



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE,
CONTAINING
Acts and Bills of the Legislative Council of India.

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Legislative Council of India.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 4th May 1859, and is hereby promulgated for general information:—

ACT No. XI. OF 1859.

An Act to Improve the Law Relating to Sales of Land for Arrears of Revenue in the Lower Provinces under the Bengal Presidency.

Whereas it is expedient to discontinue the practice of obtaining the previous sanction of the Board of Revenue to sales of estates for arrears of revenue, or other demands of Government, in the Province of Cuttack: and whereas it is just that a person having a lien upon an estate, and paying the money necessary to protect it from sale for arrears of revenue, should be reasonably secured; and whereas it is expedient to afford sharers in estates, who duly pay their shares of the Sudder Jumma of their estates, easy means of protecting their shares from sale by reason of the default of their co-sharers: and whereas it is expedient to afford landholders, particularly absentees, facilities in guarding against the accidental sale of their estates for arrears of revenue by reason of the neglect or fraud of their agents: and whereas it is expedient to provide for the voluntary registration of dependent talooks existing at the time of settlement: and whereas it is expedient to protect the holders of registered under-tenures created since the settlement, and not resumable by the grantors or their representatives, from loss by the avoidance of their tenures on the occasion of a sale of the superior estate for arrears of public revenue when the arrears can be realised by such sale: and to give absolute security to such tenures by special registry, when shown to be held at rents sufficient for the security of the revenue: and it is therefore proper, for the above and other purposes, to improve the law relating to sales of land for arrears of revenue in the Provinces of Bengal, Behar, and Orissa; It is enacted as follows:—

I. Regulation X. 1818 (*relating to Collection of the Public Revenue from Proprietors and Farmers of Land in the District of Cuttack, &c.*) is hereby repealed; and

from the date of the passing of this law, Act I. of 1845 (*regarding Sales of Land for Arrears of Revenue*), except in so far as it repeals other laws, and except in regard to sales made or advertised, to arrears and other demands realisable, and to suits commenced and acts done, under authority thereof—shall cease to have effect in the Lower Provinces of Bengal.

II. If the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kistbundee of any mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of revenue.

III. Upon the promulgation of this Act, the Board of Revenue at Calcutta shall determine upon what dates all arrears of revenue and all demands which by the Regulations and Acts in force are directed to be realised in the same manner as arrears of revenue, shall be paid up in each district under their jurisdiction, in default of which payment the estates in arrear in those districts, except as hereinafter provided, shall be sold at public auction to the highest bidder. And the said Board shall give notice of the dates so fixed in the official *Gazette*, and shall direct corresponding publication to be made as far as regards each district in the language of that district, in the office of the Collector or other officer duly authorised to hold sales under this Act, in the Courts of the Judge, Magistrate (or Joint Magistrate, as the case may be), and Moonsiffs, and at every Thannah station of that district; and the dates so fixed shall not be changed except by the said Board by advertisement and notification, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is or dates are to take effect.

IV. Provided that in the district of Sylhet, the Collector may be authorised by the Board of Revenue to proceed in the first instance by the distress and sale of defaulters, instead of by the sale of their estates.

V. Provided always that no estate, and no share or interest in any estate, shall be sold for the recovery of arrears or demands of the descriptions mentioned below otherwise than after a notification in the language of the district, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall have been affixed for a period of not less than fifteen clear days preceding the date fixed for payment, according to Section III. of this Act, in the office of the Collector or other officer duly authorised to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, and in the Moonsiff's Court and Police Thannah of the division in which the estate or share of an estate to which the notification relates, is situated; or if the estate or share of an estate be situated within the jurisdiction of more than one Moonsiff's Court or Police Thannah, in some one or more of such Courts or Thannahs; and also at the cutcherry of the malgoozar or owner of the estate or share of an estate, or at some conspicuous place upon the estate or share of an estate, the same to be certified by the peon or other person employed for the purpose.

First.—Arrears other than those of the current year, or of the year immediately preceding.

Secondly.—Arrears due on account of estates other than that to be sold.

Thirdly.—Arrears of estates under attachment by order of any judicial authority, or managed by the Collector in accordance with such order.

Fourthly.—Arrears due on account of tucceavee, poolbunde, or other demands not being land revenue, but recoverable by the same process as arrears of land revenue.

VI. The Collector or other officer duly authorised to hold sales under this Act shall, as soon as possible after the latest day of payment fixed in the manner prescribed in Section III. of this Act, issue notifications in the language of the district, to be affixed in his own Office and in the Court of the Judge of the district, specifying the estates or shares of estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the Office of the Collector or other officer as aforesaid. And if the Government revenue of any estate or share of an estate to be sold exceed the sum of Five Hundred Rupees, a notification of the sale of such estate or share of an estate shall be published in the official *Gazette*. Except as hereinafter provided, all estates or shares of estates so specified shall, on the day notified for sale, or on the day or days following, be put up to public auction by and in the presence of the Collector or other officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made after sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

VII. Whenever an estate or share of an estate is notified for sale, as provided by Section VI. of this Act, the Collector or other officer as aforesaid shall affix a proclamation in the language of the district in his own Office, and as soon thereafter as may be in the Moonsiff's Courts and Police Thannahs within which the estate or share of an estate, or any part of it, is

situated, and also at the cutcherry of the malgoozar or the owner of estate or share of an estate, or at some conspicuous place upon the estate or share of an estate, forbidding the ryots and under-tenants to pay to the defaulting proprietor any rent which has fallen due after the day fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums so paid.

VIII. No claim to abatement or remission of revenue, unless the same shall have been allowed by the authority of Government, and no private demand or cause of action whatever held or supposed to be held by any defaulter against Government, shall bar or render void or voidable a sale under this Act; nor shall the plea that money belonging to the defaulter, and sufficient to pay the arrear of revenue due, was in the Collector's hands, bar or render void or voidable a sale under this Act, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, or after the written agreement provided for in Section XV. of this Act, the Collector shall have neglected, or refused, on insufficient grounds, to transfer it on payment of the arrear of revenue due.

IX. The Collector or other Officer as aforesaid shall, at any time before sunset of the latest day of payment determined according to Section III. of this Act, receive as a deposit from any person not being a proprietor of the estate or share of an estate in arrear, the amount of the arrear of revenue due, to be credited in payment of the arrear at sunset as aforesaid, unless before that time the arrear shall have been paid by a defaulting proprietor of the estate. And in case the person so depositing, whose money shall have been credited in the manner aforesaid, shall be a party in a suit pending before a Court of Justice for the possession of the estate or share from which the arrear is due, or any part thereof, it shall be competent to the said Court to order the said party to be put into temporary possession of the said estate or share, or part thereof, subject to the rules in force for taking security in the cases of parties in Civil suits. And if the person so depositing, whose money shall have been credited as aforesaid, shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said person, which would have been endangered or damaged by the sale, or which he believed in good faith would have been endangered or damaged by the sale, he shall be entitled to recover the amount of the deposit, with or without interest, as the Court may determine, from the defaulting proprietor. And if the party so depositing, whose money shall have been credited as aforesaid, shall prove before such a Court that the deposit was necessary in order to protect any lien he had on the estate, or share, or part thereof, the amount so credited shall be added to the amount of the original lien.

X. When a recorded sharer of a joint estate, held in common tenancy, desires to pay his share of the Government revenue separately, he may submit to the Collector a written application to that effect. The application must contain a specification of the share held in the estate by the applicant. The Collector shall then cause to be published in his own Office, in the Courts of the Judge, Magistrate (or Joint Magistrate, as the case may be), and Moonsiffs, and in the Police Thannahs in whose jurisdiction the estate or any part thereof is situated, as well as on some conspicuous part of the estate itself, a copy of the application made to him. If within six weeks from the date of the publication of these notices no objection is made by any other recorded sharer, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments

made by him on account of it. The date on which the Collector records his sanction to the opening of a separate account shall be held to be that from which the separate liabilities of the share of the applicant commence.

XI. When a recorded sharer of a joint estate, whose share consists of a specific portion of the land of the estate, desires to pay his share of the Government revenue separately, he may submit to the Collector a written application to that effect. The application must contain a specification of the land comprised in his share, and of the boundaries and extent thereof, together with a statement of the amount of sudder jumma heretofore paid on account of it. On the receipt of this application, the Collector shall cause it to be published in the manner prescribed for publication of notice in the last preceding Section. In the event of no objection being urged by any recorded co-sharer within six weeks from the time of publication, the Collector shall open a separate account with the applicant, and shall credit separately to his share all payments made by him on account of it. The date on which the Collector records his sanction to the opening of a separate account shall be held to be that from which the separate liabilities of the share of the applicant commence.

XII. If any recorded proprietor of the estate, whether the same be held in common tenancy or otherwise, object that the applicant has no right to the share claimed by him, or that his interest in the estate is less or other than that claimed by him, or if the application be in respect of a specific portion of the land of an estate that the amount of sudder jumma stated by the applicant to have been heretofore paid on account of such portion of land is not the amount which has been recognised by the other sharers as the jumma thereof, the Collector shall refer the parties to the Civil Court, and shall suspend proceedings until the question at issue is judicially determined.

XIII. Whenever the Collector shall have ordered a separate account or accounts to be kept for one or more shares, if the estate shall become liable to sale for arrears of revenue, the Collector or other officer as aforesaid in the first place shall put up to sale only that share or those shares of the estate from which, according to the separate accounts, an arrear of revenue may be due. In all such cases notice of the intention of excluding the share or shares from which no arrear is due, shall be given in the advertisement of sale prescribed in Section VI. of this Act. The share or shares sold, together with the share or shares excluded from the sale, shall continue to constitute one integral estate, the share or shares sold being charged with the separate portion or the aggregate of the several separate portions of jumma assigned thereto.

XIV. If in any case of a sale held according to the provisions of the last preceding Section, the highest offer for the share exposed to sale shall not equal the amount of arrear due thereupon to the date of sale, the Collector or other officer as aforesaid shall stop the sale, and shall declare that the entire estate will be put up to sale for arrears of revenue at a future date, unless the other recorded sharer or sharers, or one or more of them, shall, within ten days, purchase the share in arrear by paying to Government the whole arrear due from such share. If such purchase be completed, the Collector or other officer as aforesaid shall give such certificate and delivery of possession as are provided for in Sections XXVIII. and XXIX. of this Act, to the purchaser or purchasers, who shall have the same rights as if the share had been purchased by him or them at the sale. If no such purchase be made within ten days as aforesaid, the entire estate shall be sold, after notification for such period and publication in such manner as is prescribed in Section VI. of this Act.

XV. If any recorded proprietor or co-partner of an estate shall deposit with the Collector money, or Government securities endorsed and made payable to the order of the Collector, and shall sign an agreement pledging the same to Government by way of security for the jumma of the entire estate, and authorising the Collector to apply to the payment of any arrear of revenue that may become due from that estate the whole or any portion of the said money or securities that may be necessary for that purpose, then, in the case of any arrear of revenue due from the said estate not being paid before sunset of the latest day of payment fixed under Section III. of this Act, the Collector shall apply to the payment of such arrear the said money or securities, or such part thereof, or of any interest due on the said securities as may be necessary; and for this purpose the Collector shall first apply any money that may be in his hands, and any interest that may be due upon such securities, and may then sell and transfer the securities for any balance that may remain. And so long as any money or securities as aforesaid, sufficient to cover any arrear that may fall due, shall remain and be available as aforesaid, the estate for the protection of which the said deposit was made shall be exempted from sale for arrears of revenue. All monies and securities so deposited shall be exempt from attachment, otherwise than in execution of a decree of a Civil Court.

XVI. It shall be competent to the person making a deposit under the provision of the last preceding Section, or his representative or assignee, at any time to withdraw the deposit, and to revoke the pledge of the same.

XVII. No estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards; and no estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance, duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of eighteen years. And no estate held under attachment by the revenue authorities, otherwise than by order of a judicial authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no estate held under attachment or managed by a Revenue Officer, in pursuance of an order of a judicial authority, shall be liable to sale for the recovery of arrears of revenue accruing during the period of such attachment or management, until after the end of the year in which such arrears accrued.

XVIII. It shall be competent to the Collector, or other Officer as aforesaid, at any time before the sale of an estate or share of an estate shall have commenced, to exempt such estate or share from sale; and in like manner it shall be competent to the Commissioner of Revenue, at any time before the sale of an estate or share of an estate shall have commenced, to exempt such estate or share from sale, by a special order to the Collector or other officer as aforesaid to that effect in each case; and no such sale shall be legal if held after the receipt of such order of exemption.

Provided, however, and it is hereby enacted, that the Collector or other officer as aforesaid or the Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector or other officer as aforesaid of the order of exemption.

XIX. Sales shall ordinarily be made by the Collector or other officer as aforesaid in the land revenue office at the Sudder Station of the District: provided, however, that it shall be competent to the Board of Revenue to prescribe a place for holding sales other than such office, whenever they shall consider it beneficial to the parties concerned.

XX. In case the Collector or other officer as aforesaid shall be unable, from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid; or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his cutcherry; and so on, from day to day, until he shall be able to commence upon, or to complete the sale; but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

XXI. On the day of sale fixed according to Section VI. of this Act, sales shall proceed in regular order; the estate to be sold bearing the lowest number on the towjee or register in use in the Collector's office of the district being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other officer as aforesaid to put up any estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XXII. of this Act.

XXII. The party who shall be declared the purchaser of an estate or share of an estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale of the estate or share, as the Collector or other officer as aforesaid may think necessary, either in cash, Bank of Bengal Notes, or Post Bills, or Government Securities to be valued at the market rate of the day duly endorsed, twenty-five per cent. on the amount of his bid; and in default of such deposit, the estate or share shall forthwith be put up again and sold.

XXIII. The full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the estate or share of an estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, the deposit shall be forfeited to Government, the estate or share shall be re-sold, and the defaulting purchaser shall forfeit all claim to the estate or share, or to any part of the sum for which it may subsequently be sold. And in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorised for realising an arrear of public revenue, and such difference shall be taken and considered to be a part of the purchase money, and shall be dealt with in the manner hereinafter prescribed for the disposal thereof.

XXIV. When default is made in the payment of purchase money, a notification of the intended re-sale shall be published for the period and in the manner prescribed in Section VI. of this Act; but such notification shall not be published until the expiration of three clear days after the day on which the default shall have occurred, and if the payment or tender of

payment of the arrear on account of which the estate or share was first sold, and of any arrear which may have subsequently become due, shall be made by or on behalf of the proprietor of the estate or share before sunset of the third day, the issue of the notification of re-sale shall be stayed. The rules contained in the last preceding Section shall be applicable to every such re-sale. Provided that, if default of payment of purchase money shall occur more than once, the amount to be recovered from the defaulting bidders shall be the difference between the highest bid and the proceeds of the sale eventually consummated, which amount may be levied in manner aforesaid from any of the defaulting bidders to the extent of the amount by which his bid exceeds the amount realised.

XXV. It shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act, if preferred to him on or before the fifteenth day from the date of sale, reckoning, as in Section XXIII., or, if preferred to the Collector or other Officer as aforesaid for transmission to the Commissioner, on or before the tenth day from the day of sale, and not otherwise; and the Commissioner shall be competent, in every case of appeal so preferred, to annul any sale of an estate or share of an estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding, at the same time, to the purchaser a payment from the proprietor of any moderate compensation for his loss; if the sale shall have been occasioned by neglect of the proprietor, such compensation not to exceed the interest at the highest rate of the current Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's office; and the order of the Commissioner shall in such cases be final.

XXVI. It shall be competent to the Commissioner of Revenue, on the ground of hardship or injustice, to suspend the passing of final orders in any case of appeal from a sale, and to represent the case to the Board of Revenue, who, if they see cause, may recommend to the local Government to annul the sale; and the local Government in any such case may annul the sale, and cause the estate or share of an estate to be restored to the proprietor on such conditions as may appear equitable and proper.

XXVII. All sales of which the purchase money has been paid up, as prescribed in Section XXIII. of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale as the first of the said thirty days. And sales against which an appeal may have been preferred, and dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or, if less, then at noon of the thirtieth day, as above provided.

XXVIII. Immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid shall give to the purchaser a certificate of title in the form prescribed in Schedule A annexed to this Act. And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the estate or share of an estate sold being vested in the person or persons named from the date specified; and the Collector shall also notify such transfer by written proclamation in his own office, and in the Courts of the Moonsiffs and Police Thannahs within whose jurisdictions any part of the estate or share sold shall be situated.

XXIX. The Collector or other officer as aforesaid shall order delivery of possession of the estate or share purchased to be made by removing any person who may refuse to vacate the same, and by proclamation to

the occupants of the property by beat of drum, or in such other mode as may be customary, at some convenient place or places; and by affixing a copy of the certificate at the Mal cutcherry, or in some conspicuous place of the estate or share of an estate purchased.

XXX. The party certified as the proprietor of an

Liability of purchaser. estate or share of an estate by purchase under this Act shall be answerable for all instalments of the revenue of Government which may fall due after the latest day of payment aforesaid.

XXXI. The Collector shall apply the purchase

Application of purchase money. money first to the liquidation of all arrears due upon the latest day of payment from the estate or share of an estate sold; and secondly, to the liquidation of all outstanding demands debited to the estate or share of an estate in the public accounts of the District; holding the residue, if any, in deposit on account of the late recorded proprietor or proprietors of the estate or share of an estate sold or their heirs or representatives, to be paid to his or their receipt on demand in the manner following: to wit, in shares proportioned to their recorded interest in the estate or share of an estate sold, if such distinction of shares were recorded, or, if not, then as an aggregate sum, to the whole body of proprietors upon their joint receipt. And if before payment to the late proprietor or proprietors of any surplus that may remain of the purchase money, the same be claimed by any creditor in satisfaction of a debt, such surplus shall not be payable to such claimant, nor shall it be withheld from the proprietor, except under precept of a Civil Court.

XXXII. The annulment by a Commissioner or by

Notification of annulment of sale. Government of a sale made under this Act shall be publicly notified by the Collector or other officer as aforesaid, in the same manner as the becoming final and conclusive of sales is required to be notified by Section XXVIII. of this Act; and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser with the interest thereon at the highest rates of the current public securities, which shall be paid by the Government, unless the proprietor shall have become liable for the same under the provisions of Section XXV. or Section XXVI. of this Act.

XXXIII. No sale for arrears of revenue or other demands

Jurisdiction of Civil Courts in suits to amend sales. realisable in the same manner as arrears of revenue are realisable, made after the passing of this Act, shall be annulled by a Court of Justice, except upon the ground of its having been made contrary to the provisions of this Act, and then only on proof that the plaintiff has sustained substantial injury by reason of the irregularity complained of: and no such sale shall be annulled upon such ground, unless such ground shall have been declared and specified in an appeal made to the Commissioner under Section XXV. of this Act; and no suit to annul a sale made under this Act shall be received by any Court of justice, unless it shall be instituted within one year from the date of the sale becoming final and conclusive, as provided in Section XXVII. of this Act; and no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money. Provided,

Proviso. however, that nothing in this

Act contained shall be construed to debar any person considering himself wronged by any act or omission connected with a sale under this Act, from his remedy in a personal action for damages against the person by whose act or omission he considers himself to have been wronged.

XXXIV. If a sale made under this Act be annulled

Effects of annulment by decree of Court of sales under this Act. by a final decree of a Civil Court, application for the execution of such decree shall be made within six months after the date thereof; otherwise the party in whose

favour such decree was passed shall lose all benefit therefrom. And no order for restoring such decree-holder to possession shall be passed until any amount of surplus purchase money that may have been paid away by order of a Civil Court be repaid by him, with interest at the highest rate of the current Government Securities. And if such party shall neglect to pay any amount so recoverable, within six months from the date of such final decree, he shall lose all benefit therefrom.

XXXV. In the event of a sale being annulled by a

If sale annulled, purchase money to be refunded. final decree of a Court of Justice, and the former proprietor being restored to possession, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current public securities.

XXXVI. Any suit brought to oust the certified

No suits on the ground of benamie purchase. purchaser as aforesaid, on the ground that the purchase was made on behalf of another person not the certified purchaser, or on behalf partly of himself and partly of another person, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXXVII. The purchaser of an entire estate in the

Rights of a purchaser of a permanently settled estate sold for its own arrears. permanently settled Districts of Bengal, Behar, and Orissa, sold under this Act, for the recovery of arrears due on account of the same, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement; and shall be entitled to avoid and annul all under-tenures, and forthwith to eject all under-tenants, with the following exceptions:—

First.—Istemrree or mokurrree tenures which have been held at a fixed rent from the time of the permanent settlement.

Secondly.—Tenures existing at the time of settlement, which have not been held at a fixed rent. Provided always, that the rents of such tenures shall be liable to enhancement under any law for the time being in force for the enhancement of the rent of such tenures.

Thirdly.—Talookdaree and other similar tenures created since the time of settlement, and held immediately of the proprietors of estates; and farms for terms of years so held, when such tenures and farms have been duly registered under the provisions of this Act.

Fourthly.—Leases of lands whereon dwelling-houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying-grounds have been made, or wherein mines have been sunk.

And such a purchaser as is aforesaid shall be entitled to proceed in the manner prescribed by any law for the time being in force for the enhancement of the rent of any land coming within the fourth class of exceptions above made, if he can prove the same to have been held at what was originally an unfair rent, and if the same shall not have been held at a fixed rent, equal to the rent of good arable land, for a term exceeding twelve years, but not otherwise.

Provided always, that nothing in this Section contained

Proviso. shall be construed to entitle

any such purchaser as aforesaid to eject any ryot, having a right of occupancy at a fixed rent or at a rent assessable according to fixed rules under the laws in force, or to enhance the rent of any such ryot otherwise than in the manner prescribed by such laws, or otherwise than the former proprietor, irrespectively of all engagements made since the time of settlement, may have been entitled to do.

XXXVIII. The following rules for the registration

Registration of talookdaree tenures created after settlement and held for terms of years. of talookdaree and other similar tenures created since the time of settlement, and held immediately of the proprietors of estates and of farms for terms of years so held, shall be observed.

XXXIX. There shall be two sets of registers ; one for common registry, and one for special registry. Common registry shall secure such tenures and farms against any auction purchaser at a sale for arrears of revenue except the Government. Special registry shall secure such tenures and farms against any auction purchaser at a sale for arrears of revenue including the Government.

XL. The holder of any talookdaree or other similar tenure, such as is described in Section XXXVIII. of this Act, desirous of registering it, shall apply by petition to the Collector of the District to which the estate belongs. The application shall state which description of registry is desired, and shall contain the following particulars, so far as the same are ascertainable :—

1. The Pergunnah or Pergunnahs in which the tenure is situated.
2. The nature of the tenure.
3. The name or names of the village or villages whereof the land is composed, or wherein it is situated.
4. The area of the land comprised in the tenure, with its boundaries in complete detail.
5. The amount of rent payable annually for the tenure, and whether the rent is fixed for a term of years or in perpetuity ; and the duties, if any, required to be performed on account of it.
6. The date of the deed constituting the tenure, or the date when the tenure was created.
7. The name of the proprietor who created the tenure.
8. The name of the original holder of the tenure.
9. The name of the present possessor, and if he be not the original holder, the mode in which he succeeded to the tenure, whether by inheritance, gift, purchase, or otherwise, and whether he holds jointly or solely.

Holders of such farms as are described in the said Section may apply in like manner for registry of the same. The application shall contain such of the foregoing particulars as are applicable to farms.

XLI. When the application is for common registry, the Collector shall serve a notice on the recorded proprietor or proprietors of the estate

in which the tenure or farm is situated, or the authorised agent of such proprietor or proprietors, with a copy of the application annexed; and shall cause a notice, with a copy of the application annexed, to be affixed in his office, and at the mal-cutcherry of the estate in which the tenure or farm is situated, or in such other place or places as, in the opinion of the Collector, may be best suited to give publicity to the application, requiring the proprietor or any party interested, within thirty days from the issue of the said notice, to file any objections he may have to the registry of the tenure or farm, or to any statement contained in the application. If within the limited time no objection is made, the Collector shall register the tenure or farm. If within the limited time an objection is made by any recorded proprietor or by any party interested not being a proprietor, the Collector shall examine the person so objecting or his authorised agent ; and if it shall appear to him that such person has probable ground of objection, the Collector shall suspend proceedings, and shall refer the parties to the Civil Court, otherwise he shall grant the application. If the decision of the Civil Court be in favour of the applicant, the Collector, on the presentation of a copy of the final decree, shall register the tenure or farm.

XLII. When the application is for special registry, the Collector shall serve and issue the notices prescribed in the last preceding Section. If within the limited time no objection is made, the

Collector shall cause any inquiry that he may deem necessary for the security of the Government revenue to be made ; and if he is satisfied that the Government revenue of the parent estate is sufficiently secured so far as it may be affected by the tenure or farm in question, he shall report the case to the Commissioner, who, if also satisfied on that point, shall direct the tenure or farm to be registered according to the application, otherwise the application shall be rejected. If within the limited time, any recorded proprietor or any party interested, not being a proprietor, object to the registry, the Collector shall examine the person so objecting or his authorised agent ; and, if it shall appear to him that such person has probable ground of objection, shall suspend proceedings, and shall refer the parties to the Civil Court, otherwise he shall proceed as if no objection had been made. If the decision of the Civil Court be in favour of the applicant, the Collector, on the presentation of a copy of the final decree, shall proceed as above provided for cases in which no objection is made within the limited time.

XLIII. Leases of lands of the description specified in the fourth exceptional class in Section XXXVII. may be registered, at the option of the holders, in the manner and under the rules hereinbefore provided for the registry of Talookdaree and other similar tenures.

XLIV. Tenures of the first and second exceptional classes in Section XXXVII. may be registered, at the option of the holders, and when so registered shall be entered only in the special register. Application for such registry shall contain the particulars specified in Section XL. so far as the same are ascertainable, and notices shall be served and issued in the manner prescribed in Section XLI. If within the limited time no objection is made by any recorded proprietor or by any party interested, not being a proprietor, the Collector shall make such inquiries as may be necessary to satisfy him as to the validity of the tenure ; and if the result be to satisfy him that the tenure is valid, he shall report the case to the Commissioner, who, if also satisfied that the tenure is valid, shall direct it to be entered in the special register. Otherwise the application for registry shall be rejected. If within the limited time any recorded proprietor or other party as aforesaid object to the registry of the tenure, the Collector shall examine the person so objecting or his authorised agent, and if it shall appear to him that such person has probable ground of objection, shall suspend proceedings, and refer the parties to the Civil Court, otherwise he shall proceed as if no objection had been made. If the decision of the Civil Court be in favour of the applicant, the Collector, on the presentation of a copy of the final decree, shall proceed as above provided for cases in which no objection is made within the limited time. Provided always, that nothing contained in this Section shall be understood as rendering registration necessary for the protection of *bond fide* tenures of the description herein referred to.

XLV. Application for registry of existing tenures and farms must be made within three years after the passing of this Act. Application for the registry of tenures created after the passing of this Act must be made within three months from the date of the deed constituting the tenure.

XLVI. The actual expenses of any measurement, survey, or local inquiry made under Sections XLII. and XLIV. of this Act, shall be borne by the party who applies for the registry of his tenure or farm ; and such party may be required by the Collector, from time to time, to make such advances on this account as he may consider necessary.

XLVII. No Civil Court shall be competent to order the Revenue Authorities to enter any tenure or farm in the special register. Provided always, that the refusal of the Revenue Authorities to register any tenure or farm shall not affect the title of the holder, whatever it may be.

XLVIII. Subject to the general law of limitation, any person thinking himself wronged by the registry of a tenure or farm may file a suit for the cancellation of the same.

XLIX. In the execution of their functions in the registration of tenures and farms under this Act, all subordinate Revenue Authorities shall proceed in accordance with the general instructions which they may receive from the superior Revenue Authorities to whom they are subordinate, and from the local Government; and all orders passed under the Sections aforesaid shall be open to appeal in usual course. The order of a Commissioner for the special registry of a tenure under the provisions of this Act shall be open, at any time within one year from the date of registry, to revision by the Board of Revenue, or the local Government, on the ground of the Government Revenue not having been sufficiently secured, or of the invalidity of the tenure, as the case may be.

L. Entry in the special register shall be an effectual protection of the tenure or farm so registered, unless in a suit instituted by Government in a Civil Court within the period allowed for suits for the recovery of the public revenue a decree be passed pronouncing the registration to have been obtained by fraud, to the injury of the Government revenue. Provided that a tenure or farm in the hands of a *bona fide* purchaser for value shall not be avoided by reason of such fraud. But the tenure or farm shall be liable to such amount of rent as would have been fair and equitable at the time of the special registry thereof, such amount to be fixed by the Collector.

LI. Tenures and farms of the third exceptional class, described in Section XXXVII. of this Act, for the special registration of which application shall be made within the prescribed time, and in respect of which the Collector shall have commenced the inquiry prescribed in Section XLIII. shall, in case of the sale of the parent estate for arrears of revenue, be protected, pending the duration of such inquiry, and shall be protected eventually by registration, if the final award of the Revenue Authorities upon such application be in favour of the claimant.

LII. The purchaser of an estate in a district not permanently settled, sold under this Act for the recovery of arrears due on account of the same, shall acquire the estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryots or the like, settled or accredited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager, may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except leases of lands whereon dwelling-houses, manufactories, or other permanent buildings have been erected, or whereon gardens, plantations, tanks, wells, canals, places of worship, or burning or burying-grounds have been made, or wherein mines

have been sunk, which leases or engagements shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing contained in this Section shall be construed to entitle any purchaser of land at a public sale for arrears of revenue to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid, than was demandable by the former proprietor, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, or in cases in which it may be proved that, according to the custom of the pergunnah, mouzah, or other local division, such persons are liable to be called upon for any new assessment, or other demand not interdicted by the regulations of Government.

LIII. Excepting sharers in estates under butwarrah who may have saved their shares from sale under Sections XXXIII. and XXXIV. Rights of a purchaser being a sharer in any estate;

Regulation XIX. 1814, and sharers with whom the Collector, under Sections X. and XI. of this Act, has opened separate accounts, any recorded or unrecorded proprietor or co-partner, who may purchase the estate of which he is proprietor or co-partner, or who, by re-purchase or otherwise, may recover possession of the said estate, after it has been sold for arrears under this Act; and likewise

any purchaser of an estate sold for arrears or demands other than those accruing upon itself, shall by such purchase acquire the estate subject to all its encumbrances existing at the time of sale, and shall not acquire any rights in respect to under-tenants or ryots, which were not possessed by the previous proprietor at the time of the sale of the said estate.

LIV. When a share or shares of an estate may be sold under the provisions of Section XIII. or Section XIV., the purchaser shall acquire the share or shares subject to all encumbrances, and shall not acquire any rights which were not possessed by the previous owner or owners.

LV. Arrears of rent, which on the latest day of payment may be due to the defaulter from his under-tenants or ryots, shall, in the event of a sale, be recoverable by him after the said latest day, by any process except distraint which might have been used by him for that purpose on or before the said latest day.

LVI. Any Collector or other officer as aforesaid, conducting a sale under this Act, shall be competent to punish any contempt committed in his presence in open cutcherry or office for the time being, by fine to an extent not exceeding Two Hundred Rupees, commutable, if not paid, to imprisonment in the Civil Jail for a period not exceeding one month; and the Magistrate, to whom such an offender may be sent by a Collector or other officer as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

LVII. A default to make good a bid by making the deposit required by Section XXII. of this Act, shall be held to be a contempt. Default in making deposit to be considered a contempt.

LVIII. When an estate is put up for sale under this Act for the recovery of arrears of revenue due thereon, if there be no bid, the Collector or other officer as aforesaid may purchase the estate on account of the Government for One Rupee; or if the highest bid be insufficient to cover the said arrears and those subsequently accruing up to the date of sale, the Collector or other officer as aforesaid

may take or purchase the estate on account of the Government at the highest amount bid; in both which cases the Government shall acquire the property subject to the provisions of this Act.

LIX. The Collector on the part of the Government shall be entitled to demand Fees and charges demanded by Collector. from applicants under Sections X. and XI., Sections XV. and XVI., and Sections XL., XLIII., and XLIV. of this Act, fees not exceeding the rates specified in Schedule B to this Act annexed, which Schedule shall be taken as part of this Act; and applications under the said Sections shall not be received unless the said fees are tendered therewith.

LX. The provisions of Regulation VII. 1822 and Regulations VII. 1822 and IX. 1825 to be in force in certain estates. in force in every estate in any part of which a measurement, survey, or local inquiry may be made under this Act; and in every estate purchased or taken on account of Government under this Act.

LXI. In the construction of this Act the word Interpretation. "Collector" shall include a Deputy Collector, or other officer exercising by the authority of Government the powers of a Collector or Deputy Collector.

LXII. The operation of this Act shall be confined to such parts of the Lower Provinces in the Presidency of Fort William in Bengal as Application and commencement of this Act. are or shall be subject to the general regulations of that Presidency.

SCHEDULE A.

I certify that A. B. has purchased, under Act No. XI. of 1859, the mehal (or share of a mehal) specified below, standing in the towjee of the district of and that his purchase took effect on the day of (being the day after that fixed for last day of payment.)

(Signed) D. E.,
Collector.

SPECIFICATION.

(If of an entire Mehal.)

Towjee number
Name of Mehal
Name of the former proprietor
Sudder Jumma

(If of a share of a Mehal.)

Towjee number of the entire Mehal
Name of the entire Mehal
Sudder Jumma of the entire Mehal
Description of the share sold
Subordinate Towjee number of the share sold
Name of the former proprietor of the share sold
Sudder Jumma for which the share sold is separately liable.

SCHEDULE B.

FEEs.

For filing an application under Section X. or Section XI. for opening a separate account for a share of an entire estate.

If the annual jumma of the share do not exceed Rs. 250..... Rs. 25 0 0

If the annual jumma of the share exceed Rs. 250 and do not exceed Rs. 1,000, at the rate of ten per cent. upon the jumma.

If the annual jumma of the share exceed Rs. 1,000, at the rate of ten per cent. upon Rs. 1,000, and two per cent. upon all above that amount.

For filing an application for a deposit of money or Government Securities under Section XV., half per cent. on the amount deposited.

For any interest on Government Securities so deposited, drawn by the Collector, half per cent. of the amount drawn.

For filing an application for withdrawal of a deposit under Section XVI., half per cent. of the amount withdrawn.

For filing an application under Section XL., XLIII. or XLIV. for the registration of under-tenure or farm.

If the annual rent of the under-tenure do not exceed Rs. 500..... Rs. 25 0 0

If the annual rent of the under-tenure exceed Rs. 500 and do not exceed Rs. 1,000, at the rate of five per cent. upon the rent.

If the annual rent of the under-tenure exceed Rs. 1,000, at the above rate up to Rs. 1,000, and at one per cent. upon all above that amount.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 4th May 1859, and is hereby promulgated for general information:—

ACT No. XII. of 1859.

An Act to make Better Provision for the Trial of Pilots at the Presidency of Fort William in Bengal for Breach of Duty.

Whereas it is expedient to amend the law for the

Preamble. trial of persons employed in the Pilot Service of Government at the Presidency of Fort William in Bengal, when accused of breach of duty, and to extend the same to persons licensed to act as Pilots at the said Presidency; It is enacted as follows:—

I. Act XXIV. of 1845 (for Establishing a Court for the Trial of Officers of the Pilot Service accused of Breach of Duty) and Act I. of 1851 (for the Appropriation of Fines levied under Act XXIV. of 1845) are hereby repealed.

II. When any person employed in the Pilot Service of Government at the Presidency of Fort William in Bengal, or licensed to act as a Pilot at the said Presidency, shall be accused of having committed any breach of duty while engaged in such Service or acting under such license, and it shall appear to the Superintendent of Marine, or to the Lieutenant Governor of Bengal, that such person ought to be brought to trial for such breach of duty, such person shall be brought to trial upon a charge or charges framed by the said Superintendent of Marine, or such other person as the said Lieutenant Governor shall direct, before a Court constituted under the provisions of this Act.

III. The Lieutenant Governor of Bengal shall appoint a fit person to be Judge of the said Court.

IV. The Lieutenant Governor shall appoint such person as he may think proper to conduct the proceedings before the Court as Prosecutor on the part of Government.

V. Every trial under this Act shall be held before the said Judge and a Jury composed of two Merchants of Calcutta, a Master of a Merchant Ship lying in the Port of Calcutta, and a Pilot of not less than twenty years' service.

VI. The Judge shall cause to be prepared and shall keep two separate lists, one containing the names of Merchants, the other containing the names of Pilots, liable to serve on such Jury. The names in each list shall be arranged in alphabetical order, and the place of abode and quality or business of each person named shall be stated.

VII. When the Judge shall be about to hold a trial under this Act, he shall give notice to the prosecutor and to the party accused of a time and place to be fixed by the Judge for appointing a Jury to serve at such trial.

VIII. At the time and place mentioned in the notice, the Judge, in the presence of the prosecutor and the person accused, shall read over the names which first occur in each of the said lists of those Merchants and Pilots who, he has reason to believe, are present in Calcutta and capable of attending as Jurors at the trial; and shall also propose the name of a Master of a Merchant Ship lying in the Port of Calcutta, whom he deems qualified to serve on such Jury. If no objection be made and allowed, the persons so nominated shall be the Jury to serve at the trial. If the prosecutor or the party accused shall object to any of the persons named as Jurors, he shall assign the grounds of his objection, and such objection shall forthwith be decided by the Judge. If the objection be allowed, the Judge shall read from the said lists or propose (as the case may be) another name in the place of the one objected to, and the person so nominated shall serve on the Jury, provided no objection to such person be made and allowed as aforesaid.

IX. When a Jury has been appointed under the last preceding Section, the Judge shall fix a day for the trial, and shall summon by writing under his hand the persons so appointed to sit as a Jury. If any such person, when duly summoned, shall, without such excuse as the Judge shall allow to be sufficient, neglect or refuse to attend at the time appointed, or to remain in attendance until the trial shall be completed, it shall be lawful for the said Judge to impose upon any such person a fine not exceeding Two Hundred Rupees for every such default; and such fine, if not paid, shall be levied by distress and sale of the goods and chattels of the defaulter under a warrant to be issued for that purpose by the Judge. Such warrant may be transmitted by the Judge to any Magistrate of Police for the town of Calcutta, and thereupon such Magistrate shall endorse the same, and shall cause it to be executed in the same manner as if the warrant had been issued by such Magistrate.

X. If for any cause any of the persons summoned to attend as Jurors shall not be in attendance at the time fixed for the commencement of the trial, the trial may, with the consent of the prosecutor and the party accused, be held before the Judge and such Jurors as shall be in attendance. If such consent be not given, the place of the absent Juror shall be supplied by some other person selected by the Judge from the same profession or calling as the person originally summoned, and who shall consent to serve, provided no objection to such person be made and allowed in manner aforesaid. If the parties or either of them do not consent that the trial shall be held before the Judge and such Jurors as may be in attendance, and the place of the absent Juror cannot be supplied by a person consenting to serve, the trial shall be postponed to another day, and the Judge shall either re-summon the same Jury or appoint and summon another Jury in the manner hereinbefore provided.

XI. The Judge shall register in a book the names of all Jurors mentioned in either of the said two lists who have attended and served on a trial held under this Act. A Juror who has served shall not be required again to serve, and his name shall be excluded in reading over the Jury lists, until all the persons named in the said lists, who are present in Calcutta and capable of attending as Jurors, shall have served.

XII. Before the commencement of any trial under this Act, the persons summoned and attending as Jurors shall be sworn or affirmed by the Judge of the Court to give a true verdict according to the evidence.

XIII. It shall be lawful for the Judge of the said Court, at the instance of the Prosecutor, or of the party accused, or of his own motion, by writing under his hand, to summon any person to attend as a witness at a time and place to be specified in the summons, for the purpose of being examined at any trial before the said Court; or if such person shall be about to depart from Calcutta, so as to be unable to attend at such trial without serious inconvenience, then to be examined before the Judge of the said Court before the day fixed for the trial: provided always, that due notice of the time and place of such examination shall be given to the accused party; provided also, that such witness may nevertheless be examined at the trial, if he shall be able to attend thereat, in which case his previous examination may also be read at the trial.

XIV. If any person who shall have been duly summoned to attend as a witness shall, without sufficient excuse, neglect or refuse to attend, or, attending, shall refuse to give evidence, or to answer any question which may be lawfully put to him, such person shall forfeit and pay such fine, not exceeding Five Hundred Rupees, as the Judge of the said Court shall order; and such fine, if not paid, shall be levied by distress and sale of the goods and chattels of the person ordered to pay the same, in the manner prescribed in Section IX. of this Act.

XV. The evidence of every witness examined before the said Court shall be given on oath, affirmation, or otherwise, according to the rules in that behalf for the time being in force for the examination of witnesses in Her Majesty's Supreme Court of Judicature.

XVI. Upon the completion of the trial, the Jurors shall give their verdict upon the charge, or, if there be more than one, upon each separate charge. The verdict shall be according to the opinion of the majority of Jurors. If the Jurors are equally divided, the Judge shall declare his opinion, and the verdict shall be according to the opinion of the Judge and the Jurors with whom he concurs.

XVII. If, by such verdict, the accused person is found guilty of the charge, or of any one or more of the charges preferred against him, the Judge of the Court shall sentence him to be dismissed from the said Pilot Service, or to have his license withdrawn, or shall award such other punishment, by loss of rank or pay, or by change of a license from a higher to a lower grade, or suspension from employment for a specified period, as to the Judge shall appear fit. The Lieutenant Governor of Bengal, with the sanction of the Governor General in Council, may prepare a Schedule of offences and punishments (such punishments

being of the same nature as those hereinbefore mentioned) for the guidance of the said Court; and if such Schedule be prepared and sanctioned, and the charge proved before the said Court is an offence specified in such Schedule, the Judge of the said Court shall award such punishment as is prescribed for such offence in the said Schedule, and no other. If by such verdict as

acquittal. aforesaid the accused person is found not guilty of the charge or charges preferred against him, the Judge shall declare him acquitted of the same.

XVIII. The proceedings of the Court shall be sent by the Judge to the Superintendent of Marine, for submission to the Lieutenant Governor of Bengal; and no sentence of punishment pronounced by the Judge of the said Court shall be final until it has been approved of by the said Lieutenant Governor. The said Lieutenant Governor may remit the whole or any part of such sentence, or may direct the substitution of any mitigated punishment in lieu of the punishment awarded by the said Court, as he shall think fit.

XIX. If it shall appear to the Judge of the said Court that the verdict of the Jurors is manifestly contrary to the evidence, or that the trial is otherwise insufficient, the Judge, instead of passing sentence on the accused person, or declaring him acquitted, as the case may be, may certify the same to the Lieutenant Governor of Bengal, and the said Lieutenant Governor may either order a new trial before another Jury or acquit the accused person, as he shall think fit.

XX. It shall be lawful for the Lieutenant Governor of Bengal to make such rules as he shall think proper, not inconsistent with the provisions of this Act, for conducting the proceedings and regulating the practice of the said Court.

XXI. Nothing contained in this Act shall be held to restrict the Marine Authorities or the Government from passing such orders as may be deemed proper, upon any charge of breach of duty preferred against any person employed in the said Pilot Service, when it shall not be deemed necessary that such person should be brought to trial for such breach of duty under the provisions of this Act.

XXII. If any person licensed to act as a Pilot, when duly charged with breach of duty as aforesaid, shall refuse to submit himself to trial under the provisions of this Act, the license of such person shall be withdrawn, and he shall be incapable of being again licensed to act as a Pilot at the said Presidency.

XXIII. The provisions of this Act shall extend to all persons employed in the Pilot Service at the said Presidency, and borne on the rolls of the Government establishment, whether such persons receive fixed salaries, or are remunerated by a portion of the pilotage charged on the vessels piloted by them, or in any other manner, and to all persons licensed to act as Pilots at the said Presidency.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 4th May 1859, and is hereby promulgated for general information:—

Act No. XIII. of 1859.

An Act to Provide for the Punishment of Breaches of Contract by Artificers, Workmen, and Labourers in certain cases:

Whereas much loss and inconvenience are sustained

Preamble.

by manufacturers, tradesmen, and others in the several Presidency Towns of Calcutta, Madras, and Bombay, and in other places, from fraudulent breach of contract on the part of Artificers, Workmen, and Labourers who have received money in advance on account of work which they have contracted to perform; and whereas the remedy by suit in the Civil Courts for the recovery of damages is wholly insufficient, and it is just and proper that persons guilty of such fraudulent breach of contract should be subject to punishment; It is enacted as follows:—

I. When any Artificer, Workman, or Labourer shall have received from any Master or Employer resident or carrying on business in any Presidency Town, or in any station of the Settlement of Prince of Wales' Island, Singapore, and Malacca, or from any person acting on behalf of such Master or Employer, an advance of money on account of any work which he shall have contracted to perform, or to get performed by any other Artificers, Workmen, or Labourers, if such Artificer, Workman, or Labourer shall wilfully and without lawful or reasonable excuse neglect or refuse to perform or get performed such work according to the terms of his contract, such Master or Employer or any such person as aforesaid may complain to a Magistrate of Police, and the Magistrate shall thereupon issue a summons or a warrant, as he shall think proper, for bringing before him such Artificer, Workman, or Labourer, and shall hear and determine the case.

II. If it shall be proved to the satisfaction of the Magistrate that such Artificer, Workman, or Labourer has received money in advance from the complainant on account of any work, and has wilfully and without lawful or reasonable excuse neglected or refused to perform or get performed the same according to the terms of his contract, the Magistrate shall, at the option of the complainant, either order such Artificer, Workman, or Labourer to repay the money advanced, or such part thereof as may seem to the Magistrate just and proper, or order him to perform or get performed such work, according to the terms of his contract; and if such Artificer, Workman, or Labourer shall fail to comply with the said order, the Magistrate may sentence him to be imprisoned with hard labour for a term not exceeding Three Months, or, if the order be for the repayment of a sum of money, for a term not exceeding Three Months, or until such sum of money shall be sooner repaid; provided that no such order for the repayment of any money shall, while the same remains unsatisfied, deprive the complainant of any Civil remedy by action or otherwise which he might have had but for this Act.

III. When the Magistrate shall order any Artificer, Workman, or Labourer to perform or get performed any work according to the terms of his contract, he may also, at the request of the complainant, require such Artificer, Workman, or Labourer to enter into a recognisance

with sufficient security for the due performance of the order; and, in default of his entering into such recognisance or furnishing such security to the satisfaction of the Magistrate, may sentence him to be imprisoned with hard labour for a period not exceeding Three Months.

IV. The word "contract," as used in this Act, shall extend to all contracts and agreements whether by deed, or written, or verbal, and whether such contract be for a term certain, or for specified work, or otherwise.

V. This Act may be extended by the Governor General of India in Council, or by the Executive Government of any Presidency or place, to any place within the limits of their respective jurisdictions. In the event of this Act being so extended, the powers hereby vested in a Magistrate of Police shall be exercised by such Officer or Officers as shall be specially appointed by Government to exercise such powers.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 4th May 1859, and is hereby promulgated for general information:—

ACT No. XIV. OF 1859.

An Act 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 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, whether the same is founded on law, or general usage, or on special contract—the period

Limitation of one year.

Pre-emption suits.

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, 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 under Regulation V. 1822 of the Madras Code—the period of one year from the time the cause of action arose.

Limitation of one year.

Suits for damages, summary suits, &c.

3. To suits to set aside the sale of any property, moveable or immovable, sold under an execution of a decree of any Civil Court not established by Royal Charter

Limitation of one year.

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

when such suit is maintainable; to suits to set aside the sale of any property, moveable or immovable, for 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 decree or order of a Collector or other Officer of Revenue—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 set aside any attachment, lease, or transfer of any land or interest in land by the Revenue Authorities for arrears of Government Revenue; or to recover any money paid under protest in satisfaction of any claim made by the Revenue Authorities on account of arrears of revenue or demands recoverable as arrears of revenue—one year from the date of such attachment, lease, or transfer, or of such payment, as the case may be.

Limitation of one year.

Suits to set aside attachments, &c. by Revenue Authorities for arrears of Government Revenue.

5. To suits to alter or set aside summary decisions and orders of any of the Civil Courts not established by Royal Charter, when such suit is maintainable—the period of one year from the date of the final decision, award, or order in the case.

Limitation of one year.

Suits to set aside summary decisions, &c.

6. To suits 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.

Limitation of three years.

Suits to contest certain awards.

7. To suits by any party bound by any order respecting the possession of property made under Clause 2, Section I. Act XVI. 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 the case.

Limitation of three years.

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

8. To suits to recover the hire of animals, vehicles, 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 under Regulation V. 1822 of the Madras Code)—the period of three years from the time the cause of action arose.

Limitation of three years.

Suits for goods sold by retail, &c.

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

Limitation of three years.

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

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

Limitation of three years.

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

first took place, unless such engagement or contract shall have been registered within six months from the date thereof.

11. To suits in cases governed by English law upon 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.

Limitation of 12 years.
Suits for specialty-debts and legacies.

12. To suits for the recovery of 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.

Limitation of 12 years.
Suits for immovable property.

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

Limitation of 12 years.
Suits for shares in joint family property and for maintenance.

14. 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

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

land has been held Lakheraj or rent-free from the period of the permanent settlement.

15. To suits against a depositary, 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 depositary, 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, pawnings, or mortgagees to recover immovable property.

16. 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 six years applicable to all suits not especially provided for.

II. No suit against a trustee in his lifetime, and no suits 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

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

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.

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.

Shorter periods of limitation, if prescribed by particular Acts, to prevail.

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

Revival of right to sue by admission in writing.

more than one person be liable, none of them shall become chargeable by reason only of a written acknowledgment signed by another of them.

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, depositary, 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 a depositary, pawnee, or mortgagee, no such suit shall be maintained unless brought within the time limited by Clause 15 Section I.

Computation of period of limitation in suits to recover property purchased from depositaries, pawnings, or mortgagees.

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.

Computation of period of limitation in suits in Supreme Courts by mortgagees to recover immovable property mortgaged.

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.

Computation of period of limitation in suits to avoid incumbrances or under-tenures in estates sold for arrears of Government Revenue.

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.

Computation of period of limitation in suits between merchants for balances of accounts current.

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

Computation of period of limitation in case of concealed fraud.

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.

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, *bona 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

Suit for dispossession to be brought within six months.

Suit to establish title not to be affected.

possession thereof within the period limited by this Act.

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 therein 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 Re-

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

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

venue 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.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

21st May 1859.

The following Act, passed by the Legislative Council, received the assent of the Right Honorable the Governor General on the 17th May 1859, and is hereby promulgated for general information:—

Act No. XV. of 1859.

An Act for Granting Exclusive Privileges to Inventors.

Whereas Act VI. of 1856, entitled "An Act for granting exclusive privileges to Inventors," was passed by the Legislative Council of India without the sanction of Her Majesty to the passing thereof having been previously obtained and signified in pursuance of the Statute passed in the Seventeenth year of the reign of Her Majesty, entitled "An Act to provide for the Government of India": And whereas Her Majesty's Law Officers having given it as their opinion that the Legislative Council of India was not competent to pass Act VI. of 1856 without previously obtaining the sanction of the Crown; and the Court of Directors of the East India Company having, in pursuance of the power vested in them by law, disallowed Act VI. of 1856, and having signified to the Governor General of India in Council their disallowance thereof, the said Act was repealed by Act IX. of 1857; and whereas it is expedient, for the encouragement of Inventors of new manufactures, that certain exclusive privileges in their inventions should be granted to them in India, and that exclusive privileges obtained under the said Act should be protected; It is enacted as follows (the sanction of Her Majesty to the passing of this Act having been previously obtained and signified in pursuance of the said Statute):—

I. The inventor of any new manufacture may petition the Governor General of India in Council for leave to file a specification thereof.

Every such petition shall be in writing in the form or to the effect mentioned in the Schedule hereunto annexed, and shall be signed by the petitioner, or, in case the petitioner shall be absent from India, by an authorised agent, and shall state the name, condition, and place of residence of the petitioner, and the nature of the invention.

II. Upon such petition, the Governor General of India in Council may make an order authorising the petitioner to file a specification of the invention.

III. Before making such order, the Governor General of India in Council may refer the petition to any person or persons for inquiry and report, and such person or persons shall be entitled to a reasonable fee for such inquiry and report to be paid by the petitioner: the amount of such fee, in case of dispute, to be settled by a Judge of one of Her Majesty's Courts of Judicature in a summary manner.

IV. If, within the space of six calendar months from the date of such order, the petitioner cause a specification of his invention to be filed in manner hereinafter mentioned, the petitioner, his executors, administrators, or assigns, shall be entitled to the sole and exclusive privilege of making, selling, and using the said invention in India, and of authorising others so to do, for the term of fourteen years from the time of filing such specification, and for such further term (if any) not exceeding fourteen years from the expiration of the first fourteen years, as the Governor General of India in Council may think fit to direct, upon petition to be presented by such inventor, at any period not more than one year, and not less than six calendar months, before the expiration of the exclusive privilege hereby granted.

Extension of term of exclusive privilege. Petitioner entitled to exclusive privilege for 14 years from the time of filing specification. the petitioner cause a specification of his invention to be filed in manner hereinafter mentioned, the petitioner, his executors, administrators, or assigns, shall be entitled to the sole and exclusive privilege of making, selling, and using the said invention in India, and of authorising others so to do, for the term of fourteen years from the time of filing such specification, and for such further term (if any) not exceeding fourteen years from the expiration of the first fourteen years, as the Governor General of India in Council may think fit to direct, upon petition to be presented by such inventor, at any period not more than one year, and not less than six calendar months, before the expiration of the exclusive privilege hereby granted.

V. An order authorising the filing of a specification or for extending the term of such exclusive privilege as aforesaid, may be made subject to any such conditions and restrictions as the Governor General of India in Council may think expedient.

VI. Every specification of an invention filed under this Act shall be in writing, and shall be signed by the petitioner, and shall particularly describe and ascertain the nature of the said invention, and in what manner the same is to be performed.

VII. Every petition for leave to file a specification, and every specification filed under this Act, shall be left with the Secretary to the Government of India in the Home Department, and every petition and specification shall be accompanied by a declaration in writing signed by the petitioner in the forms or to the effect mentioned in the Schedule hereunto annexed; and if the inventor be absent from India, the petition and specification shall also be accompanied by a declaration signed by the agent, who shall present or file the same, to the effect that he verily believes that the declaration purporting to be the declaration of the inventor was signed by him, and that the contents thereof are true, which declaration shall be in the form or to the effect mentioned in the said Schedule. The date of the delivery of every such petition and specification shall be endorsed on the

Petition and specification to be left with Secretary to Government. Declaration in writing signed by the petitioner in the forms or to the effect mentioned in the Schedule hereunto annexed; and if the inventor be absent from India, the petition and specification shall also be accompanied by a declaration signed by the agent, who shall present or file the same, to the effect that he verily believes that the declaration purporting to be the declaration of the inventor was signed by him, and that the contents thereof are true, which declaration shall be in the form or to the effect mentioned in the said Schedule. The date of the delivery of every such petition and specification shall be endorsed on the

Petition, &c. to be accompanied by declaration. Date of delivery to be endorsed on petition, the date of the delivery of every such petition and specification shall be endorsed on the

same respectively, and shall also be recorded at the Office of the said Secretary.

VIII. If any person, who shall make a declaration under this Act, shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against, and upon conviction punished accordingly.

IX. No specification shall be filed until the petitioner shall have paid all fees payable under this Act, including the fees (if any) of the person or persons to whom the petition shall have been referred for inquiry and report.

X. At the time of delivering the specification for the purpose of being filed, the petitioner shall cause to be delivered to the said Secretary five copies thereof, of which—

One shall be sent to and filed by one of the Secretaries to the Government of Bengal;

One shall be sent to and filed by one of the Secretaries to the Government of Fort St. George;

One shall be sent to and filed by one of the Secretaries to the Government of Bombay; and

One shall be sent to and filed by one of the Secretaries to the Government of the North-Western Provinces.

A copy of such specification shall be open at all reasonable times at the Office of each of the said Secretaries to public inspection upon payment of a fee of One Rupee.

XI. A book shall be kept in the Office of the said Secretary to the Government of India wherein shall be entered and recorded every such petition and specification, and every order made upon such petition or relating to the invention therein mentioned. Every specification shall be numbered according to the order in which it is entered in such book; and a reference shall be made in such book, in the margin of the entry of each specification, to every order relating to the invention, and to every petition, memorandum, or amended specification which shall be filed under the provisions of Section XIV.

XII. Such book, or a copy thereof, shall be open at all convenient times for the inspection of any person upon payment of a fee of One Rupee; and the said Secretary shall cause a copy of any entry therein, certified under his hand, to be

given to any person requiring the same, on payment of the expense of copying.

XIII. Every such certified copy shall be *prima facie* evidence of the document of which it purports to be a copy.

XIV. If, after the filing of the specification, the petitioner shall have reason to believe that, through mistake or inadvertence, he has erroneously made any misstatement in his petition or specification, or included therein something which, at the date of his petition, was not new, or whereof he was not the inventor, or that such specification is, in any particular, defective or insufficient, he may petition the Governor General in Council for leave to file a memorandum pointing out such error, defect, or insufficiency, and disclaiming any part of the alleged invention, or, in case of any defect or insufficiency of the specification, for leave to file an amended specification. The petition shall state how the error, defect, or insufficiency occurred, and that it was not fraudulently intended, and shall be accompanied by a declaration in writing signed by the petitioner, and

if he be absent from India by his agent, stating that the contents of such petition are true to the best of his knowledge and belief. Upon such petition the Governor General in Council may make an order allowing such memorandum or amended specification to be filed. All the provisions of Sections X., XI., XII., and XIII., applicable to specifications, shall be applicable to the petitions, orders, and memoranda, or amended specifications referred to in this Section. An amended specification filed under the provisions of this Act shall, except as to suits or proceedings relating to the exclusive privilege which shall be pending at the time of the filing of such amended specification, have the same effect as if it had been the specification first filed; provided that nothing contained in an amended specification shall extend or enlarge any exclusive privilege before acquired.

Effect of amended specification.

XV. No person shall be entitled to any exclusive privilege under the provisions of this Act—

If the invention is of no utility, or—

If the invention, at the time of presenting the petition for leave to file the specification, was not a new invention within the meaning of this Act, or—

If the petitioner is not the inventor thereof, or—

If the specification filed, or the amended specification (if any) does not particularly describe and ascertain the nature of the invention, and

If specification does not describe the invention—

in what manner the same is to be performed, or—

If the original or any subsequent petition relating to the invention, or the original or any amended specification, contain a wilful or fraudulent misstatement.

XVI. Every exclusive privilege under this Act shall cease if the Governor General of India in Council shall declare that the same, or the mode in which it is exercised, is mischievous to the State, or generally prejudicial to the public; or if a breach of any special condition on which the petitioner shall be authorised to file a specification, or upon which the term of the exclusive privilege shall be extended, shall be proved to the satisfaction of any of Her Majesty's Courts of Judicature, and if the Governor General of India in Council shall thereupon declare that such exclusive privilege shall cease.

XVII. The importer into India of a new invention shall not be deemed an inventor within the meaning of this Act, unless he be the actual inventor.

XVIII. A foreigner, whether resident abroad or not, may petition for leave to file a specification under this Act.

XIX. An invention shall be deemed a new invention within the meaning of this Act, if it shall not, before the time of applying for leave to file the specification, have been publicly used in India or in any part of the United Kingdom of Great Britain and Ireland, or been made publicly known in any part of India or of the United Kingdom by means of a publication, either printed or written, or partly printed and partly written. The public use or knowledge of an invention, prior to the

Knowledge of invention fraudulently acquired.

Effect of amended specification.

No person entitled to exclusive privilege in any of the following cases—

If invention of no utility, or—

If the invention, at the time of presenting the petition for leave to file the specification, was not a new invention within the meaning of this Act, or—

If the petitioner is not the inventor thereof, or—

If the specification filed, or the amended specification (if any) does not particularly describe and ascertain the nature of the invention, and

If specification does not describe the invention—

in what manner the same is to be performed, or—

If the original or any subsequent petition relating to the invention, or the original or any amended specification, contain a wilful or fraudulent misstatement.

XVI. Every exclusive privilege under this Act shall cease if the Governor General of India in Council shall declare that the same, or the mode in which it is exercised, is mischievous to the State, or generally prejudicial to the public; or if a breach of any special condition on which the petitioner shall be authorised to file a specification, or upon which the term of the exclusive privilege shall be extended, shall be proved to the satisfaction of any of Her Majesty's Courts of Judicature, and if the Governor General of India in Council shall thereupon declare that such exclusive privilege shall cease.

XVII. The importer into India of a new invention shall not be deemed an inventor within the meaning of this Act, unless he be the actual inventor.

XVIII. A foreigner, whether resident abroad or not, may petition for leave to file a specification under this Act.

XIX. An invention shall be deemed a new invention within the meaning of this Act, if it shall not, before the time of applying for leave to file the specification, have been publicly used in India or in any part of the United Kingdom of Great Britain and Ireland, or been made publicly known in any part of India or of the United Kingdom by means of a publication, either printed or written, or partly printed and partly written. The public use or knowledge of an invention, prior to the

the application for leave to file a specification, shall not be deemed a public use or knowledge within the meaning of this Section, if the knowledge shall have been obtained surreptitiously or in fraud of the inventor, or shall have been communicated to the public in fraud of the inventor or in breach of confidence: provided the inventor shall, within six calendar months after the commencement of such public use, apply for leave to file his specification, and shall not previously have acquiesced in such public use; provided also, that the use of an invention in public by the inventor thereof, or by his servants or agents, or by any other person by his license, in writing, for a period not exceeding one year prior to the date of his petition, shall not be deemed a public use thereof within the meaning of this Act.

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Public use by inventor.

by the inventor thereof, or by his servants or agents, or by any other person by his license, in writing, for a period not exceeding one year prior to the date of his petition, shall not be deemed a public use thereof within the meaning of this Act.

XX. If an inventor who, prior to the time of applying for leave to file a specification of an invention under this Act, shall have obtained Her Majesty's Letters Patent for the exclusive use of such invention in the United Kingdom or any part thereof, shall, within twelve calendar months from the passing of this Act, or within twelve calendar months from the date of such Letters Patent, petition the Governor General of India in Council for leave to file a specification of such invention (which petition shall be in writing in the form or to the effect mentioned in the Schedule), the invention shall be deemed a new invention within the meaning of this Act, if it was not publicly known or used in India at or before the date of the petition for such Letters Patent, notwithstanding it may have been publicly known or used in some part of the United Kingdom or in India before the time of his petitioning, under this Act, for leave to file the specification; provided, that the petition, for leave to file the specification, shall state that such Letters Patent have been granted, and shall also state the date thereof and the term during which the same are to continue in force; provided also, that an exclusive privilege, obtained under the provisions of this Act by an inventor who has obtained Her Majesty's Letters Patent for the exclusive use of such invention, shall cease to have effect, if such Letters Patent be revoked or cancelled; and that no such exclusive privilege shall extend beyond the term granted by such Letters Patent, unless the same shall be renewed, in which case, the exclusive privilege may be renewed under this Act for the extended term or any part thereof.

Inventor having obtained English Letters Patent, to petition within 12 months from the passing of this Act or from the date of the Letters Patent.

Invention, if not publicly known or used in India at the time of applying for such Letters Patent, to be deemed new.

What to be stated in such petition.

Duration of exclusive privilege.

Her Majesty's Letters Patent for the exclusive use of such invention, shall cease to have effect, if such Letters Patent be revoked or cancelled; and that no such exclusive privilege shall extend beyond the term granted by such Letters Patent, unless the same shall be renewed, in which case, the exclusive privilege may be renewed under this Act for the extended term or any part thereof.

XXI. No exclusive privilege obtained under this Act, shall entitle the owner of such privilege to exclude any person from using the invention, who, prior to the 7th day of July 1855, used the same in India.

Saving of rights of persons who used invention before 7th of July 1855.

7th day of July 1855, used the same in India.

XXII. An action may be maintained by an inventor against any person who, during the continuance of any exclusive privilege granted by this Act, shall, without the license of the said inventor, make, use, sell, or put in practice the said invention, or who shall counterfeit or imitate the same. Provided that, no such action shall be maintained in any Court other than the principal Court of original jurisdiction in Civil cases within the local limits of whose jurisdiction the cause of action shall accrue, or the defendant shall reside as a fixed inhabitant.

Action for infringement.

XXIII. No such action shall be defended upon the ground of any defect or insufficiency of the specification of the invention, nor upon the ground that the original, or any subsequent petition relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, nor upon the ground that the invention is not useful; nor shall any such action be defended upon the ground that the plaintiff was not the inventor, unless the defendant shall show that he is the actual inventor, or has obtained a right from him to use the invention either wholly or in part. Any such action may be defended upon the ground that the invention was not new, if the person making the defence, or some person through whom he claims, shall, before the date of the petition for leave to file the specification, have publicly or actually used in India or in some part of the United Kingdom, the invention, or that part of it of which the infringement shall be proved; but not otherwise.

Defect in specification or petition, or want of novelty in invention, &c., no defence to action for infringement.

The actual use of an invention in India or the United Kingdom before date of petition, a defence to such action.

petition for leave to file the specification, have publicly or actually used in India or in some part of the United Kingdom, the invention, or that part of it of which the infringement shall be proved; but not otherwise.

XXIV. It shall be lawful for any person to apply, by motion, to any of Her Majesty's Courts of Judicature for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention has not been acquired under the provisions of this Act by reason of all or any of the objections following (to be specified in the rule), that is to say:—

Application to Supreme Courts to declare exclusive privilege not to have been acquired on following grounds—

Invention of no utility.

That the said invention was not, at the time of presenting the petition for leave to file the specification, a new invention, within the meaning of this Act, or

Invention not new.

Petitioner not the inventor.

That the petitioner was not the inventor thereof, or

Invention not described in specification.

That the specification filed, or the amended specification (if any), does not particularly describe and ascertain the nature of the invention, or in what manner the same is to be performed, or

That the petitioner has, knowingly or fraudulently, included in the petition or specification, or amended specification, as part of his invention, something which was not new, or whereof he was not the inventor, or

Fraud in petition or specification.

That the original or any subsequent petition relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or

That some part of the invention, or the manner in which that part is to be performed, as described in the specification filed or the amended specification, is not thereby sufficiently described and ascertained, and that such defect or insufficiency was fraudulent and is injurious to the public.

Insufficient description of part of invention in specification.

That the original or any subsequent petition relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or

That some part of the invention, or the manner in which that part is to be performed, as described in the specification filed or the amended specification, is not thereby sufficiently described and ascertained, and that such defect or insufficiency was fraudulent and is injurious to the public.

Insufficient description of part of invention in specification.

thereby sufficiently described and ascertained, and that such defect or insufficiency was fraudulent and is injurious to the public.

XXV. Any person may, in like manner, apply to any of Her Majesty's Courts of Judicature for a rule to show cause why the Court should not declare that an exclusive privilege has not been acquired under the provisions of this Act in respect of any part of the invention to be specified in the rule by reason of all or any of the objections following (to be specified in the rule), that is to say:—

Like application as to part of an invention.

should not declare that an exclusive privilege has not been acquired under the provisions of this Act in respect of any part of the invention to be specified in the rule by reason of all or any of the objections following (to be specified in the rule), that is to say:—

That such part of the invention is wholly distinct from the other part thereof, and is of no utility, or That such part of the invention was not, at the date

of the petition for leave to file the specification, a new invention within the meaning of this Act, or

That the petitioner was not the inventor of that part of the invention, or

That that part of the invention, and the manner in which it is to be performed, is not sufficiently described and ascertained in the specification filed or the amended specification, and that such defect or insufficiency is injurious to the public.

XXXVI. It shall be lawful for the Advocate General at any of the Presidencies of Fort William in Bengal, Fort St. George, and Bombay, or any other person, by order of the Governor General in Council, to apply to any of the said Courts of Judicature for a rule calling upon the petitioner, his executors, administrators, or assigns, to show cause why the question of the breach of any special condition upon which the leave to file a specification has been granted, or any other question of fact on which the revocation of the exclusive privilege by the Governor General in Council under the power hereinbefore reserved may, in the judgment of the said Governor General in Council, depend, should not be tried in the form of an issue directed by the said Court; and if the rule be made absolute, the Court, unless the breach or other matter of fact be admitted, may thereupon direct such issue to be tried, and certify the result of such trial to the Governor General in Council. The costs of such trial, and also the costs of any proceedings in any of the said Courts of Judicature under the provisions of this Act, shall be in the discretion of the Court.

XXVII. Notice of any rule obtained or proceeding taken under either of the last three preceding Sections shall be served on all persons appearing to be proprietors or to have shares or interests in the exclusive privilege under the provisions of Section XXXV. of this Act, and it shall not be necessary to serve such notice on any other persons.

XXVIII. Any of the said Courts of Judicature, if it think fit, may direct an issue for the trial, before the same Court or any other Court of Judicature, or any principal Court of original jurisdiction in Civil cases, of any question of fact arising upon an application under Sections XXIV., XXV., or XXVI. of this Act, and such issue shall be tried accordingly in a summary manner; and, if the issue be directed to another Court, the finding shall be certified by the Court before which the same was tried, to the Court directing the issue. If the issue be directed to any Court of Judicature, the Court by which the issue is tried may, before the finding is certified, direct a new trial of such issue according to the usual course and practice of such Court. If the issue be directed to any Court other than a Court of Judicature, the finding shall not be subject to appeal, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge, shall be transmitted, together with any remarks he may think fit to make thereon, to the Court by which the issue was directed; and such Court may either act upon the decision of the Court which tried the issue, or direct a new trial if it shall appear necessary.

XXIX. If it shall appear to any of the said Courts of Judicature at the hearing of any application under the provisions of Sections XXIV. or XXV. of this Act that, by reason of any of the objections therein mentioned, the said exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall give judgment accordingly, and shall make such order as to the costs of and consequent upon the application

as it may think just; and thereupon the petitioner, his executors, administrators, and assigns shall, so long as the judgment continues in force, cease to be entitled to such exclusive privilege.

XXX. If the Court, at the hearing of any such application as last aforesaid, shall think that the petitioner has, in the description of his invention in the petition or specification or amended specification (if any) included something which, at the date of the petition, was not new, or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect, or insufficiency was not fraudulently intended, the Court may adjudge the said exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by such error, defect, or insufficiency; or, if the Court shall think that the error, defect, or insufficiency can be amended without injury to the public, they may adjudge the exclusive privilege in the whole invention to be valid, and may, upon such terms as shall appear reasonable, order the specification to be amended in any of the said particulars; and thereupon the petitioner, his executors, administrators, or assigns shall, within the time limited by the said Court for the purpose, file a specification amended according to such order: Provided that no such amended specification shall have the effect of extending or enlarging the exclusive privilege before acquired.

XXXI. An exclusive privilege shall not be defeated upon the ground that the petition contains a mis-statement, unless such mis-statement was wilful or fraudulent.

XXXII. Whenever it shall be adjudged by any of the said Courts of Judicature that an exclusive privilege as to the whole or any part of an invention has not been acquired, the said Secretary to the Government of India shall, upon the production of the judgment or order, cause an entry thereof to be made in the said book hereinbefore directed to be kept, and shall cause a reference to such entry to be made in the margin of the entry of the specification contained in such book.

XXXIII. If, upon proceedings instituted within two years from the date of a petition to file a specification, the actual inventor shall prove, to the satisfaction of the principal Court having jurisdiction in Civil cases within the local limits of whose jurisdiction the defendant shall reside as a fixed inhabitant, that the petitioner was not the actual inventor, and that, at the time of the petition, he knew or had good reason to believe that the knowledge of the invention was obtained by himself or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived such knowledge, the Court may compel the petitioner to assign to the actual inventor any exclusive privilege obtained under this Act, and to account for and pay over the profits thereof.

XXXIV. In any action for the infringement of such exclusive privilege, the plaintiff shall deliver, with his plaint, particulars of the breaches complained of in the said action; and the defendant shall deliver a written statement of the particulars of the grounds (if any) upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in the invention. In like manner, upon any application to any of the said Courts of Judicature under Sections XXIV., XXV., or XXVI. of this Act, the applicant shall deliver particulars of the objections on which he means to rely. At the trial of any such

action or issue, no evidence shall be allowed to be given in support of any alleged infringement or of any objection impeaching the validity of such exclusive privilege which shall not be contained in the particulars delivered as aforesaid. If it be alleged that the invention was publicly known or used prior to the date of the petition for leave to file such specification, the places where and the manner in which the invention was so publicly known or used shall be stated in such particulars: Provided always, that it shall be lawful for any Court in which the action or proceeding is pending, or in which the issue is tried, to allow the plaintiff or defendant respectively to amend the particulars delivered as aforesaid upon such terms as shall seem fit.

XXXV. A book shall be kept in the Office of the Secretary to the Government of India in the Home Department (such book to be

open to inspection without fee) wherein every person filing a specification under this Act, or any person to whom the exclusive privilege may be assigned, shall cause to be stated some place in India where service of any rule or proceedings for the purpose of cancelling or revoking his exclusive privilege may be made, and shall cause a reference to such entry to be made in the margin of the entry of the specification, and may, from time to time, cause any other place in India to be substituted by a similar entry and reference. All such rules and proceedings as aforesaid shall be deemed sufficiently served, if a copy thereof be left at the place entered in such book, or (if any other place be substituted for the same by entry in the said book) at the place last substituted, by delivering the same to any person resident at, or in charge of such place; or, if there be no person resident at, or in charge of such place, or if such place be not within the local limits of the jurisdiction of the Court, by causing such rule or proceeding to be sent by Post, by a registered letter, directed to such person at such place; and if any such person shall neglect to make, or cause to be made such entry, then service of such rule or proceeding may be effected by affixing a copy thereof to some conspicuous part of the Court-house, or in such other manner as the Court may direct.

XXXVI. Act VI. of 1856 shall be of the same

Act VI. of 1856 to have effect in respect of certain specifications filed and acts done.

force and effect in respect to every petition and specification filed under the provisions thereof before the Act was repealed, and in regard to all proceedings consequent thereon or in relation thereto, and for the purpose of everything done under that Act while it continued in force, as if previously to the passing of the said Act the sanction of Her Majesty to the passing thereof had been obtained and signified in pursuance of the Statute passed in the Seventeenth year of the reign of Her Majesty, entitled "An Act to provide for the Government of India," and as if the said Act had not been repealed; and the term of every exclusive privilege obtained under the said Act is hereby extended, and shall continue until the expiration of fourteen years from the time of the passing of this Act. No exclusive privilege obtained under the said Act by an importer not being the actual inventor shall cease to have effect by virtue of the provisions of Section XVI. of the said Act, if the invention be put in practice in India within the period of two years from the time of the passing of this Act.

XXXVII. Every petition for leave to file a specification under the provisions

Stamp on Petition.

tension of the term of an exclusive privilege, shall be written, or printed, on stamped paper of the value of one hundred Rupees.

XXXVIII. In the construction of this Act, the following words and expressions shall have the meanings

Interpretation.

hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

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

Number.

Gender.

"Invention."

The word "manufacture" shall be deemed to include

"Manufacture."

any art, process, or manner of producing, preparing, or making an article, and also any article prepared or produced by manufacture.

"Printed."

The words "inventor" and "actual inventor" shall

"Inventor" and "actual inventor."

include the executors, administrators, or assigns of an inventor or actual inventor, as the case may be. The word "assigns" shall include grantees of the sole use or benefit in India of an invention, or of the sole use of an exclusive privilege for a limited time.

The word "India" shall mean the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vict. c. 106, entitled "An Act for the better Government of India."

"Governor General in Council."

The words "Governor General in Council" shall include the "President in Council."

The words "Secretary to the Government of India" shall include any Under

"Secretary to the Government of India."

Secretary to the said Government.

"Her Majesty's Courts of Judicature."

The expressions "Her Majesty's Courts of Judicature," and "Courts of Judicature" shall mean the

Courts established by Royal Charter.

SCHEDULE OF FORMS.

FORM OF PETITION—(See Section I).

TO THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

The petition of (*here insert name, condition, and place of residence*) for leave to file a specification under Act No. XV. of 1859.

SHEWETH,

That your petitioner is in possession of an invention for (*state the title of the invention*) which invention he believes will be of public utility; that he is the inventor thereof (*or, as the case may be, the assignee or the executor or administrator of the inventor*); and that the same is not publicly known or used in India or in any part of the United Kingdom of Great Britain and Ireland to the best of his knowledge and belief.

The following is a description of the invention (*here describe it*).

Your petitioner therefore prays for leave to file a specification of the said invention, pursuant to the provisions of Act No. XV. of 1859.

And your petitioner, &c.

(Signed)

The day of

FORM OF DECLARATION TO ACCOMPANY PETITION.

(See Section VII.)

I (*here insert name, condition, and place of residence*), do solemnly and sincerely declare that I am in possession of an invention for (*state the title of the invention as in the petition*); that I believe the said invention will be of public utility; that I am the inventor thereof (*or, as the case may be, the assignee or executor or administrator of the inventor*); and that the same is not publicly known or used in India or in any part

of the United Kingdom of Great Britain and Ireland to the best of my knowledge and belief; and that, to the best of my knowledge and belief, my said invention is truly described in my petition for leave to file a specification thereof.

The _____ day of _____
(Signed) _____

FORM OF DECLARATION TO ACCOMPANY SPECIFICATION.

(See Section VII.)

I (here insert name, condition, and place of residence), do solemnly and sincerely declare that I am in possession of an invention for (state the nature of the invention), which invention I believe will be of public utility; that I am the inventor thereof (or, as the case may be, the assignee or executor or administrator of the inventor); and that the same is not publicly known or used in India or in any part of the United Kingdom of Great Britain and Ireland to the best of my knowledge and belief; and that, to the best of my belief, the instrument in writing under my hand, hereunto annexed, particularly describes and ascertains the nature of the said invention, and in what manner the same is to be performed.

The _____ day of _____
(Signed) _____

FORM OF DECLARATION BY AGENT WHEN AN INVENTOR IS ABSENT FROM INDIA.

(See Section VII.)

I _____ of _____ do solemnly and sincerely declare that I have been appointed by the said _____ his Agent for the purpose of _____; and I verily believe that the declaration purporting to be the declaration of the said _____ marked _____ () was signed by him, and that the contents thereof are true.

The _____ day of _____
(Signed) _____

FORM OF PETITION—(See Section XX.)

That your petitioner (or, as the case may be, that A. B., of whom your petitioner is the assignee or executor or administrator) has obtained Her Majesty's Letters Patent, dated the _____ day of _____ for (state the title of the invention), and that such Letters Patent are to continue in force for _____ years. That your petitioner believes that the said invention is not now, and has not hitherto been publicly known or used in India.

The following is a description of the invention (here describe it).

Your petitioner therefore prays for leave to file a specification of the said invention, pursuant to the provisions of Act No. XV. of 1859.

And your petitioner, &c. _____
(Signed) _____

The _____ day of _____
W. MORGAN,
Clerk of the Council.

Legislative Council of India.

14th May 1859.

The following Bill was read a second time in the Legislative Council on the 30th April 1859, and was referred to a Select Committee, who are to report thereon after the 18th of August next:—

A Bill to provide for the Due Execution of Warrants of Attorney to confess Judgment and Cognovits.

Whereas it is expedient that provision should be made for giving every person executing a warrant of attorney to confess judgment or a cognovit actionem due information of the nature and effect thereof; It is enacted as follows:—

I. From and after the time appointed for the commencement of this Act, no warrant of attorney to confess judgment in any personal action or cognovit actionem given by any person, shall be of any force, unless there shall be present some Attorney of one of Her Majesty's Supreme Courts of Judicature on behalf of such person, expressly named by him, and attending, at his request, to inform him of the nature and effect of such warrant or cognovit before the same is executed, which attorney shall subscribe his name as a witness to the due execution thereof, and thereby declare himself to be attorney for the person executing the same, and state that he subscribes as such attorney.

II. A warrant of attorney to confess judgment or cognovit actionem not executed in manner aforesaid, shall not be rendered valid by proof that the person executing the same did in fact understand the nature and effect thereof, or was fully informed of the same.

III. This Act shall extend to women, and shall entitle them to all the benefits given thereby; and words used in this Act importing the singular number or masculine gender only, shall be understood to include several persons as well as one person, and females as well as males.

IV. This Act shall commence and come into operation on the _____ day of _____ 1859.
W. MORGAN,
Clerk of the Council.

Legislative Council of India.

14th May 1859.

The following Bill was read a second time in the Legislative Council on the 14th May 1859, and was referred to a Select Committee, who are to report thereon after the 18th of August next:—

A Bill for the Suppression of Outrages in the District of Malabar, in the Presidency of Fort St. George.

Whereas in the District of Malabar in the Presidency of Fort St. George, murderous outrages have been frequently committed by persons of the class called Moplas, the offenders in such outrages intending therein to sacrifice their own lives; and the general law of the country is not adequate to suppress such outrages; It is enacted as follows:—

I. Act XXIII. of 1854 (for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George) and Act V. of 1856 (to give effect to Act XXIII. of 1854 from the time of its promulgation in the District of Malabar, and to extend the application thereof in future) are hereby repealed, except as to acts done and proceedings taken before the issue of a proclamation under the provisions of Section II. of this Act.

II. It shall be lawful for the Governor in Council of Fort St. George, whenever he shall see fit, by a proclamation published in the Fort St. George Gazette, from time to time, to declare the whole or any part or parts of the District of Malabar to be subject to the operation of all or any of the following provisions:—

III. Any Mopla, who murders or attempts to murder any person, or who takes part in any outrage directed by Moplas against any persons wherein murder is committed, or is attempted to be committed, or is likely to be committed; and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other

person or persons to commit the same ; or who, after having committed or having been accessory to any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him ; or who shall join or assist or incite or encourage other persons to join or assist in such resistance ; shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is

Also the property of persons killed in committing outrages.

tried ; and whenever any person shall be killed in the act of committing any such offence as aforesaid, or being wounded and taken prisoner in the act of committing any such offence as aforesaid, shall afterwards die of his wounds, it shall be competent to the Court which would have had cognizance of the offence if the offender could have been brought to trial, to proceed, on the application of the Magistrate, to hold an inquest into the circumstances of the death of the offender ; and, on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, to adjudge that the whole of his property shall be forfeited to Government.

IV. All immoveable property of the offender which

Immoveable property of offender alienated within 12 months from passing of this Act and before commission of offence, to be forfeited.

shall be alienated after the passing of this Act and before the commission of any offence specified in Section III. shall be forfeited in the same manner as if no such alienation had been made, unless the same shall have been made more than twelve months before the commission of the offence.

V. If any Mopla shall be sentenced to death for

Bodies of offending Moplas sentenced to death or killed, may be burned or buried within the precincts of the Jail.

any capital offence punishable also with forfeiture of property under this Act, it shall be lawful for the Court by which such offender is convicted, by its sentence, to direct the body of such offender to be burned or buried within the precincts of the Jail, as it shall see fit ; and in like manner, if any Mopla shall be killed in the act of committing any such offence as aforesaid, or having committed any such offence as aforesaid, shall be killed in resisting a lawful attempt to apprehend him, it shall be lawful for the Magistrate to cause the body of the person so killed to be burned or buried within the precincts of the Jail, as the said Magistrate shall see fit.

VI. The Governor in Council shall have, with respect

Powers of Governor in Council as to the confinement or trial of persons under this Act.

to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences ; and the provisions of any such law shall be applicable to all cases in which the Governor in Council shall proceed under the authority of this Section.

VII. The Magistrate of the District may cause

Magistrate how to act in respect to persons against whom he thinks there are grounds of proceeding.

any Mopla or other person, against whom there are in his judgment grounds of proceeding under the last Section, to be apprehended, and after such enquiry as he may think necessary, may detain such Mopla or other person in safe custody, until he shall have received the orders of the Governor in Council, to whom in all such cases he shall report his proceedings without unnecessary delay.

VIII. If, with the previous consent of the Governor

Penalty for remaining or returning within forbidden limits.

in Council, any person, against whom the Governor in Council shall think fit to proceed under Section

VI. shall undertake, in consideration of the suspension of such proceedings, to depart within a specified period from within the limits of the Continent of India or of any part thereof, and shall, in breach of his said undertaking, and without the permission of the Governor in Council, remain or return within such limits, he shall be liable to be punished with imprisonment, with or without hard labour, for a period which may extend to seven years, or with fine, or both.

IX. Whenever any such outrage as is specified in

Levy of compensation or fine.

Section III. of this Act, the same being punishable under this Act, shall, after such proclamation as aforesaid, have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy such sum of money as the Governor in Council shall authorise, from all the Moplas within the umshum or the several umshums to which the perpetrator or perpetrators, or any one of such perpetrators of such outrages, shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, and also within the umshum in which the outrage shall have been committed ; and the said Magistrate shall assess the proportions in which the said sum shall be payable upon the several heads of families of Moplas within such umshum or umshums, according to his judgment of their respective means ; and the said Magistrate shall appropriate the sum so levied as follows, that is to say, in the first place, to the compensation of the parties aggrieved by such outrages, including therein compensation to the family of any person dying by any such outrage for the pecuniary loss occasioned or likely to be occasioned by such death ; and, subject to such compensation, to the use of the Government.

X. Whenever any such outrage as is specified in

Penalty for Mopla inhabitants of any umshum refusing to deliver up an offender.

Section III. of this Act, the same being punishable under this Act, shall have been committed by any Mopla or Moplas, it shall be lawful for the Magistrate to call upon the Mopla inhabitants of the umshum or umshums to which the perpetrator or perpetrators or any one of such perpetrators of such outrage shall be found to belong, or wherein any such perpetrator shall have been resident at the time of the commission of the outrage, or wherein any such perpetrator shall, after the perpetration of any such outrage, be found, to deliver up such perpetrator or perpetrators, and on the failure of such Mopla inhabitants to comply with such call so made upon them by the Magistrate, it shall be lawful for the Magistrate, with the sanction of the Governor in Council, to levy from such Mopla inhabitants such sum of money as the Governor in Council shall authorise, as prescribed in the last preceding Section of this Act, and all sums so levied shall be appropriated in the manner prescribed in that Section.

XI. All fines and pecuniary liabilities incurred

Fines, &c. how to be levied.

under this Act may be levied by a Magistrate under summary process, in the same manner as the public revenue may be realised by a Collector ; and no action shall lie in any Civil Court against the Magistrate in respect of any fine imposed, or any assessment made under this Act, or in respect of the levy of any portion of such fine from the person or persons upon whom the same shall have been assessed.

XII. It shall be lawful for the Governor in Council,

Parts of District may be withdrawn from the operation of the Act, and again made subject to it.

by such proclamation as aforesaid, from time to time, to withdraw from the operation of the provisions of this Act any part or parts of the said District which he may previously have declared to be subject thereto ; and in like manner, as occasion shall require, to subject the same part or parts again to the operation of such provisions, or of any of them.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

14th May 1859.

The following Bill was read a first and second time in the Legislative Council on the 14th May 1859, and was referred to Select Committee who are to report thereon within six weeks :—

A Bill to Repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not Established by Royal Charter.

Whereas by Act VIII. of 1859, a Code of Procedure is provided for the Courts of Civil Judicature not established by Royal Charter; and whereas it is enacted by Section 387 of the said Act that the Act shall come into operation in the Presidency of Bengal from the 1st day of July 1859, and in the Presidencies of Madras and Bombay from the 1st

Preamble.

day of January 1860, or from such earlier day as the local Government in those Presidencies respectively shall fix and shall publicly notify in the Gazette of the Presidency three months at least before the date so fixed, and it is also enacted by Section 385 of the said Act, that the Act shall not take effect in any part of the Territories not subject to the general Regulations of Bengal, Madras, and Bombay, until the same shall be extended thereto by the Governor General of India in Council, or by the local Government to which such territory is subordinate, and notified in the Gazette: And whereas it is expedient to repeal in the manner hereinafter provided certain Regulations and Acts and parts of Regulations and Acts relating to the Procedure of the said Courts; it is enacted as follows :—

- I. Except so far as they repeal the whole or any part of any other Regulation or Act, the several Regulations and Acts and parts of Regulations and Acts set forth in the Schedule hereto, are and shall be hereby and in the manner and from the several times hereinafter mentioned repealed to the extent to which they are in the said Schedule expressed

Repeal of Laws.

to be repealed, that is to say—

So far as they relate to the Presidency of Bengal, from the 1st day of July 1859.

So far as they relate to the Presidencies of Madras and Bombay from the 1st day of January 1860, or from such earlier day as the local Government in those Presidencies respectively shall fix and shall publicly notify in the Gazette pursuant to the provisions of the said Section 387.

And so far as they relate to any part of the Territories not subject to the general Regulations of Bengal, Madras, and Bombay, from the time when the said Act shall be extended thereto by the Governor General of India in Council, or by the local Government to which such territory is subordinate, and notified in the Gazette.

SCHEDULE OF REGULATIONS AND ACTS REPEALED.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act V of 1836		The whole Act.
Act III of 1837		The whole Act.
Act XXV of 1837		Sections III and IX.
Act XXXV of 1837		The whole Act.
Act VII of 1838		The whole Act.
Act XVII of 1838		The whole Act.
Act XXII of 1838		The whole Act.
Act XXVII of 1838		The whole Act.
Act IX of 1839		The whole Act.
Act XIX of 1840	An Act for amending the Procedure in cases of Appeals made <i>in forma pauperis</i> , within the Presidency of Fort William in Bengal.	The whole Act.
Act VII of 1841	An Act for a more uniform and an improved process for taking the examination of absent witnesses.	The whole Act.
Act XVII of 1841	An Act for amending the proceedings in appeals before the Courts of Sudder Dewanee and Nizamut Adawlut in the Presidency of Fort William in Bengal.	Section II so far as it relates to the Sudder Dewanee Adawlut.
Act XXIX of 1841	An Act for amending such parts of the Bengal and Madras Codes as concern the dismissal of suits and appeals for neglecting to proceed in the same.	The whole Act.
Act II of 1843	An Act to regulate the sittings of the Courts of Sudder Dewanee Adawlut.	The whole Act.
Act III of 1843	An Act for amending the rules of Special Appeals.	The whole Act.
Act VI of 1843	An Act for amending the Law concerning the jurisdiction and procedure of the Courts of Ameens and Moonsiffs.	The whole Act.
Act VII of 1843	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil jurisdiction of such Courts.	Section X, XI, XIV, Clause 1st of Section XVII, Sections XVIII, XIX, and XXV.
Act XII of 1843	An Act concerning the time at which and the language in which the decisions of the Judges in the Courts of the East India Company are to be written.	The whole Act.
Act IX of 1844	An Act for authorising the institution of suits in the Courts of Principal Sudder Ameens and Sudder Ameens.	The whole Act, except Section III.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act III of 1845.....	An Act vesting Courts of Appeal with the discretion to require or dispense with security for costs from the appellant.	The whole Act.
Act VIII of 1845.....	An Act for amending Section LXXV, and Chapter XVII, of Regulation IV. 1827 of the Bombay Code.	The whole Act.
Act XV of 1845.....	An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue Proceedings.	Sections I, II, III, IV, and V.
Act XVI of 1845.....	An Act for regulating the re-admission of Appeals after dismissal under Act XXIX of 1841.	The whole Act.
Act XVII of 1845.....	An Act for the better enforcement of the attendance of witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.	The whole Act.
Act IV of 1846.....	An Act for amending the Law regarding the sale of land in execution of decrees in the territories subject to the Presidency of Fort William in Bengal.	The whole Act.
Act XVII of 1847.....	An Act for remedying a defect in the Law regarding undiscovered defaults in the prosecution of suits.	The whole Act.
Act III of 1850.....	An Act for amending the Law concerning the jurisdiction of the Courts of Sudder Ameens and District Moonsiffs in the Presidency of Fort St. George.	The whole Act.
Act IV of 1850.....	An Act for the amendment of Procedure in cases of Appeal to the Sudder Court.	The whole Act.
Act VIII of 1850.....	An Act to amend the Law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of appeal, to confirm the decision without summoning the respondent.	The whole Act.
Act XV of 1850.....	An Act to extend the operation of Sections X and XII Regulation XXVI. 1814 of the Bengal Code.	The whole Act.
Act XXV of 1850.....	An Act for the forfeiture to Government of deposits made on incomplete sales of land under Regulation VIII 1819, and Act IV of 1846.	The whole Act so far as it relates to forfeited deposits of sales of land or any interest in land in execution of decrees.
Act XXX of 1850.....	An Act to remove doubts on the construction of Act I of 1846, and Act IV of 1850.	Sections II, III, and IV.
Act VII of 1851.....	An Act to amend the Law of the Bombay Presidency relating to execution of decrees.	The whole Act.
Act XXV of 1852.....	An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanee Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.	The whole Act, except so far as it relates to the execution of decrees made in appeal by Her Majesty in Council.
Act XXVI of 1852.....	An Act to amend the mode of Procedure in the Courts of the Sudder Ameens and Moonsiffs in the Presidency of Fort William in Bengal, and to extend the powers of Principal Sudder Ameens in appeals referred to them.	The whole Act.
Act XXXIII of 1852.....	An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.	The whole Act, except so far as it relates to the enforcement of judgments by any Court established by Royal Charter, and also except so far as it relates to the enforcement of decrees of Military Courts of Requests.
Act XV of 1853.....	An Act for the amendment of Procedure in cases of regular appeal to the Sudder Courts in the Presidency of Fort William in Bengal.	The whole Act.
Act XVI of 1853.....	An Act for amending the Law of Special Appeals.	The whole Act.
Act XIX of 1853.....	An Act to amend the Law of evidence in the Civil Courts of the East India Company in the Bengal Presidency.	The whole Act so far as it is applicable to any suit or other proceeding instituted under Act VIII of 1859, except Sections XIX and XXVI of Act XIX of 1853.
Act XXXIII of 1851.....	An Act to extend the provisions of Act No. XII of 1843.	So much of the Act as is applicable to any suit or other proceeding instituted under Act VIII of 1859.
Act IX of 1853.....	An Act for the amendment of Procedure in cases of regular appeal to the Sudder Court in the Presidency of Fort St. George.	The whole Act.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act X of 1855	An Act to amend the Law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay, and to amend the provisions of Section XL Act XIX of 1853.	The whole Act, except Sections IX and X.
Act XXXIV of 1855.....	An Act to explain and amend Act No. XXXIII of 1852.	The whole Act, except so far as it relates to the enforcement of judgment by any Court established by Royal Charter.
Act XII of 1856	An Act to amend the law respecting the employment of Amceens by the Civil Courts in the Presidency of Fort William.	Sections VI and VII.
BENGAL.		
Regulation III 1793	A Regulation for extending and defining the jurisdiction of the Courts of Dewanee Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance, established in the several Zillahs and in the Cities of Patna, Dacca, and Moorshedabad.	Sections VII, VIII, IX, X, XI, XII, XIII, XV, XVI, XVIII, XIX, and XX.
„ IV 1793	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanee Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.	Sections I, II, III, IV, V, VI, except so much as relates to the administering oaths to parties and witnesses, VII, VIII, X, XI, XII, XIII, XVI, XVIII, XIX, and XXVI.
„ V 1793	A Regulation for establishing four Provincial Courts of Appeal for hearing appeals from decisions passed in the several Zillah and the three City Courts, and defining their powers and duties, and prescribing rules for receiving and deciding upon appeals and other causes of which they are declared to have cognizance.	The whole Regulation.
„ VI 1793	A Regulation for extending and defining the powers and duties of the Court of Sudder Dewanee Adawlut, and prescribing rules for receiving and deciding upon appeals from the decisions of the Provincial Courts of Appeal.	Sections IV, V, VI, VII, IX, X, XI, XII, XV, and XVI, and XVII, except so much as relates to the administering oaths, XVIII, XIX, XX, XXI, XXII, XXVIII, XXIX, and XXX.
„ XVI 1793	A Regulation for referring suits to arbitration and submitting certain cases to the decision of the Nazim.	The whole Regulation.
„ VII 1795	A Regulation for establishing a Court of Dewanee Adawlut, or Court of Judicature for trying Civil suits in the first instance at the City of Benares, and at Mirzapore, Ghazee-pore, and Jaunpore, in the Province of Benares, and for defining the jurisdiction and powers of those Courts.	Sections VII, IX, X, XI, except so far as it extends Section XXI, Regulation III. 1793, and Section XII.
„ VIII 1795	A Regulation for extending to the Province of Benares, with alterations and modifications, Regulation IV 1793, entitled “A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanee Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad ;” and for exempting the Rajah of Benares and the Baboos of his family, and certain Bankers, when defendants, from giving the security required from other defendants.	Section II in so far as it extends the provisions of Regulation IV 1793 which are repealed by this Act.
„ IX 1795	A Regulation for establishing a Provincial Court of Appeal in the Province of Benares, for hearing appeals from decisions passed in the City Court and the Zillah Courts in that Province, and defining its powers and decrees, and prescribing rules for receiving and deciding upon appeals, and other causes of which it is declared to have cognizance.	The whole Regulation.
„ X 1795	A Regulation for empowering the Sudder Dewanee Adawlut to receive and decide upon appeals from decisions of the Provincial Court of Appeal established in the Province of Benares, and for defining the jurisdiction, powers, and authorities of the Sudder Dewanee Adawlut in that Province.	Section II in so far as it extends the provisions of Regulation VI 1793 which are repealed by this Act, and Section III.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation XV 1795	A Regulation for extending to the Province of Benares Regulation XVI 1793, entitled "A Regulation for referring suits to arbitration, and submitting certain cases to decision of the Nazim," with the exception of Section X, and for referring certain cases to the decision of the Rajah of Benares.	Section II.
" XXXVI 1795	A Regulation for repealing Section VII Regulation VIII 1794, and empowering the Judges of the Zillah and City Courts to hear appeals from decisions which may be passed by their Registers under that Regulation, and rendering final the decisions of the Judges in all such appeals where the suit may be for money or personal property, for making final the decrees of the Judges of the Zillah and City Courts, in appeals from decisions passed by the Native Commissioners appointed under Regulation XL 1793, for rendering Surburakars or managers of joint undivided estates eligible to the office of Commissioner for hearing and deciding suits under Regulation XL 1793, for providing against the loss or miscarriage of the proceedings in trials referred by the Judges of Circuit to the Nizamut Adawlut, or the sentences or orders of that Court on such trials; and for establishing another Court of Dewanee Adawlut in the Districts now comprised in the Zillah of Burdwan.	Sections II, III, and IV.
" LIV 1795	A Regulation for extending to the Province of Benares the rules contained in certain Sections of Regulations VIII 1794, and XXXVI 1795, with modifications.	The whole Regulation.
" XIII 1796	A Regulation for repealing such parts of Regulations V and VI 1793, as authorise the execution of decrees passed by the Zillah and City Courts in the Provinces of Bengal, Behar, Orissa, and Benares, although appealed from to the Provincial Courts, and of decrees passed by the Provincial Courts appealed from to the Sudder Dewanee Adawlut.	The whole Regulation.
" XII 1797	A Regulation for the further limitation of appeals to the Court of Sudder Dewanee Adawlut in suits for personal property; and for altering and explaining part of the existing rules for appeals to that Court and to the Provincial Courts of Appeal.	The whole Regulation.
" XIX 1797	A Regulation for empowering the Provincial Courts of Appeal to require the Zillah and City Courts to furnish translations of the proceedings held therein in causes appealed to the Sudder Dewanee Adawlut, and for providing for the translation of the papers and proceedings in such causes when the same cannot be made in due time by the Registers and Assistants to the respective Courts.	The whole Regulation.
" II 1798	A Regulation for authorizing a review of causes decided by the Civil Courts in certain cases; and for explaining parts of Regulations IV, V, and VI 1793.	Section V, VI, VII, VIII, IX, and X.
" V 1798	A Regulation for the further limitation of appeals to the Court of Sudder Dewanee Adawlut; for providing further security during appeals in certain cases; and for explaining and amending certain parts of the existing Regulations relative to the fee payable to Government on the institution of suits in the Civil Courts, and the fees of the Pleaders in those Courts; also for discontinuing the records of decided causes, required by Section X and XIV of Regulation XVIII 1793.	The whole Regulation.
" III 1800	A Regulation for authorising the Zillah Judges to refer to the Registers of their Courts appeals from certain decisions of the Native Commissioners appointed under Regulation XL 1793.	The whole Regulation.
" III 1802	A Regulation for defining the security to be required from defendants in Civil causes, and for amending part of the existing rules concerning the trial of Civil suits preferred by paupers.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation II 1803	A Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature, for the trial of Civil suits in the first instance in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company.	Section IV, V, VI, VII, IX, X, XV, XVI, and XX.
„ III 1803	A Regulation for receiving, trying, and deciding suits or complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company.	Sections II, III, IV, V, VI, and VII, except so much of it as relates to the administering of oaths to parties and witnesses IX. X, XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, XXVII, XXVIII, and XXIX.
„ IV 1803	A Regulation for establishing a Provincial Court of appeal for hearing appeals from decisions passed in the several Zillah Courts established in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company; and for defining the powers and duties of the said Court, and for prescribing rules for receiving and deciding upon appeals and other causes of which the Court is declared to have cognizance.	The whole Regulation.
„ V 1803	A Regulation for empowering the Sudder Dewanee Adawlut to try appeals from the decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company, and for extending the jurisdiction of the Sudder Dewanee Adawlut over the said Provinces, and all the Civil Courts established therein.	Sections IV, V, VI, VII, X, XI, XII, XIV, XV, XVI, XVIII, XIX, XX, XXI, XXII, XXVIII, XXIX, and XXXVII.
„ XXI 1803	A Regulation for referring suits to arbitration, in the Provinces ceded by the Nabob Vizier to the Honorable the English East India Company.	The whole Regulation.
„ L 1803	A Regulation for extending, with modifications, to the Criminal Courts the rules prescribed in Regulation IV 1793, for procuring the attendance of witnesses, and requiring oaths or solemn declarations from witnesses in the Civil Courts, and for explaining those rules in their application to particular forms of oath by the Courts, Civil and Criminal.	Clause 2 of Section II so far as it relates to the Civil Courts.
„ II 1805	A Regulation to explain the existing limitations of time for the cognizance of suits in the Civil Courts of Justice, to provide further limitations with respect to certain suits, regular and summary; and to make other provisions relative to the admission and trial of original suits, and of appeals.	Sections VIII, IX, X, XI, XII, and XIV.
„ XIV 1805	A Regulation for the administration of justice in Civil cases in the Zillah of Cuttack.	Section XI so far as it applies to Civil Courts except the Proviso.
„ XV 1805	A Regulation for the appointment of the Mahomedan and Hindoo Law Officers of the Zillah and City Courts to be Commissioners for the trial of referred causes to the amount or value of one hundred Sicca Rupees, and to make further provision for the appointment of head Native Commissioners in the several Zillahs and Cities.	The whole Regulation.
„ II 1806	A Regulation for explaining and amending, in certain cases, the rules of process to be observed by the Civil Courts of Judicature.	The whole Regulation.
„ XII 1806	A Regulation for annexing the Pergunnahs of Sonksa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the Zillah of Agra, and for extending to those Pergunnahs the Laws and Regulations established for the internal government of the ceded and conquered Provinces.	So much of it as extends to the territories therein named the provisions of Regulation VIII 1805, and the Regulation therein referred to which are repealed by this Act.
„ I 1807	A Regulation for defining the duties to be performed and powers exercised by single Judges of the Provincial Courts of Appeal in the absence of the other Judges of the Court.	The whole Regulation.
„ XIII 1808	A Regulation for rendering Civil causes, which are appealable to the Court of Sudder Dewanee Adawlut, cognizable in the first instance by the Provincial Courts, and for authorising the execution of decrees appealed from in certain cases.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation XHI 1810	A Regulation for expediting the trial and decision of causes depending in the Civil Courts, and for promoting the amicable adjustment of Civil suits.	The whole Regulation.
„ IV 1812	A Regulation to enable the Governor General in Council to institute or defend, through the medium of the Public Officers of Government, actions in which Native Princes, whom it would be improper to require to appear as plaintiffs or defendants in the Courts of Judicature, may be parties.	The whole Regulation.
„ VI 1813	A Regulation for referring to arbitration suits and contests respecting land, and for amending the rules before established regarding forcible dispossession of land.	The whole Regulation.
„ II 1814	A Regulation for modifying the rules before established for the trial of suits proposed to be instituted against any of the Public Officers who have been declared amenable for acts connected with the discharge of their official duties to the jurisdiction of the Courts of Civil Judicature.	The whole Regulation.
„ XXIII 1814	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the Office of Moonsiffs or Native Commissioners and of Sudder Ameens or Head Commissioners, for modifying and extending their respective powers in the trial and decision of Civil suits, and for authorising them to discharge certain additional duties under the direction of the Zillah and City Judges.	Clause 3 of Section XIII, Section XIV, XVII, XVIII, XX, Clause 4 of Section XXV, XXVIII, XXX, Clause 3 of Section XXXI, XXXIII, XXXVI, XXXVIII, XXXIX, XL, XLI, XLV, and XLVI, except so far as it enacts that any person dissatisfied with the decision of a Moonsiff shall be at liberty to appeal, and Sections XLVII, L, so much of Section LI as is now in force, Sections LIII, LIV, LXIX, LXXI, LXXII, LXXIII, LXXIV, LXXV, LXXVI, LXXVII, and LXXVIII.
„ XXIV 1814	A Regulation for abolishing the Office of Assistant Judge of the Zillah and City Courts, and for making certain modifications in the constitution and jurisdiction of those Courts.	The whole Regulation.
„ XXV 1814	A Regulation for modifying the constitution and jurisdiction of the Sudder Dewanee Adawlut and of the Provincial Courts, for expediting the trial of Civil causes in those Courts, and for defining, more fully, the powers of single Judges holding the sittings of those Courts or of the Nizamut Adawlut and Courts of Circuit.	Sections I to X inclusive.
„ XXVI 1814	A Regulation for modifying some of the rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits, for limiting and altering some of the existing provisions respecting the pleadings and processes and the mode of executing decrees and regular suits and appeals, and for explaining and making certain additions to the provisions of Regulation I 1814.	The whole Regulation.
„ XXVII 1814	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed regarding the office of Vakeel or Native Pleader in the Courts of Civil Judicature.	The whole Regulation.
„ XXVIII 1814	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers.	The whole Regulation.
„ II 1815	A Regulation for extending the provisions of Clause 7, Section XII, Regulation XXIV 1814.	The whole Regulation.
„ XV 1816 ..	A Regulation for expediting the trial of Civil suits in which the Native Officers and Soldiers attached to regular Corps on the Military Establishment of the Presidency of Fort William may be parties, and for giving to them certain facilities in the maintenance of their rights, claims, and interests.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation III 1817	A Regulation for diminishing the expense to which parties are liable in original suits or appeals not exceeding sixty-four Rupees in value or amount, when tried by the Zillah and City Judges, Registers, or Sudder Ameens, and for modifying and explaining some of the rules contained in Regulation I, 1814 and in Regulation XXIII 1814.	The whole Regulation.
„ XIX 1817....	A Regulation for modifying and amending some of the Regulations in force relative to the administration of Civil Justice, and to the authorised summary process for recovery of arrears of rent.	So much as has not been already repealed.
„ IX 1819 ..	A Regulation for amending the existing rules with regard to the admission of special appeals, for requiring, in certain cases from residents within the limits of Calcutta, security for eventual costs of suit, and for extending the powers of the Zillah and City Registers, and the Registers of the Provincial Courts, in certain cases.	The whole Regulation.
„ II 1821....	A Regulation for increasing the powers of Moonsiffs, for extending, in special cases, the powers of Sudder Ameens in the trial and decision of Civil suits, and for authorising the Zillah and City Registers and Sudder Ameens to discharge certain additional duties under the direction of the Zillah and City Judges, for providing an increase in the number of Moonsiffs when necessary, and for authorising Sudder Ameens to hold their Cutcheries at any place where there may be a Register holding his Court at a distance from the fixed Station of the Judge and Magistrate, also for amending the rules at present in force for the institution of suits connected with the local jurisdiction of such Registers, for rescinding such parts of the existing Regulations as authorise the Registers of Civil Courts to receive a proportion of the institution fees on suits which may be referred to them for decision, for altering, in certain cases, the rule at present in force for the execution of decrees of the Provincial Courts in original suits and of the decrees of the Court of Sudder Dewannee Adawlut on appeals from such decrees, and for abolishing the office of Register of the Provincial Courts of Appeal and Circuit.	The whole Regulation.
„ LII 1824 ..	A Regulation to empower Government to extend the jurisdiction of Registers in certain cases.	The whole Regulation.
„ XI 1824 ..	A Regulation for empowering the Zillah and City Judges and Magistrates to depute their Registers or Assistants for the purpose of making local investigations in certain cases.	The whole Regulation so far as it relates to the Civil Courts.
„ XIII 1824 ..	A Regulation for making further provisions relative to the office of Sudder Ameen.	The whole Regulation.
„ I 1825....	A Regulation for declaring the Judicial Officers competent to superintend the execution of their own process in certain cases, and for extending to Officers entrusted with the execution of a Magistrate's warrant or other criminal process, the powers vested in Police Officers by certain provisions in Regulation XX 1817.	So much of Section II as relates to the Civil Courts.
„ II 1825....	A Regulation for amending the rules in force relative to applications for a review of judgment in regular original suits and appeals, and for restricting the admission of special or second appeals by the Provincial Courts and Court of Sudder Dewannee Adawlut.	The whole Regulation.
„ VII 1825....	A Regulation to explain and amend the rules in force for the execution of decrees or other Judicial process, by the sale of landed property or otherwise.	The whole Regulation.
„ IV 1827....	A Regulation for extending, in special cases, the powers of Sudder Ameens in the trial and decision of Civil suits.	The whole Regulation.
„ X 1829....	A Regulation for consolidating into one Regulation, with modifications, the existing enactments relating to the collection of Stamp duties.	Schedule B Article 5, and Clauses 2, 3, and 4 of Article 10.
„ XIII 1829....	A Regulation for abolishing the office of Superintendent and Remembrancer of Legal Affairs.	Section V.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VI 1830....	A Regulation for modifying the provisions of the Regulations now in force relating to the subsistence allowance to debtors confined in the Civil Jails in execution of decrees.	The whole Regulation.
„ V 1831....	A Regulation for extending the powers of Moonsiffs and Sudder Amcens in the trial of Civil suits, and for authorising the appointment of Principal Sudder Amcens at the Zillah and City Stations, for modifying the powers and duties of the Zillah, City, and Provincial Courts, in connection with those arrangements; and for enlarging the sphere of selection with regard to the offices of Moonsiff and Vakcel.	The proviso to Clause 1st and the proviso to Clause 2nd of Section V, Sections VII, VIII, Section IX, except so much of Clause 2nd as enacts that copies of decrees in suits tried in the Courts of the Moonsiffs need not be written on stamp paper, Section X, Clause 3rd of Section XVI, Proviso of Clause 1st of Section XVIII, and Clause 4 of same Section, Sections XIX, XXI, XXII, XXIII, XXV, XXVIII, and XXIX.
„ IX 1831....	A Regulation for the more speedy and efficient administration of Justice in the Courts of Sudder Dewanee and Nizamut Adawlut.	Sections II, VIII, and so much of Section X as extends those Sections to the Sudder Dewanee Adawlut for the North-Western Provinces.
„ VII 1832....	A Regulation for modifying certain of the provisions of Regulation V 1831, and for providing supplementary rules to that enactment.	Sections II, VI, VII, X, XII, XIII, XIV, XV, XVI, and XVII.
MADRAS.		
„ II 1802 ..	A Regulation for establishing and defining the jurisdiction of the Courts of Adawlut, or Courts of Judicature for the trial of Civil suits in the first instance in the British Territories immediately subject to the Presidency of Fort St. George.	Sections III, IV, V, VI, VII, VIII, IX, X, XV, XVI, XIX, XX, and XXI.
„ III 1802....	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Adawlut established in the several Zillahs immediately subject to the Presidency of Fort St. George.	Sections II, III, IV, V, VI, VII (except so much as relates to the administering oaths), IX, X, XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, XXVII, XXVIII, and XXIX.
„ IV 1802....	A Regulation for establishing four Provincial Courts of Appeal for hearing appeals from decisions passed in the several Zillah Courts, and defining their powers and duties, and prescribing rules for receiving and deciding upon appeals and other causes of which they are declared to have cognizance.	The whole Regulation.
„ V 1802....	A Regulation for constituting a Sudder Adawlut or Chief Court of Civil Judicature for trying appeals from the decisions of the Provincial Courts of Appeal.	Sections IV, V, VI, VII, VIII, IX, X, XI, XII, XIV, XV, XVI, XIX, XX, XXI, XXII, XXXIII, and XXXVIII.
„ XXI 1802....	A Regulation for referring suits to Arbitration.	The whole Regulation.
„ XXVI 1802....	A Regulation for governing the Sale and Sub-division of Malgoozary Lands in the British Territories subject to the Presidency of Fort St. George.	In so far as it relates to the execution of decrees of the Civil Courts.
„ IV 1806....	A Regulation for the more speedy and effectual administration of Justice in the Courts of Sudder Adawlut and Foujdaree Adawlut.	Section VII so far as it relates to the Sudder Dewanee Adawlut.
„ VII 1809....	A Regulation for the occasional appointment of Assistant Judges of the Zillah Courts; for altering and extending the jurisdiction of the Registers of these Courts; for fixing a new Limitation of Appeals from the Zillah Courts to the Provincial Courts of Appeal; for authorising the appointment of Head Native Commissioner for the trial of referred causes to the amount or value of one hundred Arcot Rupees; and for amending the existing Rules concerning the appointment and powers of Native Commissioners for the trial of suits for personal property not exceeding eighty Arcot Rupees.	Sections XXII, XXIX, and XXXI.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation XII 1809....	A Regulation for rendering Civil causes which are appealable to the Court of Sudder Adawlut cognizable in the first instance by the Provincial Courts, and for authorising the execution of decrees appealed from in certain cases.	The whole Regulation.
" II 1811....	A Regulation for explaining and amending, in certain cases, the rules of process to be observed by the Civil Courts of Judicature, and for amending the rule contained in Clause 4th Section IV, Regulation V, A. D. 1808.	The whole Regulation.
" VI 1816....	A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners, for modifying and extending their powers in the trial and decision of Civil suits, and for authorising them, under the designation of District Moonsiffs, to discharge certain additional duties.	Sections XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XL, XLII, XLIV, XLV, XLVI, XLVII, XLVIII, LI, LII, LIII, from Proviso in Clause 1 to the end, LIV, LVI, LVII, LVIII, LX, LXI, Clause 2 of Section LXII.
" VIII 1816	A Regulation for the appointment of the Hindoo Law Officers of the Provincial Courts to be Sudder Ameens, or Head Native Commissioners for the trial of causes referred to them by the Judges of the Zillahs in which those Courts are stationed, for confining the office of Sudder Ameen to the Hindoo Law Officers of the Provincial Courts, and the Mahomedan and Hindoo Law Officers of the Zillah Courts, and for modifying and extending the power of Sudder Ameens in the trial and decision of Civil suits.	Sections VIII, X, and XIV.
" XIV 1816	A Regulation for amending and modifying the rules which have been passed regarding the office of Vakeel or Native Pleader in the Courts of Civil Judicature.	Sections XVI and XVII.
" XV 1816	A Regulation for modifying the jurisdiction of the Zillah and Provincial Courts and the Court of Sudder Adawlut in the trial of original suits and appeals, for amending some of the rules at present in force regarding the admission and trial of special and summary appeals from decisions passed in regular suits, and for limiting and altering some of the existing provisions respecting the pleadings and processes and the mode of executing decrees in regular suits and appeals.	The whole Regulation, except so much of Clause 2 of Section VIII as gives an appeal from a Sudder Ameen to a Judge.
" VIII 1817	A Regulation for expediting the trial of Civil suits in which the Native Officers and Soldiers attached to Regular Corps on the Military establishment of the Presidency of Fort St. George may be parties, and for giving to them certain facilities in the maintenance and recovery of their rights, claims, and interests.	The whole Regulation, except Section IX.
" VII 1818	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for admitting persons of certain descriptions to sue in the Courts of Civil Judicature as paupers.	The whole Regulation.
" III 1822	A Regulation for extending the operation of Regulation VII of 1818.	The whole Regulation.
" I 1823	A Regulation prescribing the course of proceeding to be observed in regard to suits instituted in the Courts of Adawlut against the Public Officers of Government.	The whole Regulation.
" II 1823	A Regulation for authorising a Special Appeal from the decrees of Registers and Sudder Ameens, and for modifying the provisions of Section XIV Regulation VIII 1816.	The whole Regulation.
" IV 1825	A Regulation for amending and modifying the provisions contained in Regulation VII of 1818.	The whole Regulation.
" I 1827	A Regulation for the establishment of Auxiliary Zillah Courts in the Territories subject to the	Section IX.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation I 1827 (<i>continued</i>).	Presidency of Fort St. George, and for the appointment of Assistant Judges and Sudder Ameens to those Courts.	
„ XI 1827	A Regulation for supplying certain omissions in Regulations I and VII 1827 respecting Special Appeals, and for providing for the office of Sudder Ameen in Auxiliary Courts seated at the same Station as Provincial Courts.	The whole Regulation.
„ VI 1828	A Regulation to amend the rules for computing the periods limited for appealing, and to provide for the disposal of Pleaders' fees deposited in suits struck off the files of Zillah Courts as being for an amount or value not cognizable by them.	
„ I 1829	A Regulation for amending the rules in force relative to the trial of appeals, and for the better securing of impartiality in the administration of Justice.	The whole Regulation.
„ VIII 1831	A Regulation for vesting in single Judges of the Courts of Sudder and Foujdaree Adawlut and in single Judges of the Provincial Courts of Appeal, under certain restrictions, the power now exercised by two or more Judges of those Courts respectively.	Section IV.
„ I 1832	A Regulation to provide for the punishment of false allegations in petitions to the Judicial Courts and fictitious claims to property attached in execution of decrees.	The whole Regulation.
„ II 1834	A Regulation for rescinding Section III, Regulation II of 1828, and such parts of any other Regulations in force as authorise District Moonsiffs to receive, as a compensation for their trouble in the trial of suits, the amount of the institution-fee levied thereon.	Section V.
BOMBAY.		
„ II 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof.	Sections V to XVIII, Sections XXI, XXII, XXIII, XLI, XLII, XLIII, and LI.
„ III 1827	A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records.	Sections II and III.
„ IV 1827	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil suits and appeals, and rules for the trial of the same.	The whole Regulation except Section C.
„ VI 1827	A Regulation for admitting persons to sue or defend in suits or appeals <i>in forma pauperis</i> .	The whole Regulation.
„ VII 1827	A Regulation to facilitate the amicable adjustment of disputes of a Civil nature by means of arbitrators (a Punchayet).	The whole Regulation.
„ XVIII 1827	A Regulation for levying a Stamp Duty on certain papers within the Territories subordinate to the Presidency of Bombay.	So much of Section XVIII as enacts that stamps shall be leviable in respect of every application for summoning and examining witnesses or filing exhibits.

W. MORGAN,
Clerk of the Council.