, has been pending, shall be excluded from such computation.

XV. If any person shall, without his consent, have been dispossessed of any immovable property otherwise than by due course of law, such person, or any person claiming through him, shall, in a suit brought to recover possession of such property, be entitled to recover possession thereof, notwithstanding any other title that may be set up in such suit; Provided that the suit be commenced within six months from the time of such dispossession. But nothing in this Section shall bar the person from whom such possession shall have been so recovered, or any other person instituting a suit to establish his title to such property, and to recover possession thereof within the period limited by this Act.

XVI. Nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of any Court established by Royal Charter in refusing equitable relief on the ground of acquiescence or otherwise, to any person whose right to bring a suit may not be barred by virtue of this Act.

XVII. This Act shall not extend to any public property or right, nor to any suits for the recovery of the public revenue or for any public claim whatever, but such suits shall continue to be governed by the laws or rules of limitation now in force.

XVIII. All suits that may be now pending, or that shall be instituted within the period of two years from the date of the passing of this Act, shall be tried and determined as if this Act had not been passed; but all suits to which the provisions of this Act are applicable that shall be instituted after the expiration of the said period shall be governed by this Act, and no other law of limitation, any Statute, Act, or Regulation now in force notwithstanding.

XIX. No proceeding shall be taken to enforce any judgment, decree, or order of any Court established by Royal Charter, but within twelve years next after a present right to enforce the same shall have accrued to some persons capable of releasing the same, unless in the meantime such judgment, decree, or order shall have been duly revived, or some part of the principal money secured by such judgment, decree, or order, or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable or his agent, to the person entitled thereto or his agent; and in any such case no proceeding shall be brought to enforce the said judgment, decree, or order, but within twelve years after such revivor, payment, or acknowledgment, or the latest of such revivors, payments, or acknowledgments, as the case may be; Provided that for three years next after the passing of this Act, every judgment, decree, and order, which may be in force at the date of the passing of this Act, shall be governed by the law now in force, anything herein contained notwithstanding.

XX. No process of execution shall issue from any Court not established by Royal Charter to enforce any judgment, decree, or order of such Court, unless some proceeding shall have been taken to enforce such judgment, decree, or order, or to keep the same in force within three years next preceding the application for such execution.

XXI. Nothing in the preceding Section shall apply to any judgment, decree, or order in force at the time of the passing of this Act, but process of execution may be issued, either within the time now limited by law for issuing process of execution thereon or within three years next after the passing of this Act, whichever shall first expire.

XXII. No process of execution shall issue to enforce any summary decision or award of any of the Civil Courts not established by Royal Charter, or of any Revenue authority, unless some proceeding shall have been taken to enforce such decision or award, or to keep the same in force within one year next preceding the application for such execution.

XXIII. Nothing in the preceding Section shall apply to any summary decision or award in force at the time of the passing of this Act, but process of execution may be issued, either within the time now limited by law for issuing process of execution thereon or within two years next after the passing of this Act, whichever shall first expire.

XXIV. This Act shall take effect throughout the Presidencies of Bengal, Madras, and Bombay, including the Presidency Towns and the Straits' Settlement; but shall not take effect in any non-Regulation Province or place until the same shall be extended thereto by public Notification by the Governor General in Council, or by the local Government to which such Province or place is subordinate. Whenever this Act shall be extended to any non-Regulation Province or place by the Governor General in Council, or by the local Government to which such Province or place is subordinate, all suits which, within such Province or place, shall be pending at the date of such Notification, or shall be instituted within the period of two years from the date thereof, shall be tried and determined as if this Act had not been passed; but all suits, to which the provisions of this Act are applicable, that shall be instituted within such Province or place after the expiration of the said period, shall be governed by this Act and by no other law of limitation, any Statute, Act, or Regulation now in force notwithstanding.

XXV. Time for enforcing execution of judgment, &c. of a Civil Court not established by Royal Charter.

XXVI. Preceding Section not to apply to judgments, &c., in force at the passing of this Act.

XXVII. Time for execution of a summary award of Civil Court or Revenue authority.

XXVIII. Preceding Section not to apply to summary awards in force at the passing of this Act.

XXIX. Trial of pending suits, &c. in any non-Regulation Province or place to which the Act is extended.

XXX. Operation of Act.

XXXI. Trial of pending suits, &c. in any non-Regulation Province or place to which the Act is extended.

XXXII. Operation of Act.

W. MORGAN,
Clerk of the Council.