



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

Published by Authority.

THURSDAY, 7TH APRIL 1859.

 *Separate Paying 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.

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

ACT No. V. OF 1859.

An Act to Empower the Holders of Ghatwalee Lands, in the District of Beerbhoom, to Grant Leases extending beyond the Period of their own Possession.

Whereas it has been held that the Ghatwals of the District of Beerbhoom, who

Preamble. pay the revenue of their

lands directly to Government under the provisions of Regulation XXIX. of 1814 of the Bengal Code, have not the power of alienating their lands; and whereas, for the development of the mineral resources of the country in which the said Ghatwalee lands are situate, and for the improvement of the said lands, it is expedient that the power of granting leases for periods not limited by the term of their own possession, should in certain cases be extended to the possessors of such lands; It is enacted as follows:—

I. Ghatwals holding lands in the District of Beerbhoom, under the provisions of the aforesaid Regulation, shall have the

Ghatwals of Beerbhoom to have the same right of granting leases as is allowed to other proprietors of lands.

may deem most conducive to the improvement of their tenures, as is allowed by law to the proprietors of other lands. Provided that no lease of Ghatwalee lands for any

Proviso. period extending beyond the life-time or incumbency of

the grantor of the lease shall be valid and binding on the successors of the grantor, unless the same shall be granted for the working of mines or for the clearing of jungle, or for the erection of dwelling-houses or manufactories, or, for tanks, canals, and similar works; and shall be approved by the Commissioner of the Division, such approval being certified by an endorsement on the lease under the signature of the Commissioner.

II. If any of the said Ghatwalee lands be at any time under the superintendence of the Court of Wards, or otherwise subject to the direct control of the Officers of Government, it shall be lawful for the Court of Wards or the Commissioner to grant leases for any such purpose as aforesaid; and every lease so granted shall be valid and binding on all future possessors of the said lands, anything in the existing law to the contrary notwithstanding.

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 March 1859, and is hereby promulgated for general information:—

ACT No. VI. OF 1859.

An Act to Empower the Governor of Bombay in Council to Appoint a Magistrate for certain Districts within the Zillah Ahmedabad.

Whereas it is expedient to provide specially for the Criminal and Police Administration of such portions of the Zillah Ahmedabad as are mentioned in the Schedule to this Act; It is enacted as follows:—

Preamble.

I. It shall be lawful for the Governor of Bombay in Council to appoint a Magistrate for the Districts mentioned in the Schedule to this Act; and such Magistrate, when so appointed, shall exercise, within the said Districts, all the powers of a Magistrate as defined in the general Regulations of the Bombay Code, and the Acts

Governor in Council empowered to appoint a Magistrate for the Districts mentioned in Schedule.

exercise, within the said Districts, all the powers of a

Powers of Magistrate.

of the Legislative Council. Upon the appointment of

Exemption of Districts from jurisdiction of the Magistrate of Ahmedabad.

Assistants to the Magistrate.

Council to appoint so many Assistants to the said Magistrate as may be required.

II. Nothing contained in the preceding Section shall be held to remove the said Districts from the jurisdiction of the Session Judge of Ahmedabad, and the Sudder Court.

Sudder Foujdaree Adawlut.

SCHEDULE OF DISTRICTS.

[See Section I.]

Names of Villages under the Gogo Pergunnah.

1 Bhownggur itself.	39 Sheehore.
2 Joona Wudwa.	40 Oosurud.
3 Rooha.	41 Soorka-Mota.
4 Ukwarra.	42 Agiale.
5 Udhewarra.	43 Tanah.
6 Tursumiya.	44 Kiantree.
7 Malunka.	45 Turruckpalree.
8 Bhooteshur.	46 Dewgama.
9 Bhooabhulee.	47 Ruttunpoor, near Tanah.
10 Ruttunpoor-Joona.	48 Wudia.
11 Ruttunpoor-Nooa.	49 Wullawur.
12 Goondhee.	50 Megwuddur.
13 Koliak.	51 Ghangulee.
14 Hathub.	52 Nessura.
15 Khudsulioo.	53 Rajpoora, 2nd.
16 Bhudbhudioo.	54 Khakuria.
17 Alapoor.	55 Kurdej.
18 Thulsur.	56 Naree.
19 Lakanka.	57 Boodhel.
20 Khudurpoor and Meeteveerde.	58 Kobree.
21 Inspoor.	59 Bhuree.
22 Mandwa.	60 Bhundaria.
23 Sonshiya.	61 Choodee.
24 Panalee.	62 Sankudasur.
25 Trapuj.	63 Bharolee.
26 Buparra.	64 Nagdhuneeba.
27 Panchpcepla.	65 Surtanpoor.
28 Rajpoora, 1st.	66 Wowree.
29 Borlee.	67 Thordee.
30 Rajawuddur.	68 Rampoor.
31 Wurtej.	69 Soorka.
32 Phoolsur.	70 Sheddawuddur.
33 Sondwudra.	71 Jamballa.
34 Phuriadka.	72 Bhensowree.
35 Seedsur.	73 Kuchotia.
36 Kurmudia.	74 Cheerora.
37 Peethulpoor.	75 Janira.
38 Shampoor.	76 Kalvee.

Names of Villages under the Dhumdooka Pergunnah.

1 Patna.	17 Kanootulow.
2 Bhurbheer.	18 Woolwov.
3 Chukumpoor.	19 Sandeda.
4 Ruttunwov.	20 Otaria.
5 Keria.	21 Jotingra.
6 Junrula.	22 Nagulpoor.
7 Sunundeala, 1st.	23 Sherthulee.
8 Kariance.	24 Dheekwallee.
9 Latheedhur.	25 Wajelee.
10 Surwee.	26 Loundhurra.
11 Jhinjawuddur.	27 Malpura.
12 Pattee.	28 Dahturelia.
13 Keria, near Pattee.	29 Welawuddur.
14 Bhanblum.	30 Veerde, or Rajghur.
15 Sunundeala, 2nd.	31 Sulee.
16 Tajpur.	

Names of Villages under the Rampoor Pergunnah.

1 Botad.	6 Toorkha.
2 Hurdur.	7 Kamar.
3 Seerwania.	8 Rajpoora.
4 Dankunia.	9 Jura.
5 Khakhoe.	

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

14th March 1859.

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

ACT No. VII. of 1859.

An Act to Alter the Duties of Customs on Goods Imported or Exported by Sea.

I. From and after the 12th day of March 1859 inclusive, so much of Schedules A and B annexed to Act XIV. of 1836, so much of Schedules A and B annexed to Act VI. of 1844, so much of Schedule annexed to Act IX. of 1845, so much of Schedules A and B annexed to Act I. of 1852, and so much of Sections II., III., and IV. Act XXX. of 1854, as prescribe the Rates of Duty to be charged on goods imported into, or exported from, any port in India by sea, except the articles of Salt and Opium, are repealed.

II. From and after the 12th day of March 1859 inclusive, all the provisions to have reference to Schedules annexed to this Act. now in force of the above-mentioned Acts, which have reference to the duties of Customs now charged and leviable on goods imported into or exported from any Port in India by sea, shall be taken to have reference to the duties of Customs prescribed in the Schedules annexed to this Act; Provided that nothing in this Act shall authorise the levy of duties of Sea Customs at any free Port, or be deemed to affect the provisions of Acts VI. and VII. of 1848.

III. Nothing in this Act shall apply to Teak Timber exported from the Arracan, Pegu, Martaban, and Tenasserim Provinces.

IV. And whereas contracts or agreements may have been made for the sale or delivery of goods on which increased or additional duties are imposed by this Act, and which contracts or agreements may have been made without reference to such increased duties, and thereby the several contractors may be materially affected; It is therefore further enacted that, if any person shall, by virtue of any contract entered into before the passing of this Act, be bound to deliver, at any time after the passing of this Act, goods hereby made liable to an increased or additional rate of duty, and shall, upon the importation or exportation of any goods, which he may deliver in performance of such contract, pay a rate of duty higher than that which was imposed by law on such goods at the time when the contract was entered into, every such person is hereby authorised and empowered to add to the price of such goods a sum equal to the difference between the duty paid under this Act and the duty which would have been payable under the laws in force when the contract was entered into, and shall have the same remedy for the recovery of such sum as if the same had been part of the price agreed upon.

V. This Act shall take effect on and after the 12th day of March 1859; and When this Act shall take effect. every Collector of Customs and other Officer is hereby indemnified for anything done, on or after that day, in collecting or enforcing the Duties imposed by this Act, or in otherwise carrying into effect the provisions hereof; and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of anything so done.

SCHEDULE A.

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

1. Bullion and Coin Free.
2. Precious Stones and Pearls "
3. Grain and Pulse "
4. Horses and other living Animals. "
5. Ice "
6. Coal, Coke, Bricks, Chalk, and Stones (Marbles and Wrought Stones excepted). .. "
7. Cotton Wool "
8. Books "
9. Machinery for the improvement of the communications and for development of the resources of the Country "

And the Collector of Customs, subject to the general orders of the local Executive Government, shall decide what articles of Machinery come within the above definition, and such decision shall be final in law.

10. Cotton Thread, Twist, and Yarn } 5 per cent. *ad valorem*.
11. Tea 20 "
12. Coffee 20 "
13. Tobacco, and all preparations thereof 20 "
14. Spices, including Cassia, Cinnamon, Pepper, Cloves, Nutmegs, and Mace 20 "
15. Haberdashery, Millinery, and Hosiery 20 "

And the Collector of Customs, subject to the general orders of the local Executive Government, shall decide what articles come within the above definition, and such decision shall be final in law.

16. Grocery, Confectionery, and Oil-man's Stores } 20 per cent. *ad valorem*.
17. Provisions, Hams, and Cheeses. 20 "
18. Perfumery 20 "
19. Jewellery, Plate, and Plated-ware 20 "
20. Porter, Ale, Beer, Cider, and other similar fermented Liquors } 4 Annas the imperial gallon.
21. Wines and Liqueurs } 2 Rupees the imperial gallon.
22. Spirits 3 Rs. ditto.

And the Duty on Spirits shall be rateably increased as the strength exceeds London proof.

23. All articles not included in the above enumeration } 10 per cent. *ad valorem*.

SCHEDULE B.

Rates of Duty to be charged upon Goods exported by Sea from any Port in India not being a free Port:—

1. Bullion and Coin Free.
2. Precious Stones and Pearls "
3. Books, Maps, and Drawings printed in India "
4. Horses and other living Animals. "
5. Cotton Wool "
6. Sugar and Rum "
7. Spirits "
8. Tobacco and all preparations thereof "
9. Raw Silk "
10. Grain and Pulse of all sorts } 2 Annas the Indian Maund.
11. Indigo } 3 Rs. the Indian Maund.
12. Lac Dye and Shell Lac } 4 per cent. *ad valorem*.
13. All Country Articles not enumerated or named above } 3 per cent. *ad valorem*.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

12th March 1859.

The following Bill was read a second time in the Legislative Council of India on the 12th March 1859, and was referred to a Select Committee, who are to report thereon after the 16th of June next:—

A Bill to Amend Act XXV. of 1858 (for Appointing Municipal Commissioners, and for Raising a Fund for Municipal Purposes in the Town of Bombay).

Whereas it is expedient to amend Act XXV. of 1858; Preamble. It is enacted as follows:—

I. It shall be lawful for the Governor in Council of Bombay to remove from office any Municipal Commissioner elected, or who may hereafter be elected by the Justices of the Peace in Sessions assembled, if the said Justices in Sessions assembled shall recommend such removal. In the event of a vacancy occurring by such removal, the Justices shall, as soon as convenient, elect a person to supply the vacancy until the next triennial election.

II. In addition to the Town-Duties leviable under the said Act, the following Duties shall be levied in respect of the articles hereinafter mentioned, when the same are imported from any place into the Town of Bombay, and are intended for use therein (that is to say):—

Bricks, 2 annas for every thousand.

Tiles, 5 per cent. on the market value.

The said Duties shall be deemed Town-Duties within the provisions of the said Act relating to Town-Duties, and shall be levied and collected accordingly by and under the management of the Commissioner of Customs of Bombay and his Subordinate Officers, and shall be paid into the General Treasury to the credit of the Municipal Commissioners.

III. The Municipal Commissioners at their discretion may compound for any period not exceeding years for a certain sum to be paid to them in respect of any of the articles specified in the last preceding Section, or in the Schedule annexed to the said Act XXV. of 1858, in lieu of the Town-Duties chargeable thereon.

IV. When any article in respect of which the Town-Duty is leviable or has been or may hereafter be levied, is re-exported to any place beyond the limits of the Town, or when any such article, being the property of Government, is so re-exported, or is issued from any Government Depot at Bombay for the use of the Indian Navy or for any other Government purpose, the whole of the Town-Duty leviable, or which may, since the passing of the said Act, have been levied, or which may hereafter be levied on such article, shall be remitted.

V. If it appear to the Commissioner of Customs of Bombay that the amount of Town-Duty leviable in respect of any articles cannot be readily ascertained at the time of importation, by reason that the whole of the articles may not be intended for consumption or use within the Town or for any other reason, it shall be lawful for the said Commissioner to levy and collect such amount at any subsequent period.

VI. This Act shall be read with, and taken as part of, the said Act XXV. of 1858.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

19th March 1859.

The following Bill was read a second time in the Legislative Council of India on the 12th March 1859, and was referred to a Select Committee, who are to report thereon after the 23rd of June next:—

A Bill for the Better Regulation of the Police within the Territories subject to the Presidency of Fort St. George.

Whereas it is expedient to separate throughout the Madras Presidency, the judicial functions of the Magistrate and his Subordinates, and of the Heads of Villages, from duties relating to matters of Executive Police; and to substitute a more efficient system of Police, under the immediate control of the Governor in Council of the said Presidency; and to re-organise the Police Force; It is enacted as follows:—

I. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say):—

The word "Magistrate" shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate.

The word "Subordinate," as applied to Police functionaries, shall mean District Superintendents and their Assistants.

The word "Police" shall include General and Village Police, Cuttobadies, Kavilgars, and all other persons, by whatever name known, who exercise any Police functions throughout the Madras Presidency.

The expression "General Police District" shall embrace all Districts to which the operation of this Act shall be extended.

The word "property" shall include any chattel, money, or valuable security.

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

Words importing the masculine gender shall include females.

The word "person" shall include company or corporation.

The word "month" shall mean calendar month.

The word "cattle" shall, besides horned-cattle, include elephants, camels, horses, asses, mules, sheep, goats, and swine.

II. The several Regulations and Acts mentioned in the Schedule hereunto annexed, are hereby repealed and amended, to the extent and in the manner therein set forth, within the limits of the General Police District, except so far as they repeal the whole or any part of any other Regulation or Act; and except as to any act or offence which shall have been done or committed, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation: provided also, that nothing in this Section shall be construed to affect any judicial function or jurisdiction, original or appellate, which by any existing law may be exercised by any of the Officers mentioned in the enactments above repealed.

III. Section IV. of Act III. of 1857 (relating to trespasses by Cattle) shall, throughout the limits of the General Police District, be read as if the words "District Subordinate" and "Village Inspectors" were respectively substituted therein for the words "Magistrate" and "Heads of Villages."

IV. The powers of appointment given to the Magistrate by Section XL. of Regulation XI. 1816 of the Madras Code (for the establishment of a general system of Police throughout the territories subject to the Government of Fort St. George) shall still continue, but the Officer so appointed shall no longer possess or exercise any authority as a Police functionary; provided always that such Officer so appointed shall continue to exercise all judicial functions granted by Section II. of Regulation IV. 1821, and Act XXX. of 1837.

V. The entire superintendence of the Police throughout the General Police District shall vest in the Governor in Council, and, except as authorised by him under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any Police functionary, any Regulation, Act, or usage to the contrary notwithstanding.

VI. The administration of the Police throughout the General Police District shall be vested in an Officer to be styled the Chief Commissioner of Police for the Presidency of Madras, and in such Subordinates as to the Governor in Council shall seem fit, who shall from time to time be appointed by the local Government, and may be removed by the same authority, and who shall receive such salary as the Governor General of India in Council shall allow.

VII. All powers which up to the passing of this Act belonged by law to the existing Police authorities shall be vested in the Police authorities appointed under this Act. Provided always, that no Police functionary so appointed shall possess or exercise any judicial authority.

VIII. The Chief Commissioner of Police shall be appointed a Magistrate throughout the General Police District, and shall also be appointed a Justice of the Peace, and he shall act as such under such orders as may from time to time be passed by the Governor in Council. The Governor in Council may appoint any District Superintendent of Police to be a Magistrate within such limits as he may deem proper; but such Superintendent, if so appointed, shall act in that capacity only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and as far as may be necessary for the performance of the duties assigned to him by this Act.

IX. The entire Police establishment of the Madras Presidency shall for the purposes of this Act be deemed to be one Police Force, and shall be formally enrolled, and shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the local Government with the sanction of the Governor General of India in Council.

X. The Police Force shall be under the exclusive direction and control of the Chief Commissioner of Police, who may from time to time, subject to the approval of the local Government, frame such orders and regulations as he shall deem expedient, relative to the general government of the Force, the places of residence, the classification, rank, distribution, and particular service of the Members thereof; their inspection; the description of arms, accoutrements, and other necessities to be furnished to them; to the collecting and communicating intelligence and information; and all such other orders and regulations relative to the said Police Force as the said Chief Commissioner shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the discharge of all its duties.

XI. The appointment of all Police Officers shall rest with the Chief Commissioner of Police, and he may at any time dismiss, suspend, or fine any such Member whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; provided always that the Chief Commissioner shall have authority to delegate to any of his Subordinates the powers given to him in this Section.

XII. Every person so appointed shall receive on his enrolment a certificate (A) under the seal of the Chief Commissioner of Police, by virtue of which he shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer, or other person empowered to receive it.

XIII. There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the Unconvenanted Service Pension Rules, a sum after such rate as the local Government shall direct, not being greater rate than One Anna in the Rupee; which sum so deducted, and also the monies accruing from stoppages from the pay of Police Officers during absence from sickness or other cause, and fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons, or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Governor in Council, shall from time to time be invested in such manner and in such securities as the Governor in Council may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund"; and shall be applied from time to time to the payment of superannuation or retiring allowances or gratuities, under such rules as may be passed by the said Governor in Council; provided always that any Police Officer may be dismissed or removed without superannuation allowance; and that no Police Officer shall be entitled of right to any allowance from this Fund, or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officer.

XIV. It shall be lawful for the Chief Commissioner of Police, or his Subordinates, if they shall think fit, on the application of any person showing the necessity thereof, to depute any additional number of Police

Additional Police Officers employed at the cost of individuals.

Officers to keep the peace at any place within the General Police District, at the charge of the person making the application, but subject to the orders of the said Chief Commissioner, or his Subordinates, and for such time as they shall think fit; provided always that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Chief Commissioner, or his Subordinate, to require that the Officers so appointed shall be discontinued: such person shall be relieved from the charge of such additional Force from the expiration of such notice.

XV. Whenever any Railway, Canal, or other Public works shall be carried on, or be in operation in any part of the country, and it shall appear to the Chief Commissioner that the appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Chief Commissioner, with the consent of the Governor in Council, to direct the employment of such additional Force, and to maintain the same so long as such necessity shall continue; and to make orders from time to time upon the Treasurer or other Officer having the control or custody of the funds of any Company carrying on such works, for the payment of the extra Force so rendered necessary as aforesaid.

XVI. All monies paid in respect of such additional Force as is mentioned in the two last preceding Sections, shall be paid into a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police Force under such orders as the Governor in Council may pass; and all sums of money payable under those Sections shall be recoverable by distress, under the warrant of a Magistrate, according to Act II. of 1839; provided always that no Treasurer or Officer having control over the funds of any Company shall be liable to imprisonment in default of payment.

XVII. When it shall appear that any tumult, riot, or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation, and for the protection of the inhabitants, and the security of property in such place, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the public or village servants, or residents of the neighbourhood, as such Police Officer may require, to act as special Police Officers, for such time and in such manner as he shall deem necessary; and it shall be the duty of such Magistrate at once to comply with such applications; provided always that, whenever it shall be deemed necessary to appoint such special constables as aforesaid, notice of their names and occupations, and of the circumstances which rendered such appointment expedient, shall be forthwith transmitted to the Magistrate of the District.

XVIII. Every special Officer so appointed shall have the same powers, privileges, and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities as the ordinary Officer of Police.

XIX. If any person, being appointed a special Police Officer as aforesaid, shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable, upon summary conviction before a Magistrate, to a fine not exceeding Rupees for such neglect, refusal, or disobedience.

Refusal to serve.

XX. No Police Officer shall be at liberty to resign his office, or withdraw himself from the duties thereof, unless expressly allowed to do so in writing by the District Superintendent; or unless he shall have given to his superior Officer two months' notice in writing of his intention to do so. Nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act, unless expressly permitted to do so in writing under the seal of the Chief Commissioner.

XXI. From and after the passing of this Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police; and who shall not forthwith deliver up his certificate, and all the clothing, accoutrements, and appointments, and other necessities which may have been supplied to him for the execution of his duty; or who shall have in his possession any distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it; or who shall otherwise personate the character, or act the part of any Police Officer for any purpose whatever, shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable, on summary conviction before a Magistrate, to a penalty not exceeding Rupees, or to imprisonment, with or without hard labour, for a period not exceeding months, or both.

XXII. Every Police Officer shall, for all purposes in this Act contained, be considered to be on duty at all times and in all places. It shall be his duty to use his best endeavours and ability to prevent all crimes, offences, and public nuisances; to preserve the peace; to apprehend disorderly and suspicious characters; to detect and bring offenders to justice; to collect and communicate intelligence affecting the public peace; and promptly to obey and execute all orders and warrants lawfully issued to him.

XXIII. It shall be the duty of every Police Officer, and he is hereby authorised, to arrest without warrant—

1. All persons who are charged on credible information, or whom he has reasonable ground to suspect of having been concerned in any grave or forcible crime or outrage.

2. All persons who are charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence a warrant could not have been issued.

3. All persons committing, or attempting to commit, any breach of the peace in his view, and who refuse to desist on being required thereto.

4. All persons found injuring the public buildings, roads, tanks, and water channels, or committing any offence punishable by law; provided always that, where such offence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if, from the circumstances of the case, there is no reason to apprehend that the party will abscond.

5. All vagrants whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed, or being about to commit, a crime; all persons whose name and residence is unknown, or whom he may find between sunset and seven in the morning lying or loitering in any high-way, road, or other place, and who, in either case, are unable to give a satisfactory account of themselves.

6. All persons who assault or resist such Police Officer in the execution of his duty, or aid or excite others so to do.

7. All persons who, having been in legal custody, shall have escaped therefrom; and every person who shall have submitted to arrest, or whom a Police Officer shall have touched and informed that he was under arrest, shall from that moment be deemed to have been in legal custody.

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence, or who give one which there is ground to believe to be false, may be detained solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

XXIV. Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forthwith be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he can be brought before a Magistrate, to be dealt with according to law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as hereinafter mentioned; provided always that, where bail is not taken, the prisoners shall be brought before a Magistrate within twenty-four hours, unless circumstances render it impossible.

XXV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence, of which it shall appear to the Officer in charge of the Station House that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail, or on his own recognisance, to appear before the Magistrate when required.

XXVI. It shall be lawful for every Police Officer in charge of a Station, or other superior Officer of Police, to bind by recognisance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognisance, it shall be competent to such Officer to forward the person in custody to the Magistrate's Court.

XXVII. Every recognisance so taken shall be without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Magistrate at his next sitting, and the time and place of appearance, and the sum thereby acknowledged, not exceeding One Thousand Rupees, shall be specified in the said recognisance, or in the condition thereof; and the Officer taking the recognisance shall enter into a

book, to be kept for the purpose, the name, residence, and occupation of the party, and his surety or sureties (if any), entering into such recognisance, together with the condition thereof, and the sum thereby acknowledged, and shall return every such recognisance to the Magistrate present at the time and place when and where the party is bound to appear.

XXVIII. If, from the absence of witnesses, or from any other reasonable cause, it shall become necessary or expedient to defer the examination of any case, or the further examination of any witnesses, it shall be lawful for any Magistrate from time to time by his warrant addressed to any Police Officer, to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any Station House or jail, or to be otherwise detained in custody, as to the said Magistrate shall appear expedient; provided always that any such Magistrate may

order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused party on his recognisances, with or without sureties, conditioned for his appearance at the time and place appointed for such further examination.

XXIX. It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking-shops, gaming-houses, and other resorts of loose and disorderly characters; any premises of known receivers of stolen property; any locality, vessel, boat, or conveyance in which he shall have just cause to believe that crime has been, or is about to be committed; or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime; and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed.

XXX. Every Police Officer, not below the grade of Inspector, shall be an Inspector of weights and measures, and may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing kept or used therein, and may seize any weight, measures, or instrument for weighing, which he may have reason to believe is false; and every person who shall be proved to have kept such false weights, measures, or instruments for use, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding Rupees or to imprisonment, with or without hard labour, not exceeding months; provided always that any person who shall neglect or refuse to produce for examination, when required by such Police Officers, all weights and measures, steel yards, or other weighing machines which shall be in his possession, or who shall otherwise obstruct or hinder such examination, shall be liable to a like penalty.

XXXI. No Police Officer shall receive any complaint of any petty offence; or take into his custody any person brought to him accused of such petty offences, trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive any charge of an offence of a grave character, if he shall, on inquiry made of the complainant alone, see good grounds for doubting its truth; provided always that, if the charge be not of such a nature as, under ordinary circumstances, would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

XXXII. It shall be lawful for any Police Officer to lay any information before the Magistrate, and to apply for summons, warrant, search

warrant, or such other legal process as may by law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping disorderly houses, harbouring thieves, disturbing the peace, obstructing the due course of justice, and the like, and to prosecute such offenders up to final judgment; provided always that, any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

Proviso.

Proviso. judgment; provided always that, any rewards, forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the "General Police Fund."

XXXIII. From and after the passing of this Act, all summonses, warrants, search warrants, warrants of commitment for trial, or orders for the escort and conveyance of prisoners, and all other processes issued by any Officer in any criminal proceeding, shall be directed and delivered to members of the Police Force alone; and such processes shall be served and executed by them and none others.

XXXIV. Where any such warrant, order, or process shall be directed or delivered to any of the said Officers, unless it be necessary for the due execution thereof that such warrant be executed without delay, the person receiving it shall deliver the same to his superior Officer authorised for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same; and every Police Officer whose name shall be so endorsed thereon shall have the same power, privileges, and protection as if the same had originally been directed to him by name; provided also that every such process shall be executed with all secrecy and despatch, and shall have full force in any part of the Madras Presidency, except within the limits of the Supreme Court, without further formality or local endorsement; and that all Police authorities shall everywhere be assisting in the execution of such process.

Proviso.

XXXV. Every summons, notice, or other Criminal process, shall be deemed to be duly served by delivering a copy thereof to the party, or some adult male member of his family at his usual place of abode, or by affixing a copy thereof on some conspicuous part of his usual place of abode; and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding Rupees, unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice, or the like.

XXXVI. A Magistrate may, without issuing any summons, forthwith issue his warrant to bring before him any person charged with an offence cognisable by him, or whose attendance may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

XXXVII. An Officer or other person executing a warrant of arrest shall notify the substance of the warrant, and show the warrant, if sight of it be demanded.

XXXVIII. In making an arrest, the Officer or other person executing the warrant shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by words or actions.

XXXIX. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

XL. Any person authorised by a warrant to arrest a person accused of any offence for which a warrant may issue, may break open any outer or inner door or window of a dwelling-house, whether that of the person accused, or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

XLI. If information be received that a person accused of any offence for which a warrant may issue, has concealed himself in a Zenanah or female apartment in the actual occupancy of women, the Officer or other persons employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer, or other person authorised to execute the warrant, may break open the Zenanah, and execute the process entrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

XLII. After arrest made, the Officer or other person executing the warrant, shall, without unnecessary delay, bring the person arrested to the Magistrate or other authority mentioned in the warrant.

XLIII. No Officer or other person, after the arrest of any suspected person, shall offer to him any inducement, by threat or promise or otherwise, to make any disclosure; nor shall such Officer, or other person, after such arrest, prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

XLIV. If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition shall be liable, on summary conviction before a Magistrate, to a fine not exceeding Rupees, or to imprisonment for a period not exceeding months, or both.

XLV. Every Member of the Police Force who shall be guilty of any violation of duty or wilful breach of any lawful orders and regulations to perform the duties of his office without leave, or without having given two months' notice as provided by this enactment, or engage without authority in any employment other than his Police duty; or who shall maliciously and without probable cause prefer any false, vexatious, or frivolous charge or information against any individual; or who shall knowingly and wilfully and with evil intent exceed his powers; or shall be guilty of any wilful and culpable neglect of duty in not bringing any person, who shall be in his custody without a warrant, before a

Magistrate as hereinbefore provided; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on summary conviction before a Magistrate, to a penalty not exceeding Rupees, or to imprisonment with or without hard labour not exceeding months, or both.

XLVI. Any Member of the Police Force, who shall on any pretext, or under any circumstance, directly or indirectly, collect or receive any fee, gratuity, diet-money, allowance, or recompense, other than he may be duly authorised by the Chief Commissioner or other Officer acting under his order to collect or receive, shall, on summary conviction before a Magistrate, be liable to a penalty not exceeding Rupees, or to imprisonment with or without hard labour not exceeding months, or both.

XLVII. Any Police Officer who shall directly or indirectly extort, exact, seek, or obtain any bribe, or unauthorised reward or consideration, by any illegal threat or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done, or for withholding or delaying any information which he is bound to afford or to communicate; or who shall attempt to commit any of the offences above said, shall be liable, upon summary conviction before a Magistrate, to a fine not exceeding Rupees, or to imprisonment with or without hard labour not exceeding months, or both.

XLVIII. If any person shall assault or resist any Police Officer in the legal exercise of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police Officer; such person shall, on summary conviction of such offence before any Magistrate, be liable to a fine not exceeding Rupees, or to imprisonment with or without hard labour not exceeding months, or both.

XLIX. Any person who, in any street, road, thoroughfare, or passage, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, or damage of the residents and passengers, shall, on summary conviction before a Magistrate, be liable to a fine not exceeding Rupees, or to imprisonment not exceeding Eight Days; and it shall be lawful for any Police Officer to take into custody without warrant any person who within view commits any such offence:—

1st. Any person who shall slaughter any cattle, or clean any carcase in the streets; any person riding or driving any cattle recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers:

2nd. Any person who wantonly or cruelly abuses or tortures any animal:

3rd. Any person who shall keep any cattle or conveyance of any kind standing in any road or street longer than is required for loading or unloading, or for taking up or setting down passengers; or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the Public:

4th. Any person exposing goods for sale on the road, so as to obstruct passers.

5th. Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials;

or who constructs any pial, cow-shed, stable, or the like within the bounds of any thoroughfare; or who causes any offensive matter to run from any house, factory, dung-heap, or the like, into the street:

6th. Any person found in any thoroughfare drunk and riotous, or incapable of taking care of himself:

7th. Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself in or by the side of, or near any public street or thoroughfare; or by bathing or washing in any tank or reservoir, not being a place set apart for that purpose:

8th. Any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure.

L. The Chief Commissioner of Police, his Subordinates, and Inspectors, from time to time as occasion may require, may, subject to the orders of the local Government, make rules for the conduct of all assemblies and processions in the public roads, streets, or thoroughfares, prescribing the routes by which, and the times at which, such processions may pass; and for keeping order in the public roads, streets, thoroughfares, ghauts, and landing-places, and all other places of public resort; and preventing obstructions thereof on the occasion of such assemblies and processions; and in the neighbourhood of places of worship during the time of public worship; and in any case when the roads, streets, or thoroughfares, ghauts, or landing-places, may be thronged, or may be liable to be obstructed; and may give licenses for the use of music in the streets, on the occasion of native festivals and ceremonies; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace; and every person opposing, or not obeying the orders so issued as aforesaid, or violating the conditions of such license, shall be liable to a fine not exceeding One Hundred Rupees.

LI. In all cases of summary convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict; provided always that such charges against Police Officers above the rank of a Private shall only be summarily adjudicated on by European functionaries, and that Village Watchers alone shall be liable to summary conviction by Heads of Villages.

LII. Nothing contained in this Act shall be construed to prevent any person from being prosecuted for any offence made punishable on summary conviction by this Act, or to prevent any person from being liable, under any other Law, Regulation, or Act, to any other or higher penalty or punishment than is provided for such offence by this Act. Provided always that no person shall be punished twice for the same offence.

LIII. All fines and penalties imposed, and all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant of the Magistrate, in manner provided by Act II. of 1839.

LIV. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect, or want of form, in the summons, conviction, warrant, distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but all persons aggrieved by such irregularity may recover full satisfaction for the special damage in any Court of competent jurisdiction.

LV. All actions and prosecutions against any person, which may be lawfully brought for anything done, or intended to be done, under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant, or to the Superintendent or other Superior Officer of the District in which the act was committed, one month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action; provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

LVI. When any action, prosecution, or proceeding shall be brought against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate; and such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate. And the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. And no proof of the signature of such Official shall be necessary, unless the Court shall see reason to doubt its being genuine; provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

LVII. This Act shall take effect in any and every such District as the Governor in Council shall appoint by notification published in the Official Gazette.

LVIII. In citing this Act in other Acts and in legal instruments, it shall be enough to use the expression "The Madras General Police Act, 1859."

SCHEDULE.

Regulation IX. 1816, Section IX. the following words in Section XXXVI., "The Officer entrusted with the service of the summons in such cases, as well as in all other cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of it, and in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same, and to return an acknowledgment for the party;" and Section XLII.

Regulation XI. 1816, Sections III. IV. V. VI. VII. XI. XV. XVI. XVII. XVIII. XXI. XXII. XXIII. XXIV. XXV. XXVI. Clause 2, XXIX. XXXV. XXXVIII. XXXIX. XL. XLI. XLVIII. and LV.

Regulation IV. 1821, Section III.

So much of Clause 2 Section II. of Regulation IV. 1821 as declares that all Subordinate Officers of Police of every description shall be subject to the authority of the Tuhseeldars of their respective Districts.

Act VII. of 1843, Sections XXXIX. and XL.

So much of Clause 4 Section XIII. of Regulation

XI. 1816, as directs the Head of the Village to apprehend any person supposed to have committed a murder.

So much of Clause 1 Section XXVII. of Regulation XI. 1816, as directs the Head of the Village to make every exertion to apprehend any person accused or suspected of having committed the offences referred to in the said Clause.

FORM A.

A. B. has been appointed a Member of the Police Force under the Madras General Police Act, and is vested with the powers, functions, and privileges of a Police Officer.

W. MORGAN,
Clerk of the Council.

“A BILL CONCERNING OATHS AND AFFIRMATIONS.”—Murathee.

खालीं लिहिलेला आकटाचा मसुदा सन १८५८ चे अक्टोबर महिन्याचे २० वे तारिखेस पहिले वेळीं वाचला. इनसाफ प्रकरणीं शपथा व प्रतिज्ञा यांबाबद लोकांचीं मतें काय आहेत हें समजण्यासाठीं, मसुदा छापून प्रसिद्ध करतां याचा लक्षणून, तो मसुदा दुसरेवेळीं वाचण्याचा चार महिनेपर्यंत तहकूब केला आहे :—

शपथ, व प्रतिज्ञा यांविषयींचे आकटाचा मसुदा.

शपथ, व प्रतिज्ञा यांविषयींचा कायदा सुधारणे योग्य आहे यास्तव, खालीं लिहिल्या प्रमाणे ठरविलें आहे :—

उद्देश.

१. सन १८४० चा ५ वा, व सन १८४७ चा २ रा आक्ट रद्द केला आहे.

आक्ट रद्द केले ते.

२. इनसाफाचे कोणतेही कोर्टांत; अथवा शपथ, किंवा प्रतिज्ञा करविण्याचा अधिकार कायद्याअन्वये जा मनुष्यास असेल त्या मनुष्यापुढें, कोणतेही मनुष्यास हालीं जा प्रसंगीं शपथ, किंवा प्रतिज्ञा केली पाहिजे त्या प्रसंगीं त्या मनुष्यास सर्व खरें बोलें, व खऱ्या शिवाय दुसरें काहीं बोलणार नाहीं (किंवा तो जरूर असेल तर पुराव्याप्रमाणे वाजवी ठराव करीन) याविषयीं हा आक्ट ठरल्यानंतर खालीं लिहिलेले रितीप्रमाणे शपथ यावी : म्हणजे, जा रितीची शपथ सदरहू प्रकारचे मनुष्याचे अंतःकरणास मोठी भयकारक होईल असे जवानी घेणारे कोर्टास, किंवा मनुष्यास वाटेल त्यारितीची शपथ यावी.

जा मनुष्यास कोर्टांत वगैरे ठिकाणी शपथ घेणे असेल त्यास शपथ देणे ती त्याचे मनास मोठी भयकारक होईल असे रितीने यावी.

३. परंतु असे ठरविलें आहे कीं शपथ घेण्याविषयीं आग्रह करणे देशचाली प्रमाणे जा दरजास नालायक असेल तसे दरजाचा कोणी मनुष्य असेल; अथवा शपथ करण्याविषयीं कोणी मनुष्यास आपले अंतःकरणाचे समजुतीप्रमाणे शंका असेल आणि तो मनुष्य खालीं लिहिल्याप्रमाणे प्रतिज्ञा करील तर त्या मनुष्याजवळून शपथ न करविण्यास कोर्ट, किंवा जा मनुष्यास कायद्याअन्वये शपथ, किंवा प्रतिज्ञा करविण्याचा अधिकार असेल तो मनुष्य मुखत्यार आहे. प्रतिज्ञा करणे ती येणेप्रमाणे :—

काहीं प्रसंगीं प्रतिज्ञा करावी.

“मी सत्य स्मरण पूर्वक प्रतिज्ञा करतो कीं आतां चौकशी चालली आहे त्याबाबतीत मी जें बोलें तें सर्व सत्य बोलें, व सत्याशिवाय दुसरें काहीं बोलणार नाहीं.”

किंवा तो मनुष्य जरूर असेल तर—

“मी सत्य स्मरण पूर्वक प्रतिज्ञा करतो कीं पुराव्याप्रमाणे मी वाजवी ठराव करीन.”

४. कोणी मनुष्य सदरहू प्रमाणे शपथ, किंवा प्रतिज्ञा करून जें खोटें आहे असे त्यास माहीत असेल, किंवा वाटत असेल तें; अथवा जें खरें आहे असे त्यास माहीत नसेल, किंवा वाटत नसेल तें, खऱ्याबद्दल बुध्या खोटें सांगेल तो मनुष्य, खालीं लिहिल्याप्रमाणे शिक्षेस पात्र होईल; म्हणजे, खोटे शपथेबद्दल, व खोटी जवानी देण्याबद्दल शिक्षा करण्याची जी रीत चालू कायद्यांत सांगितली असेल त्या रितीने शिक्षेस पात्र होईल.

शपथ घेऊन खोटा मजकूर सांगितला असतां शिक्षा होईल ती.

शपथे वर खोटा मजकूर
कोणा जवळून सांगविला किंवा
सांगण्याविषयी कोणास प्रवृत्त
केले तर शिक्षा होईल ती.

५. सदरील शेवटले कलमांत सांगितलेला गुन्हा कोणी मनुष्य दुसऱ्याकडून करवील,
किंवा दुसऱ्यास करण्यास प्रवृत्त करील तो खाली लिहिल्याप्रमाणे शिक्षेस पात्र होईल, म्हणजे
खोटी शपथ करविण्याबद्दल, अथवा खोटी साक्ष देविण्याबद्दल, किंवा देण्यास प्रवृत्त करण्या-
बद्दल शिक्षा करण्याची जी रीत चालू कायद्यांत सांगितली असेल त्या रितीने शिक्षेस
पात्र होईल.

या आकटावरून सन १८५५
चे २ रे आकटातील काही
ठरावांस हरकत होते असें
समजूं नये.

६. “कोणी मनुष्य अल्पवयाचा असल्यामुळे, किंवा त्यास धर्मसंबंधी श्रद्धा नसल्यामुळे,
किंवा त्याचे धर्मसंबंधी श्रद्धेत व्यंग असल्यामुळे त्या मनुष्याची साक्ष शपथेवर, किंवा सत्य
स्मरणपूर्वक प्रतिज्ञेवर घेण्याचें जा कोर्टापुढें, किंवा मनुष्यापुढें सदरहू प्रकारचे मनुष्यास हजर
झालें पाहिजे त्या कोर्टाचें, किंवा मनुष्याचे मते योग्य नसेल तर, मी, सत्य बोलें, व सर्व सत्य
बोलें, व सत्या शिवाय आणखी काहीं बोलणार नाहीं अशी त्या जवळून नुस्ती प्रतिज्ञा
करवून त्याची साक्ष घ्यावी; आणि तोच ठराव आफिडेविट करून, किंवा इतर रितीने लिहून
दिलेले साक्षीस लागू आहे असें समजावें;” असे ठराव (पुराव्याचा कायदा आणखी सुधार-
ण्याविषयी आक्ट) म्हणून सन १८५५ चा २ रा आक्ट आहे त्याचे १५ वे, व १६ वे
कलमांत आहेत त्या ठरावांस या आकटातील कोणतेही ठरावावरून व्यत्यय येतो असें समजूं
नये. आणि सदरहू कलमांतील ठराव हा आक्ट ठरला नसता तर जसे चालते, तसे ते ठराव
चालतील असें समजावें.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

“A BILL CONCERNING OATHS AND AFFIRMATIONS.”—Guzerathee.

હેઠલ લખેલો આક્ટનો મસુદો સન ૧૮૫૮ ના અક્ટોબર મહિનાની ૨૦ મી તારિખે પેહેલીવાર વાંચ્યો, ઇનસાફની વાવતમાં સમ, તથા પ્રતિજ્ઞા વિશે લોકોનું મત શું છે તે માલમ પડવાસારૂ મસુદો છાપીને પ્રસિદ્ધ કરવો વાસ્તે તે મસુદો બીજીવાર વાંચવાનું ચાર મહિનાસુધી મોકુફ રાખ્યું છે.

સમ તથા પ્રતિજ્ઞા વાવતના આક્ટનો મસુદો.

સમ, તથા પ્રતિજ્ઞા વાવતનો કાયદો સુધારવો યોગ્ય છે; વાસ્તે હેઠલ લખ્યા પ્રમાણે ઠરાવ્યું છે :—

ઉદ્દેશ.

૧. સન ૧૮૪૦ નો ૫ મો, અને સન ૧૮૪૭ નો ૨ જો આક્ટ રદ કન્યો છે.

જે આક્ટ રદ કન્યા તે.

૨. ઇનસાફની કોઈ કોર્ટમાં, અથવા સમ ખવડાવવાનો, અથવા પ્રતિજ્ઞા કરાવવાનો અધિકાર કાયદા પ્રમાણે જે માંગસને હોય તે માંગસની આગલ કોઈ માંગસને હાલમાં જે પ્રસંગે સમ ખાવાપડે, અથવા પ્રતિજ્ઞા કરવી પડે તે પ્રસંગે તે માંગસને “હું સઘલું સાચું બોલીશ અને સાચા સિવાય બીજું કંઈ બોલીશ નહીં” (અથવા તે જુરર હોય તો પુરાવા પ્રમાણે હું વાજવી ઠરાવ કરીશ) એ રીતે આ આક્ટ ઠગ્યા પછી ફલાંણી રીતના સમથી તે માંગસનાં મનને ઘણીજ બીહીક લાગશે એવું જુવાની લેનારી કોર્ટની, અથવા માંગસની નજરમાં આવે તે રીતના સમ ખવડાવવા.

જે માંગસને કોર્ટ વગેરે બીજે ઠેકાણે સમ-ખાવા હોય તેઓને સમ ખવડાવવા તે તેઓનાં મનને ઘણીજ બીહીક એવી રીતે ખવડાવવા.

૩. પણ એવું ઠરાવ્યું છે કે સમ ખાવાનો આગ્રહ કરવો એ દેશ ચાલ પ્રમાણે જે દરજાના માંગસને નાલાયક હોય તે દરજાનું કોઈ માંગસ હોય, અથવા સમ ખાવાનો કોઈ માંગસને પોતાનાં અંતઃકરણની સમજણ પ્રમાણે ડાંકા હોય તે માંગસ હેઠલ લખ્યા પ્રમાણે પ્રતિજ્ઞા કરશે તો તે માંગસને સમ ખવડાવ્યા વગર ચલાવવાને કોર્ટ, અથવા જે માંગસને કાયદાપ્રમાણે સમ ખવડાવવાનો, અથવા પ્રતિજ્ઞા કરાવવાનો અધિકાર હોય તે માંગસ મુખત્યાર છે.

કેટલેએક પ્રસંગે પ્રતિજ્ઞા કરાવવી.

“હું સત્ય સ્મરણ પૂર્વક પ્રતિજ્ઞા કરું છું કે હમણાં ચોક્કસી ચાલી છે તે વાવતમાં હું જે બોલીશ તે સઘલું સાચું બોલીશ, અને સાચા સિવાય બીજું કંઈ બોલીશ નહીં”.

અથવા તે માંગસ “જુરર” હોય તો—

“હું સત્ય સ્મરણ પૂર્વક પ્રતિજ્ઞા કરું છું કે પુરાવા પ્રમાણે હું વાજવી ઠરાવ કરીશ.”

૪. કોઈ માંગસ ઉપર કદા પ્રમાણે સમ ખાઈને, અથવા પ્રતિજ્ઞા કરીને ફલાંણી વાત ટોચી છે એવું તેને માલમ હોય, અથવા લાગતું હોય તે વાત, અથવા ફલાંણી વાત ટોચી છે એવું તેને માલમ નહીં હોય, અથવા લાગતું નહીં હોય તે વાત ટોચી વાતને ઠેકાણે જાણી જોઈને ટોચી કેહેશે તો તે માંગસ, ટોચા સમ ખાવાવાવત, તથા ટોચી જુવાની આપવાવાવત શિક્ષા કરવાની ચાલુ કાયદામાં જે રીત કહી છે તે રીતે શિક્ષાને પાત્ર થશે.

સમ ખાઈને ટોચી મજકૂર કેહેશે તો શિક્ષા થશે.

