



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE,

CONTAINING

Acts and Bills of the Legislative Council of India.

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

Legislative Council of India.

12th February 1859.

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

ACT No. III. OF 1859.

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

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

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

II. Whenever the Joint Magistrate of any Military

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

Cantonment Bazar or Station shall be invested with Civil jurisdiction under the provisions of the preceding Section, and so long as he shall remain so invested, so much

of Act XI. of 1841 as authorises the Commanding Officers of Stations or Cantonments to convene Military Courts of Requests for the trial of actions of debt and other personal actions as aforesaid shall be suspended within the limits of such Cantonment Bazar or Station.

III. Whenever, in either of the Presidencies of Ma-

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

dras or Bombay, an Officer shall be invested with Civil jurisdiction as aforesaid, and so long as he shall remain so

invested, the Rules for the trial of small suits in Military Bazaars at Cantonments and Stations occupied by the Troops of those Presidencies respectively, shall cease to have effect within the jurisdiction of such Officer.

IV. Whenever the Joint Magistrate of any Military

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

Cantonment Bazar or Station shall be invested with Civil jurisdiction under the provisions of this Act, no person amenable to the Articles of War for the Native Army, who may be liable to be sued before such Joint Magis-

trate for any cause of action cognisable by him, shall be sued elsewhere.

V. Provided that nothing in the preceding Sections

Saving of Rules in force in the Madras Presidency for the trial by Panchayet of suits against Military persons.

shall be held to alter or affect the rules in force in the Madras Presidency for the trial by Panchayet of suits against Military persons

belonging to that Presidency.

VI. No person carrying on trade or business with-

Trader not to recover any debt unless registered as a Military Bazar-man.

in the limits of any Military Cantonment, or who shall have carried on trade or business within any such limits, shall be allowed to recover in any Court, held under this Act, any debt contracted in the way of such trade or business, or the loan of money within any such Cantonment by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall, at the time of contracting the same, have been registered as a Military Bazar-man within such Cantonment.

VII. In cases instituted under the provisions of this

Procedure in cases tried under this Act.

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

No revision or appeal.

Magistrate in cases cognisable by him under this Act, shall not be open to

Execution of decrees.

revision or appeal; and provided further, that it shall not be necessary to publish in Station Orders the decrees passed in such cases before they are carried into execution; and the Joint Magistrate passing the decree shall determine whether the execution shall be general or special, and shall proceed, of his own authority, with the execution.

VIII. If the claim of the plaintiff be dismissed, and

Compensation may be awarded to a defendant if suit be groundless, and instituted without probable cause.

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

IX. It shall further be lawful for the Governor

Cantonment Joint Magistrates may be appointed Registers of Deeds within the limits of their jurisdiction.

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

X. Whenever the Joint Magistrate of any Military

Rules applicable to Registers of Deeds to be applicable to Cantonment Joint Magistrates appointed Registers.

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

XI. Every Joint Magistrate who shall be invested

Oaths of Office.

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

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

12th February 1859.

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

ACT No. IV. of 1859.

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

Whereas, by the laws in force, the Executive Govern-

Preamble.

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

I. Whenever it shall be judged necessary or expedient that any person, who

Executive Government empowered to remove certain Prisoners beyond the limits of the Presidency or Government within which they are confined.

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

Duration of Act.

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

III. Any prisoner who, previously to the passing

Past removals so made, legalised.

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

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

19th February 1859.

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

A Bill to Provide for the Limitation of Suits.

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

Preamble.

1. 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 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 regarding arrears and exactions of rent—the period of one year from the time the cause of action arose.

3. To suits to set aside the sale of any property, moveable or immovable, sold under an execution of a decree of any Civil Court not established by Royal Charter when such suit is maintainable; to suits to set aside the sale of any property, moveable or immovable, for arrears of Government Revenue or other demand recoverable in like manner; to suits by a Putneedar or the proprietor of any other intermediate tenure saleable for current arrears of rent, or other person claiming under him; to set aside the sale of any Putnee Talook or such other tenure sold for current arrears of rent; to suits to set aside the sale of any property, moveable or immovable, sold in pursuance of any summary award or order of a Collector or other Officer of Revenue in disputes regarding arrears and exactions of rent—the period of one year from the date at which such sale was confirmed, or would otherwise have become final and conclusive if no such suit had been brought.

4. To suits to alter or set aside summary decisions and orders of any of the Civil Courts not established by Royal Charter, when such suit is maintainable; to suits to alter or set aside summary awards or orders by Collectors and other Officers of Revenue in disputes regarding arrears and exactions of rent—the period of one year from the date of the final decision, award, or order in the case.

5. To suits not falling within the last preceding Clause brought by any person to contest the justice of an award which shall have been made under Regulation VII. 1822, Regulation IX. 1825, and Regulation IX. 1833, of the Bengal Code, or to recover any property comprised in such award—the period of three years from the date of the final award or order in the case.

6. To suits by any party bound by any order 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 case.

7. 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 regarding arrears and exactions of rent)—the period of three years from the time the cause of action arose.

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

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

10. To suits in cases governed by English law upon all debts and obligations of record and specialties; and to suits for the recovery of any legacy—the period of twelve years from the time the cause of action arose.

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

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

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

14. To suit 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, pawnees, or mortgagees to recover immovable property.

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

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

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

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

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

Revival of right to sue by admission in writing.

V. In suits for the recovery of 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 depositary, pawnee, or mortgagee, no such suit shall be maintained unless brought within the time limited by Clause 14, Section I.

Proviso.

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

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

VII. In suits to avoid incumbrances or under-tentures 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-tentures, 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-tentures 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.

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

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

Computation of period of limitation in suits where the cause of action is founded on fraud.

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.

Computation of period of limitation in case of absence of defendant.

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

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

Computation of period of limitation in case of suit prosecuted *bona fide*, but in wrong Court.

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

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

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

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

XVIII. All suits that may be now pending, or that shall be instituted within the period of two years from the date of the passing of this Act, shall be tried and 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 to some persons capable of releasing the same, unless in the meantime such judgment, decree, or order shall have been duly revived, or some part of the principal money secured by such judgment, decree, or order, or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable or his agent, to the person entitled thereto or his agent; and in any such case no proceeding shall be brought to

enforce the said judgment, decree, or order, but within twelve years after such revivor, payment, or acknowledgment, or the latest of such revivors, payments, or acknowledgments, as the case may be; Provided that for three years next after the passing of this Act every judgment, decree, and order, which may be in force at the date of the passing of this Act, shall be governed by the law now in force, anything herein contained notwithstanding.

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

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

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

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

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

XXV. 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.

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W. MORGAN,
Clerk of the Council.

ACT No. IV. of 1859.—Murathee.

सन १८५९ चा आक्ट ४ था.

इंडियाचे लेजिस्लेटिव कौन्सिलाने ठरविला तो, गवरनर जनरल याणी सन १८५९ चे फेब्रुआरी महिन्याचे १० वे तारिखिस मंजूर केलाः—

कैदांस एका जागेतून दुसरे जागीं पाठविण्याबाबद आणखी ठराव करण्याविषयीं
आक्ट.

कोणतेही प्रेसिडेन्सीचे, किंवा जागेचे राज्य कारभार चालविणारे सरकारास हाही कायदा चालू आहे त्यावरून, खाली लिहिल्याप्रमाणे हुकूम करण्याचा अधिकार आहे: म्हणजे, कैदेचे शिक्षेचा ठराव झाल्यावरून कोणी मनुष्य प्रेसिडेन्सीतील कोणतेही तुरुंगांत, किंवा कैदेचे जागेत कैद असेल तेथून त्यास त्याच प्रेसिडेन्सीतील इतर कोणतेही सरकारी तुरुंगांत, किंवा कैदेचे जागेत पाठविण्याविषयी हुकूम करण्याचा अधिकार आहे; आणि जा प्रेसिडेन्सीत कैदी कैद असतील त्या प्रेसिडेन्सीचे हद्दी बाहेर त्यांस कितीएक प्रसंगी पाठविण्याविषयी ठराव, कांहीं दिवस पर्यंत अमलांत राही असा, करणे योग्य आहे; यास्तव, खाली लिहिल्याप्रमाणे ठरविलें आहेः—

उद्देश.

१. कोणतेही अपराधाची शाबिती होऊन कोणी मनुष्यास जन्म पर्यंत कैद करण्याचा, किंवा तीन वर्षांहून अधिक मुदत पर्यंत कैद करण्याचा ठराव झाला असेल त्या मनुष्यास जा प्रेसिडेन्सीत कैद ठेवला असेल त्या प्रेसिडेन्सीचे हद्दी बाहेरील कोणतेही कैदेचे जागीं पाठविणे जरूर, व योग्य वाटेल तेव्हा, त्या मनुष्यास जा तुरुंगांत, किंवा जागेत तो कैद असेल तेथून खाली लिहिलेले जागीं म्हणजे, “हिंदुस्थानाचा राज्यकारभार चालविण्याविषयीं आक्ट” म्हणून मलिका माआझमाचे कारकीर्दीचे २२ वे व २३ वे वर्षीत झालेले स्टायूटाचे १०६ वे बाबीवरून जो मुलूक मलिका माआझमाचे स्वाधीन झाला आहे, किंवा पुढें होईल त्या मुलुकाचे कोणतेही भागांतील इतर कोणतेही तुरुंगांत, किंवा जागेत पाठविण्याविषयी हुकूम करण्याचा अधिकार गवरनर जनरल इन् कौन्सिलास आहे; अथवा प्रेसिडेन्सीचे, किंवा जागेचे राज्यकारभार चालविणारे सरकारास आहे; परंतु त्या सरकाराने तसे करण्याविषयी गवरनर जनरल इन् कौन्सिलाचें अनुमत प्रथम घेतलें पाहिजे.

जा प्रेसिडेन्सीत कैदी कैद असतील त्यांस त्या प्रेसिडेन्सीचे हद्दी बाहेर पाठविण्याचा अधिकार तेथील राज्यकारभार चालविणारे सरकारास आहे.

२. हा आक्ट एक वर्ष पर्यंत अमलांत राहील.

आक्टची मुदत.

३. कोणताही कैदी जा तुरुंगांत, किंवा जागेत कैद असेल तेथून त्यास सदहू मुलुकांतले इतर कोणतेही तुरुंगांत, किंवा जागेत हा आक्ट ठरण्यापूर्वी वर सांगितलेले रितीप्रमाणे पाठविला असेल तर तो कायद्या अन्वये पाठविला असें समजावें.

हा आक्ट ठरल्यापूर्वी पाठविले असतील ते कायद्या प्रमाणे पाठविले असें समजावें.

(True translation)

VENAYEK WASSOODIEW,
Oriental Translator to Government.

सन १८५९ ने आक्ट ४ घो.

इंडियानी लेजिस्लेटिव कौन्सिले ठराव्यो ते, गवरनर जनरल एओए सन १८५९ नी फेवृअरी महिनानी १० मी तारिखे मंजूर कीधो.

केदीओने एक जगो परथी बिजी जगोपर मोकलवाबाबत बिजा ठराव करवाविशे
आक्ट.

उद्देश.

कोईपण प्रेसिडेन्सीनो, अथवा जगानो राज्यकारभार चलावनारी सरकारने हाल जे कायदा चालू छे ते उपरथी नीचे लख्याप्रमाणे हुकूम करवानो अधिकार छे : एटले, केदनी शिक्षानो ठराव थया उपरथी कोई मांगस प्रेसिडेन्सीमां कोईपण तुरंगमां, अथवा केदखानामां केद होय ताहांथी तेने तेज प्रेसिडेन्सीमां बिजी कोईपण सरकारी तुरंगमां, अथवा केदखानामां मोकलवाविशे हुकूम करवानो अधिकार छे; अने जे प्रेसिडेन्सीमां केदी केद होय ते प्रेसिडेन्सीनी हद्द बाह्यार तेने केटले एक प्रसंगे मोकलवाविशेनो ठराव, केटला एक दाहाडासुधी अंमलमां रहे एवुं, करवुं योग्य छे; वास्ते नीचे लख्याप्रमाणे ठरावेलुं छे:—

जे प्रेसिडेन्सीमां केदी केद होय तेने ते प्रेसिडेन्सीनी हद्द बाह्यार मोकलवानो अधिकार ताहांनी राज्यकारभार चलावनारी सरकारने छे.

१. कोईपण अपराधनी शाबिती थयाथी कोई मांगसने जन्मसुधी केद करवानो, अथवा जण वर्ष करतां वधारे मुदतसुधी केद करवानो, ठराव थयो होय ते मांगसने जे प्रेसिडेन्सीमां केद राख्यो होय ते प्रेसिडेन्सीनी हद्द बाह्यारना कोईपण केदखानामां मोकलवो जरूर, अथवा योग्य दिसे तो ते मांगसने जे तुरंगमां अथवा केदखानामां ते केद होय ताहांथी नीचे लखेली जगाए एटले “हिंदुस्थाननो राज्यकारभार चलाववाविशेना आक्ट” करीने मलिका माआझमांनी कारकीर्दीना २२ मा तथा, २३ मा वर्षमां थयला स्टायूटना १०६ ठा बाब उपरथी जे मुलक मलिका माआझमाने स्वाधीन थयो छे अथवा आगळ थसे ते मुलकना कोईपण भागमांनी बिजी कोईपण तुरंगमां, अथवा जगाये मोकलवाविशे हुकूम करवानो अधिकार गवरनर जनरल इन् कौन्सिलने छे; अथवा प्रेसिडेन्सीनो, अथवा जगानो राज्यकारभार चलावनारी सरकारने छे; पण ते सरकारे तेवुं करवाविशे गवरनर जनरल इन् कौन्सिलनुं अनुमत प्रथम लेवुं जोईए.

आक्टनी मुदत.

२. आ आक्ट एक वर्षसुधी अंमलमां रहेसो.

आ आक्ट ठया पूर्वे मोकल्या होय ते कायदाप्रमाणे मोकल्या एवुं समजवुं.

३. कोईपण केदी जे तुरंगमां, अथवा जे जगामां केद होय ताहांथी तेने सदहू मुलकमांनी बिजी कोईपण तुरंगमां, अथवा जगामां आ आक्ट ठयां पूर्वे उपर केहेली रिती प्रमाणे मोकल्यो होय तो ते कायदा अन्यये मोकल्यो एम समजवुं.

(True translation)

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