THE

Bombay Government Gazette.

Vol. 28.] Published by Authority. [No. 23.

Three Rs. per Quarter.] THURSDAY, 3RD DECEMBER 1857. [Eight annas per copy.

NOTIFICATION.

Bombay Castle, 4th August 1831. GENERAL DEPARTMENT.

*The Right Hon'ble the Governor in Council having sanctioned the publication of a weekly paper, to be styled the "*BOMBAY GOVERNMENT GAZETTE,*" notice is hereby given, that after this day all advertisements and other public papers of the Government will be printed in the* BOMBAY GOVERNMENT GAZETTE *only: and all orders or other public notices appearing in that paper, under the signature of the Secretaries, or other public officers of the Government, are hereby ordered and directed to be conformed to and obeyed accordingly.*

Bombay Castle, 18th January 1832.

When official notifications from the Government are inserted in the BOMBAY GOVERNMENT GAZETTE *no communication on the same subject will be made in writing to any department concerned; but all public officers are required to take notice of such official notifications in the same manner as if they had been directly communicated to them by letter from the Secretary's office, and as heads of offices alone will be furnished by Government with the* BOMBAY GOVERNMENT GAZETTE, *they will be expected to communicate to their subordinate officers all orders which may in any manner concern them.*

The Bombay Government Gazettes furnished by Government to public offices are to be lodged with the records, and are not to be removed from the office.

Published by order of the Right Hon'ble the Governor in Council,
JOHN BAX, *Secy. to Govt.*

NOTICE.

The Government Printing and Lithographing Departments having been transferred to the BOMBAY EDUCATION SOCIETY, *all Printing and Lithographing required by any Department should be sent to the Office at Byculla.*

Bombay, 5th April 1848. *J. G. LUMSDEN, Secy. to Govt.*

Legislative Council of India.

The following Bill was read a second time in the Legislative Council on the 7th February 1857, and referred to a Select Committee, who will report thereon after the 11th day of December 1857 :—

A Bill for Raising Funds for Making and Repairing Roads in the Suburbs of Calcutta and the Station of Howrah.

Preamble.

Whereas considerable sums are expended annually by Government for making and repairing roads in the suburbs of Calcutta and the station of Howrah ; and whereas it is just and expedient that such expenses should be defrayed by the inhabitants of the said suburbs and station in the same manner as the expense of making and repairing roads in the Town of Calcutta is defrayed by the inhabitants of the said Town ; and whereas a tax has been imposed upon carriages and horses kept within the said Town ; and it is expedient that a similar tax should be imposed upon carriages and horses kept within the said suburbs and station : It is enacted as follows :—

Expense of making roads to be defrayed by inhabitants.

I. The sums required for making and repairing roads within the limits of the said suburbs and station, except as hereinafter otherwise provided, shall be contributed by the inhabitants of the said suburbs and station, and shall be recovered in the manner hereinafter provided.

A tax to be imposed on carriages, horses, &c.

II. A tax shall be imposed upon all carriages, horses, ponies, and mules, kept within the limits of the said suburbs and station, as those limits are defined in Act 1857, at the rates specified in the annexed Schedule, and shall be payable quarterly by the owners or persons having charge of the same.

Exemptions.

III. Provided that the carriages and animals hereinafter mentioned shall be exempt from the tax, namely

Gun-carriages, and Ordnance carts and waggons.

Cavalry horses.

Horses belonging to Officers doing regimental duty at the Presidency or in the said suburbs or station, at the rate of one horse for each Officer.

Carriages and animals kept for sale, and not used for any other purpose, if kept by *bonâ fide* dealers in such carriages or animals.

Lieutenant Governor may appoint Collector of Tax.

IV. The Lieutenant Governor of Bengal may appoint such person as he shall deem fit to be Collector of the carriage and horse-tax in the said suburbs and in the said station.

What will constitute liability to the tax for a whole quarter.

V. Every person, who may have owned or had charge of any carriage or animal kept within the said suburbs or station, for a period exceeding thirty days in any quarter, shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided that, when any person owning or

having charge of any carriage or animal shall transfer the same to another person, he shall give notice thereof to the Collector within one week of the date of such transfer, or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such carriage or animal shall not have exceeded thirty days.

Carriages under repair.

VI. When a carriage shall have been under repair at a carriage-maker's for more than thirty days in any quarter, the Collector shall remit so much of the tax for that quarter as may be proportionate to the number of days the said carriage may have been under repair.

Collector may compound with livery stable-keepers.

VII. The *Collector*, at his discretion, may compound, for any period not exceeding one year, with livery stable-keepers, and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons in lieu of the rates specified in the Schedule.

Carriages and horses let for hire to residents in the suburbs liable to the tax.

VIII. Carriages and horses let out for hire, and kept for the time being in premises situated within the said suburbs or station, although owned by livery stable-keepers or others not residing within the limits of the said suburbs or station, shall be subject to the tax, and the sums to be charged for such carriages and horses shall be recoverable from the persons in whose premises they are for the time being kept.

Registry and numbering of carriages for hire.

IX. Every carriage of the description rated in the Schedule at one Rupee and eight annas, kept within the said suburbs or station and let out for hire, shall be registered in the Office of the Collector, and shall bear, in such manner as the Collector shall direct, the number of such registration. The registration shall be made and the number assigned annually, upon such day in each year as the Collector shall appoint. Any person becoming possessed, within the year, of any such carriage which has not been registered, may obtain registration on application to the Collector at his Office. When any registered carriage is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

Penalty for not registering.

X. Whoever keeps any such carriage, required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding Ten Rupees, and the Collector or any Officer duly authorised by him may seize or cause to be seized any such carriage (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods), together with the horses or other animals drawing the same, and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the Collector or his Officer as aforesaid, to seize and detain the same. If the carriage as aforesaid be not claimed, or if the fine be not paid within ten days, such carriage, together with the animals seized with it, may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine, and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Collector.

List of persons liable to tax to be prepared.

XI. The Collector shall from time to time cause to be prepared and entered in distinct columns, in a book to be kept at his Office, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and animals in respect of which they are liable, and the amount of the tax assessed thereon.

Returns may be required for purpose of making list.

XII. In order to enable the Collector to make such list, the Collector or any Officer authorised by him may send to all persons supposed to be liable to the payment of the tax, a Schedule to be filled up with such information respecting the carriages and animals kept by them as the Collector may judge necessary for the assessment of the tax. The Schedule shall be filled up in writing, and signed and dated, and returned to the Office of the Collector by every person to whom it is sent, whether or not liable to the payment of the tax; and whoever refuses, neglects, or omits duly to fill up and return such Schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable, on conviction before a Magistrate, to a penalty not exceeding Two hundred Rupees.

Power to summon persons liable to tax.

XIII. The Magistrate on the report of the Collector may, if he thinks proper, summon any person supposed to be liable to the payment of the tax, or any servant of such person, to appear before the Collector; and the Collector may examine such person or his servant as to the number and description of the carriages and horses in respect of which such person is liable to be assessed. If the person summoned shall, without lawful excuse, fail to appear in pursuance of the summons, or shall refuse to answer any lawful question of the Collector, or knowingly give an incorrect answer, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Two hundred Rupees.

Appeal against assessment may be made to Magistrate.

XIV. Any person who may dispute his liability for any assessment made under the foregoing provisions of this Act, or the amount of any such assessment, may appeal to the Magistrate. Provided that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

Magistrate's decision final.

XV. The decision of the Magistrate upon every such appeal shall be final and conclusive; and no person shall be entitled to contest any assessment made under the foregoing provisions of this Act, in any other manner than by appeal to the Magistrate as hereinbefore provided.

Bill to be presented.

XVI. When any sum is due on account of the said tax, the Collector shall cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the carriages and animals for which the charge is made, together with a notice of the time within which an appeal may be preferred.

Notice of demand.

XVII. If the bill is not paid by the person liable to pay the same within five days from the presentation thereof, the Collector may cause to be served upon such person a notice of demand in the form (A) contained in the Schedule to this Act, or to the like effect; and if such person shall not, within five days from the service of such notice of demand, pay the sum due, or show sufficient cause for non-payment of the same, to the satisfaction of the Collector, and if no appeal shall have been preferred, such sum, with all costs, may be levied by distress and sale of the goods and chattels of the defaulter, under a warrant in the form (B) in the Schedule, or to the like effect, to be issued for that purpose by the Collector.

Inventory and notice of sale.

XVIII. The Officer charged with the execution of the warrant of distress shall make an inventory of the goods and chattels seized

under any such warrant, and shall at the same time give a notice in writing, in the form (C) contained in the Schedule annexed to this Act, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

Sale.

XIX. If the arrear is not paid with costs, or the warrant is not discharged or suspended by the Collector, the goods and chattels seized shall be sold under the orders of the Collector, who shall apply the proceeds, or such part thereof as may be necessary, in discharge of the said arrears and costs; and the surplus, if any, shall be returned on demand to the person in possession of the goods and chattels at the time of the seizure.

Fees.

The fees payable upon distraints under this Act shall be such as are set forth in the table of fees in the said Schedule.

Collector may sue instead or on failure of distress.

XX. Instead of proceeding by distress and sale, or in case of failure to realise by distress the whole or part of any sum due in respect of the tax, the Collector may sue the person liable for the same in any Court of competent jurisdiction.

Estimate of probable expense of making and repairing roads, to be prepared annually, and published.

XXI. Previously to the first day of May of each year an estimate shall be prepared of the amount required during the year, for the purpose of making and repairing roads in the said suburbs and in the said station; and such estimate, when sanctioned by the Lieutenant Governor, shall be published in the official *Gazette* for general information.

If estimate of expense exceed estimated produce of carriage and horse-tax, excess how to be made and recovered.

If the said estimate shall exceed the sum which the carriage and horse-tax is estimated to produce, with the addition of such further sums as may be assigned by Government for the said purpose out of the Ferry Fund, or any other public fund, such excess shall be added to the amount of the assessment or rate to be levied in the said suburbs and station under Act XX. of 1856, and shall be made and recovered according to the provisions of that Act.

Proviso.

Provided, however, that the limitation prescribed for an assessment or rate by Section XI. of the said Act shall not be applicable to any assessment or rate made under this Act.

Collections and fines to be paid to suburban roads fund.

XXII. The proceeds of any assessment or rate made as aforesaid shall be kept distinct from the proceeds of the assessment or rate made for the purposes of the said Act XX. of 1856, and such proceeds, together with all sums received by the Collector of the carriage and horse-tax, and all sums assigned by Government as above provided, and all fines and penalties levied under this Act, shall form a fund which shall be called in the suburbs of Calcutta "the suburban roads fund," and in the station of Howrah "the station roads fund."

Appropriation of fund.

All expenses incurred for the purpose of this Act shall be defrayed from the said fund, and the residue shall be applied exclusively to making, repairing, and improving roads within the limits of the said suburbs and station. Provided that no payment shall be made from the said fund for the repair of such roads or parts of roads as are hereinafter described, namely, in the said suburbs—

The Barrackpore road with the Lock-gate road.
The road from the Cossipore gun-foundry to Dum-Dum.
The Belgatchya or Dum-Dum road.
The Behalea or Diamond Harbour road, from the cross road to Allipore and Tollygunge.
The Budge Budge road.
The Gurreahhath or Culpee road, from the end of Old Ballygunge road.
The Canal roads, and the roads leading from the Canals and Salt-water lake into the Town, namely, the Balliaghutta, Narkooldangah, Manicktollah, Ooltadunga, Gooreeparah, South Sealdah, Kooleah, Nimtollah, Jonmajoy Baboo's Khodagunge, and Khodghatta roads, and the Soorah road between the Balliaghutta and Narkooldangah roads.

In the said station—
The Hooghly road, from the part where it is crossed by the Old Benares road.
The Old Benares road from the same point.
Or for making or maintaining any part of any other main road of communication between the Town of Calcutta and the interior of the country which may hereafter be constructed.

Statement of expenses incurred, and of receipts and disbursements of fund, to be published annually.

XXIII. The Lieutenant Governor of Bengal shall cause Statements to be prepared annually of all expenses incurred on account of making, repairing, and improving the roads of the said suburbs, and of the said station, and of all sums credited to and disbursed from the suburban roads fund and the Howrah station roads fund, and the said Statements shall be published in the official *Gazette* for general information.

SCHEDULE.

	Rupees per Quarter.		
For every 4-wheel carriage on springs, drawn by two horses	4	8	0
For every 4-wheel carriage on springs, drawn by one horse, or pony, or a pair of ponies under thirteen hands	1	8	0
For every 4-wheel carriage, without springs	1	8	0
For every 2-wheel carriage on springs	2	4	0
For every 2-wheel carriage without springs, drawn by a horse, pony, or mule	0	12	0
For every horse	2	4	0
For every pony under thirteen hands, or mule	0	12	0

Ponies under eleven hands, and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.

(A)

Notice of Demand.

Take notice that the Collector of the horse and carriage-tax for demands from you the sum of due from you for for the months of 185 ; and that if the sum due is not paid into the said Collector's Office at or if sufficient cause for the non-payment of the sum is not shown to the Collector, within five days from the service of this notice, a warrant of distress will be issued for the recovery of the same with costs.

(*Signature of the Collector.*)

(*Date.*)

B.

Distress Warrant.

To (*here insert the name of the Officer charged with the execution of the warrant.*)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the taxes mentioned in the margin for the months of 185 ; although the said sum has been duly demanded in writing from the said and five days have elapsed since the service of the notice of demand: This is to command you to distrain the goods and chattels of the said to the amount of the said sum of Rupees, and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if within five days next after such distress the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress,

to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of Rupees, and the charges of taking, keeping, and selling such distress, to return the surplus, if any, on demand, to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said you are to certify the same to me together with this warrant.

(*Signature of the Collector.*)

C.

Form of Inventory and Notice.

(*State particulars of goods seized.*)

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rupees due for the taxes mentioned in the margin for the months of 185 ; and that, unless you pay into the Office of the Collector of the horse and carriage-tax for the amount due, together with the costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.

(*Signature of the Collector.*)

(*Date.*)

W. Morgan,
Clerk of the Council.

Legislative Council of India.

14*th November* 1857.

The following Bill was read a second time in the Legislative Council of India on the 31st October 1857, and referred to a Select Committee, who are to report thereon after the 18th of January next :—

A Bill to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal.

Preamble.

Whereas it is expedient to re-enact, with certain modifications, the provisions of the existing law relative to the rights of ryots with respect to the delivery of pottahs and the occupancy of land, to the prevention of illegal exaction and extortion in connection with demands of rent, and to other questions connected with the same; to extend the jurisdiction of Collectors, and to prescribe rules for the trial of such questions, as well as of suits for the recovery of arrears of rent, and of suits arising out of the distraint of property for such arrears; and to amend the law relating to distraint; It is enacted as follows :—

Laws repealed.

I. The following Regulations and Acts, and portions of Regulations and Acts, are hereby repealed, except in so far as they repeal any other Regulation or Act, and except as to proceedings commenced before the date of this Act coming into force, namely—

Regulation XVII. 1793.
So much of Regulation IV. 1794 as is still in force.
Regulation XXXV. 1795.
Regulation XLV. 1795.
Sections IX. and X. Regulation LI. 1795.
Sections I. to XX. Regulation VII. 1799.
Sections I. to XX. Regulation V. 1800.
Regulation XXVIII. 1803.
Sections IX. and X. Regulation XXX. 1803.
Section IV. Regulation II. 1805.
Section XIX. Regulation VIII. 1805.
Sections V. to XXIII. Regulation V. 1812.
Sections XV. and XVI. Regulation XIX. 1817.
Sections XVIII. and XIX. Regulation VIII. 1819.
Section IV. Regulation II. 1821.
Section XXII. and so much of Section XX. and the following Sections of Regulation VII. 1822 as apply to suits for rent, to complaints of excessive demand or undue exaction of rent, or of the non-delivery of pottahs or receipts, to suits against agents for money or accounts, or to any other suits or complaints arising out of disputes between landholders or farmers and their under-tenants respecting the rent and occupancy of land.
Regulation XIV. 1824.
Regulation VIII. 1831.
Act I. of 1839.
Act X. of 1846, and
Act VIII. of 1848.
Sections XIV. and XV. Regulation IX. 1833, so far as the same are applicable to the Territories under the Government of the Deputy Governor of Bengal, are also repealed.
Such parts of Regulation VIII. 1793, and Regulation XXX. 1803, as relate to the adjudication of penalties for the refusal of pottahs and receipts for rent, and for the exaction of any sums as abwab or in excess of the amount specified in any engagements for the payment of rent, are declared subject to the following modifications.

Person liable to pay rent is entitled to a pottah.

II. Every ryot and cultivator of land is entitled to receive from the person to whom the rent of the land held or cultivated by him is payable, a pottah specifying the annual amount of such rent, and the instalments in which it is to be paid, or, in cases in which the rent is payable in kind, the proportion of the produce to be delivered.

Pottahs of hereditary ryots and of other cultivators.

III. Hereditary ryots holding lands at fixed rates of rent are entitled to receive pottahs at those rates. All other ryots and cultivators of land are entitled to receive pottahs according to the rates of rent for the time being established in the Pergunnah in which the land is situate, for land of the same description and quality, or if there be no known and recognised Pergunnah rates, according to the customary rates payable for land of a similar description in the places adjacent. The above rules are applicable not only to the first grant of pottahs, but also to the renewal (where right of renewal exists) of pottahs which may expire or which may become cancelled in consequence of the sale of the tenure or estate in which the land is situate for arrears of rent or revenue.

Right of occupancy of resident ryot or cultivator.

IV. Every resident ryot and cultivator has a right of occupancy in the land held or cultivated by him, whether it be held under pottah or not, so long as he pays the rent payable on account of the same; but this rule does not apply to khomar neejjote or seer land belonging to the proprietor of the estate or tenure and leased for a term or year by year to a resident cultivator, nor (as respects the actual cultivator) to land sublet to a resident cultivator by a ryot having a right of occupancy.

Saving of terms of written contracts.

V. Nothing contained in either of the two last preceeding Sections shall be held to affect the terms of any written contract for the payment of specific rates of rent, nor of any contract entered into between a landholder and a resident ryot or cultivator for the clearing and cultivation of waste land, or for the cultivation of land not previously in the occupation of such ryot or cultivator, when by such contract conditions of occupancy have been agreed on between the parties, or a right of re-entry has been expressly reserved to the landholder. Resident ryots cultivating land not previously in their occupancy without a pottah or other instrument in writing from the proprietor of the estate or tenure in which the land is situate, shall not acquire a right of occupancy in such land until rent shall have been paid by them for the same to the said proprietor for a period of three years.

Person granting pottah entitled to a counterpart engagement.

VI. Every person who grants a pottah is entitled to receive from the person to whom the pottah is granted a kubooliyet or counterpart engagement, in conformity

with the terms of the pottah. The tender of a pottah to any ryot or cultivator at the rate of rent which such ryot or cultivator is liable to pay shall be held to entitle the person to whom the rent is payable to receive a kubooliyet from such ryot or cultivator.

Exactions in excess of rent or receipt withheld.

VII. Every under-tenant, ryot, or cultivator, from whom any sum is exacted in excess of the rent specified in his pottah, whether as abwab or under any other pretext, and every under-tenant, ryot, or cultivator from whom a receipt is withheld for any sum of money paid by him as rent, shall be entitled to recover from the person receiving such rent double the amount so exacted, or paid. Receipts for rent shall specify the periods on account of which the rent is acknowledged to have been paid; and any refusal to make such specification shall be held to be a withholding of a receipt.

Form of receipt.

Landholder not to compel the attendance of tenant for adjustment of rent or for any other purpose.

VIII. The power heretofore vested in Zemindars and other landholders, of compelling the attendance of their tenants for the adjustment of their rents or for any other purpose, is withdrawn, and all such persons are prohibited from adopting any measures for enforcing payment of the rents due to them other than are authorised by the provisions of this Act. But nothing in this Act shall be held to restrict the right of landholders to measure any land in respect of which rent is paid to them, provided that such measurement is not at variance with the conditions under which the land is held by the persons by whom such rent is paid.

Payment of rent to be enforced under this Act.

Right to measure land reserved.

Damages for extorting payment of rent by duress.

IX. If payment of rent, whether the same be legally due or not, is extorted from any under-tenant, ryot, or cultivator, by illegal confinement or other duress, such under-tenant, ryot, or cultivator shall be entitled to recover three times the amount so extorted, in addition to any penalty to which the person practising such extortion may be subject by law.

Enhancement of rent of cultivator, &c., holding without or after expiry, &c. of written engagement.

X. No under-tenant, ryot, or cultivator who holds or cultivates land without any written engagement, or under a written engagement not specifying the period of such engagement, or whose engagement has expired, or has become cancelled in consequence of the sale for arrears of rent or revenue of the tenure or estate in which the land held or cultivated by him is situate, and has not been renewed, shall be liable to pay any higher rent for such land than the rent payable for the previous year, unless a written notice shall have been served on such under-tenant, ryot, or cultivator, in or before the month of Jeyte, specifying the rent to which he will be subject for the ensuing Fusly or for the current Bengal year. Such notice shall be served by order of the Collector on the application (which may be on plain paper) of the person to whom the rent is payable, and shall, if practicable, be served personally on the under-tenant, ryot, or cultivator; but if he shall abscond or conceal himself, so that it cannot be served personally upon him, it shall be affixed at his usual place of residence, or if he have no such place of residence, in the District in which the land is situate. The mode of service of such notice shall be by affixing it at the Mal Kutcherry of such land, or other conspicuous place thereon, or at the Village Chowree or Chowpal, or some other conspicuous place in the village.

Mode of contesting enhancement of rent.

XI. Any under-tenant, ryot, or cultivator, on whom such notice as aforesaid has been served, may contest his liability to pay the enhanced rent demanded of him, either by complaint of excessive demand of rent as hereinafter provided, or in answer to any suit preferred against him for recovery of arrears of the enhanced rent. No ryot or cultivator shall, under any circumstances, be liable to any enhancement of rent in excess of the rates specified in Section III. of this Act.

Relinquishment of land by ryot or cultivator after notice given.

XII. Any ryot or cultivator, who desires to relinquish the lands held or cultivated by him, shall be at liberty to do so, provided he gives notice of his intention in writing to the person entitled to the rent of the lands in or before the month of Jeyte of the Bengal year in which, or of the Fusly year preceding which, the relinquishment is to have effect. If he fail to give such notice, and the lands are not let to any other person, he shall continue liable for the rent of the lands. If the person entitled to the rent of the land refuse to receive any such notice, and to sign a receipt for the same, it shall be served upon him by the Collector on application for such service being made by the ryot or cultivator within the time above mentioned.

What to be deemed an arrear of rent under this Act.

XIII. Any instalment of rent, which is not paid on or before the day when the same is payable according to the pottah or engagement, or, if there be no written specification of the time of payment, at or before the time when such instalment is payable according to established usage, shall be held to be an arrear of rent under this Act.

Liability of ryot or cultivator to be ejected for arrear due.

XIV. When an arrear of rent remains due from any ryot or cultivator of land at the end of the Bengal or Fusly year, as the case may be, such ryot or cultivator shall be liable to be ejected from the land in respect of which the arrear is due; and the person to whom the rent is payable shall be at liberty to make such new arrangement as he may judge proper for the management of the land in question.

Liability of farmer to have his lease cancelled for arrear adjudged due.

XV. When an arrear of rent shall be adjudged to be due from any farmer or other leaseholder, not being an actual cultivator, nor having a right of occupancy or a transferable interest in the land, the lease held by such farmer or leaseholder shall be liable to be cancelled.

No ryot or cultivator to be ejected, and no lease to be cancelled, unless in execution of decree under this Act.

XVI. Provided always, that no ryot or cultivator shall be ejected from the land held or cultivated by him on account of an arrear of rent remaining due at the end of the year, and no lease shall be cancelled on account of an arrear of rent, otherwise than in execution of a decree or order under the provisions of this Act.

Cognisance of suits under this Act.

XVII. 1.—All suits for the delivery of pottahs or kubooliyets, or for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered;

2.—All suits for damages on account of the illegal exaction of rent, or of any unauthorised cess or impost, or on account of the refusal of receipts for rent paid, or on account of the extortion of rent by confinement or other duress;

3.—All complaints of excessive demand of rent, and all claims to remission of rent on account of diluvion or other cause;

4.—All suits for arrears of rent due, whether on account of land, either kherajee or lakheraj, or of any rights of pasturage, forest-rights, fisheries, or the like;

5.—All suits to eject any ryot or cultivator, or to cancel any lease on account of the non-payment of arrears of rent, or on account of a breach of the conditions of any contract by which a ryot or cultivator may be liable to ejectment, or a lease may be liable to be cancelled;

6.—All suits to recover the occupancy or possession of any land, farm, or tenure, from which a ryot or cultivator, farmer or tenant, has been illegally ejected by the person entitled to receive rent for the same;

7.—All suits arising out of the exercise of the power of distraint conferred on Zemindars and others by Sections XCVII. and C. of this Act, or out of any acts done under colour of the exercise of the said power, as hereinafter particularly provided;

Shall be cognisable by the Collectors of land revenue, and shall be instituted and tried under the provisions of this Act, and shall not be cognisable in any other Court, or by any other Officer, or in any other manner.

Suits by Zemindars against their agents for money or accounts.

XVIII. Suits by Zemindars and others in receipt of the rent of land, against any agents employed by them in the management of land or collection of rents, for money received or accounts kept by such agents, or for papers in their possession, shall be cognisable by the Collectors, and shall be instituted and tried under the provisions of this Act.

Ejectment of cultivators, farmers, &c. by Zemindars.

XIX. If any Zemindar or other person in receipt of the rent of land requires assistance to eject any cultivator not having a right of occupancy, or to eject any farmer or other tenant holding only for a limited period after the determination of his lease or tenancy, or any agent after the determination of his agency, or to enforce any attachment or ejectment expressly authorised by any Regulation or Act, he shall make application to the Collector, and the Collector shall proceed thereupon to inquire into the case, and pass orders in the manner provided for suits under this Act. Provided that no such application for the ejectment of a farmer on the determination of a lease shall be received, if the lease be of the kind denominated ticca zur-i-peshgee, or the like, in which an advance has been made by the leaseholder, and the proprietor's right of re-entry at the end of the term is contingent on the re-payment of such advance, either in money or by the usufruct of the land. In all such cases the parties must proceed by suit in the Civil Court.

Measurement of lands.

XX. If the proprietor of an estate or tenure intending to measure any lands, which he has a right to measure, is opposed in making such measurement by the occupant of the land, or if any ryot or cultivator, having received notice of the intended measurement of land held or cultivated by him which is liable to such measurement, refuses to attend and point out such land, the proprietor of the estate or tenure may make application to the Collector, and the Collector shall thereupon proceed to inquire into the case in the manner provided for suits under this Act, and shall pass an order, either allowing or disallowing the measurement, and, if the case so require, enjoining or excusing the attendance of any such ryot or cultivator.

Applications to dispossess grantees of land exempt from revenue.

XXI. So much of Section X. Regulation XIX. 1793 as authorises and requires proprietors and farmers of estates and dependent talooks, in cases in which grants for holding land exempt from the payment of revenue have been made subsequent to the 1st December 1790, of their own authority to dispossess the grantees of the proprietary right in such land, and to re-annex it to the estate or talook in which it may be situate, is repealed; and any proprietor or farmer who may desire to dispossess any such grantee shall make application to the Collector, and the Collector shall proceed thereupon to inquire into the case, and pass orders in the manner provided for suits under this Act. But nothing contained in this Act relative to the limitation of suits shall be held applicable to such applications.

Time for commencement of suits generally.

XXII. Except as otherwise herein provided, all suits instituted under this Act shall be commenced within the period of one year from the date of the accruing of the cause of action.

Time for commencement of suits for grant of pottahs, &c.

XXIII. Suits for the delivery of pottahs or kubooliyets, and for the determination of the rates of rent at which such pottahs or kubooliyets are to be delivered, may be instituted at any time during the tenancy. But no ryot or cultivator shall be entitled to claim an abatement of the rent previously paid by him, although such rent may be in excess of the rate to which he would be liable under Section III. of this Act, if he have paid such rent for three years previous to the institution of the suit.

Time for the commencement of suits for arrears of rent.

XXIV. Suits for the recovery of arrears of rent shall be instituted within three years from the last day of the Bengal or Fusly year in which the arrear claimed shall have become due. For arrears of rent due at the passing of this Act, suits shall be brought within three years after the passing of this Act; but nothing in this Section shall be held to enlarge the period now allowed by law for the institution of any such suit.

Time for the commencement of suits against agents for money, papers, or accounts.

XXV. Suits for the recovery of money in the hands of an agent, or for the delivery of accounts or papers by an agent, may be brought at any time during the agency, or within one year after the determination of the agency of such agent, or, in the case of claims now existing, within one year after the passing of this Act; but nothing in this Section shall be held to enlarge the period now allowed by law for the institution of any such suit.

Modo of instituting suits. Form of plaint or statement of claim.

XXVI. Suits under this Act shall be instituted by presenting to the Collector a plaint or statement of claim, which shall contain the name, description, and place of abode of the plaintiff; the name, description and place of abode of the defendant, so far as they can, be ascertained; the substance of the claim; and the date of the cause of action.

Statement of claim to be written on stamped paper, except when plaintiff is unable to pay for a stamp.

XXVII. The statement of claim shall be written on paper bearing a stamp of the value of eight annas; but if the Collector be satisfied of the inability of the plaintiff to pay for a stamp, he may receive such statement on plain paper.

No other stamp duty to be required in suits under this Act.

No stamp shall be required in respect of any petition or other proceeding connected with the suit, or with the execution of any order or judgment passed thereon, or for copies of any papers.

Documentary evidence to be produced by plaintiff.

XXVIII. If the plaintiff rely in support of his claim on any document in his possession, he shall deliver the same to the Collector at the time of presenting his statement of claim. Unless such document be delivered in, or its non-production be sufficiently excused, or unless the Collector see fit to extend the time for producing the same, it shall not afterwards be admitted.

Form of plaint in suits for arrears of rent.

XXIX. If the suit be for the recovery of an arrear of rent, the statement shall specify the name of the village, and of the Pergunnah or other local division, in which the land is situate, the yearly rent of the land, the amount (if any) received on account of the year for which the claim is made, the amount in arrear, and the time in respect of which it is

Documentary evidence to be produced by plaintiff in such cases.

alleged to be due. If the suit be for an arrear alleged to be due from any ryot or cultivator, the plaintiff, in addition to any other documents upon which he may rely in support of his claim, shall produce the jummawasil-bakee account of the village or tenure, for the year preceding that for which the arrear is claimed, if the same be not already filed in the Collector's Office; but this last rule shall not be held applicable to the case of an auction-purchaser or other person who, by reason of his having recently acquired possession of the village or tenure, or for any other cause, may, in the judgment of the Collector, be unable to produce the said account.

Form of plaint in suits for ejectment of ryot, &c., or for recovery of occupancy or possession of land, &c.

XXX. If the suit be for the ejectment of any ryot or cultivator, farmer or tenant, from any land, farm, or tenure, or for the recovery of the occupancy or possession of any land, farm, or tenure, the statement shall describe (as circumstances may require) the extent, situation, and designation of the same; and if necessary for the identification of the land, shall set forth the boundaries of such land.

Warrant of arrest in what cases to be issued.

XXXI. When in any suit against an under-tenant or cultivator for the recovery of an arrear of rent, or against an agent for the recovery of any money, papers, or accounts, the plaintiff desires a warrant of arrest to be issued against the defendant, he shall present with his statement of claim an application for the issue of such warrant. When such application is presented, the Collector shall examine the plaintiff or his agent, and inspect the documents adduced by him in support of his claim, and if there be *primâ facie* grounds for believing the claim to be well founded, and that if a summons be issued, the defendant will abscond instead of appearing to answer the claim, provided also the defendant be resident in the District in which the suit is instituted, the Collector may issue a warrant for the arrest of the defendant. The warrant shall be in the form (A) contained in the Schedule to this Act, or to the like effect, and shall be accompanied by a notice addressed to the defendant, enjoining him, if he contest the claim, to bring with him any document upon which he may intend to rely in support of his defence. But no such warrant shall be issued in a suit for arrears of rent due in respect of a dependent talook or other transferable tenure, which, as hereinafter provided, is liable to sale in execution of any decree which may be passed in the case.

Procedure after arrest of defendant.

XXXII. If a defendant be arrested under the warrant of arrest, he shall be brought with all convenient speed before the Collector, unless he forthwith deposit with the Officer entrusted with the execution of the warrant such sum as may be specified therein.

Procedure when defendant is brought before the Collector under warrant.

XXXIII. When a defendant is brought before the Collector under warrant, the Collector shall, with all convenient speed, proceed to try the case in the manner hereinafter provided when a defendant appears on summons; and if the suit cannot be at once adjudicated, the Collector may, if he think fit, take security from the defendant for his appearance whenever the same may be required at any time whilst the suit is depending, or before the final decree which may be passed thereon shall be fully executed, and may commit the defendant to the Civil jail, to be there detained until he shall furnish such security or deposit such sum as the Collector shall order.

Procedure if warrant of arrest cannot be served upon the defendant.

XXXIV. If the warrant of arrest cannot be served upon the defendant, the Collector, on the application of the plaintiff, shall either postpone the case for such period as he may think proper, in order that the plaintiff may apply within the said period for another warrant to be issued for the arrest of the defendant, of shall forthwith issue a proclamation to be affixed in his own office and at the residence of the defendant, fixing a day for the hearing of the case, which shall not be less than ten days from the date of the publication of notice at the residence of the defendant. If the defendant shall appear in pursuance of the proclamation, he shall be dealt with as provided in the last preceding Section.

In all other cases, summons to issue and personal attendance of defendant may be required.

XXXV. In all other cases, the Collector shall direct the issue of a summons to the defendant, and if the plaintiff require the personal attendance of the defendant, and satisfy the Collector that such personal attendance is necessary, or the Collector of his own accord require such personal attendance, the summons shall contain an order for the defendant to appear personally on a day to be specified in the summons, otherwise the summons shall order the defendant to appear personally, or by an agent duly authorised on his behalf, who has personal knowledge of the subject, or who shall be accompanied by a witness who has such personal knowledge.

The day to be specified in the summons how to be fixed. Defendant to be ordered to produce necessary documents, and to bring witnesses willing to attend without process.

XXXVI. The day to be specified in the summons shall be fixed with reference to the state of the file and the distance that the defendant may be, or be supposed to be, at the time, from the place where the Court is held, and the summons shall order the defendant to produce any document which he may have in his possession of which the plaintiff demands inspection, or upon which the defendant may intend to rely in support of his defence. It shall also enjoin him to bring with him his witnesses if they are willing to attend without issue of process; and shall be in the form (C) contained in the Schedule to this Act, or to the like effect.

A copy of the plaint to be sent with the summons. Summons how to be served.

XXXVII. A copy of the statement of claim shall be sent with the summons, and the summons shall be served by delivering a copy of the summons and of the statement to the defendant personally when practicable; or if the summons cannot be served on the defendant personally, by affixing a copy of the summons and a copy of the statement to some conspicuous part of his usual place of abode, and also by affixing copies of the same in the Collector's Office.

Endorsement by Nazir if summons has been personally served or not.

XXXVIII. If the summons be served personally, the Nazir shall endorse on the summons the fact of such service. If personal service be not effected, the Nazir shall endorse on the summons the reason of not serving it personally, and how it has been served.

Execution of process in another District.

XXXIX. If the usual place of abode of the defendant be in another District, the summons, together with the cost of the service thereof, shall be sent by dâk to the Collector of such District, who shall issue the summons, and return the same after service, with the prescribed endorsement, to the Officer by whom it was transmitted to him.

Cost of serving summons or warrant to be deposited in Court.

XL. The amount of the cost of serving the summons, or, if a warrant be applied for, of serving the warrant, shall in all cases be deposited in Court upon the same day or the day next following that on which the plaint or statement of claim is presented to the Collector, and if the said amount be not so deposited

(except in cases in which the Collector may allow the issue of summons free of cost under the discretion reserved to him in Section CXXXI.), the case shall not be brought on the file of suits; but the plaintiff may present another plaint at any time within the period allowed by the rules for the limitation of actions.

XLI. Upon the appearance of the parties on the day named in the summons, or upon any subsequent day to which the hearing of the case may be adjourned, for sufficient reason, to be recorded by the Collector, the Collector shall call upon the defendant or his agent to make his defence. The defence shall be made either in writing in the official language of the District, or verbally, and if made verbally, shall be reduced into writing in the presence and under the personal superintendence of the Collector; after which the Collector shall proceed to examine such of the parties as may be present, and either party or his agent may cross-examine the other. If either of the parties be not bound to attend personally, any agent by whom he shall appear, or any witness who shall accompany such agent, shall be examined and cross-examined in like manner as the party himself would have been if he had attended personally.

On appearance of parties, defence to be made, after which the parties may be examined by the Collector or cross-examine each other.

XLII. If either of the parties shall bring forward a witness on such day, the Collector shall take the evidence of such witness.

Witnesses to be examined.

XLIII. If the defendant rely on any document in support of his defence, he shall deliver the same into Court at the time of making his defence; and unless such document be so delivered in, or its non-production be sufficiently excused, or unless the Collector see fit to extend the time for producing the same, it shall not afterwards be admitted.

Documentary evidence to be produced by defendant.

XLIV. If after the examination required by Section XLI., and also the examination of any witness who may attend to give evidence on behalf of either of the parties, and after a consideration of the documentary evidence adduced, a decree can be properly made without further evidence, the Collector shall make his decree accordingly.

After examination, Collector may make his decree if no further evidence is required.

XLV. If, on such examination as aforesaid, the agent of either party be unable to answer any material question relating to the case which the Collector is of opinion that the party whom he represents ought to answer, and is likely to be able to answer if interrogated in person, the Collector may postpone the hearing of the case to a future day, and direct that the party whose agent may have been unable to answer as aforesaid shall attend in person on such day; and if the party so directed to attend shall fail to appear in person on the day appointed, the Collector may pass judgment as in case of default, or make such other order as he may deem proper in the circumstances of the case.

Consequence of inability of agent to answer.

XLVI. If on such examination as aforesaid it appear that the parties are at issue on any question of fact, upon which it is necessary to hear further evidence, the Collector shall declare and record such issue, and shall fix a convenient day for the examination of witnesses and the trial of the suit, and the trial shall take place on that day, unless there be sufficient reason for adjourning it, which reason shall be recorded by the Collector.

Collector to record issue and to fix a day for hearing further evidence.

XLVII. The parties shall bring forward their witnesses on the day of trial, and if either party require or Collector, on application of either party, shall issue summons for the attendance of a witness. assistance to procure the attendance of a witness on such day, either to give evidence or to produce a document, he shall apply to the Collector in sufficient time before the day fixed for the trial, to enable the witness to be summoned to attend on that day; and the Collector shall issue a summons requiring such witness to attend.

Parties shall produce their witnesses on the day of trial;

XLVIII. The provisions of the Regulations and Acts, and all other rules for the time being in force, relating to the evidence of witnesses, for procuring the attendance of witnesses and the production of documents, and for the examination, remuneration, and punishment of witnesses, whether parties to the case or not, in cases before the Civil Courts of the Presidency of Bengal, shall, except so far as the same may be inconsistent with the provisions of this Act, apply to and be of equal force and effect in suits under this Act.

Rules regarding attendance, examination, &c. of witnesses.

XLIX. Any party to a suit may employ an authorised agent to conduct the case on his behalf, but the appointment of such agent shall not excuse the personal attendance of the plaintiff or defendant in cases where his personal attendance is required by the summons or any order of the Court, and no fee for any agent shall be charged as part of the costs of suit in any case under this Act.

Employment of authorised agents.

L. If a defendant, summoned to attend personally, shall not attend in person in pursuance of the summons, he shall not be heard by an agent, unless the Collector be satisfied that there is a reasonable excuse for his non-attendance. A defendant who has evaded a warrant of arrest, and has not afterwards attended in person within the term of the proclamation prescribed in Section XXXIV., shall not be heard by an agent.

In what cases defendant shall not be heard by an agent.

LI. The Collector may in any case grant time to the plaintiff or defendant to proceed in the prosecution or defence of a suit, and may also from time to time, in order to the production of further proof, or for other sufficient reason to be recorded by the Collector, adjourn the hearing or further hearing of any case in such manner as to him may seem fit.

Collector may grant time or adjourn hearing.

LII. The Collector may at any stage of a case cause a local inquiry and report respecting the matter in dispute to be made by any Officer subordinate him, or by any other Officer of Government with the consent of the authority to whom such Officer is subordinate, or may himself proceed to the spot and make such local inquiry in person. The provisions of the laws in force relative to local inquiries by Ameens or Commissioners under orders of the Civil Courts shall apply to any local inquiry made by any Officer under this Section, and, so far as they are applicable, to inquiries made by the Collector in person. In the latter case the Collector, after completing the inquiry, shall record on the proceedings such observations as appear to him appropriate, and the observation so recorded shall be received as evidence in the suit.

Collector may cause local inquiry to be made.

LIII. If on the day fixed by the summons or proclamation for the appearance of the defendant, or on any subsequent day to which the hearing of the case may be adjourned prior to the recording of an issue for trial under Section XLVI., neither of the parties appear, the case shall be struck off, with liberty to the plaintiff to bring a fresh suit, unless precluded by the rules for the limitation of actions.

Consequence of neither party appearing on the day of trial.

LIV. If on any such day the defendant only appear, the Collector shall dismiss the case with costs, unless the defendant admit the cause of action, or any part of it; in which case the Collector shall proceed to give judgment for the plaintiff upon such admission without costs. Provided that such judgment, if there be several defendants, shall be only against the defendant who makes the admission.

If defendant only appear to dispute the demand, Collector shall dismiss the case; but if defendant admit the claim, Collector shall decree upon such admission.

Proviso.

LV. If on any such day the plaintiff only appear, the Collector, upon proof that the summons or proclamation has been duly served according to the provisions of this Act, shall proceed to examine the plaintiff or his agent, and after considering the allegations of the plaintiff and any documentary or oral evidence adduced by him, may either dismiss the case or postpone the hearing of it to a future day, for the attendance of any witness the plaintiff may wish to call, or may make an *ex parte* decree against the defendant.

If plaintiff only appear, Collector may proceed *ex parte*.

LVI. If the defendant shall appear on any subsequent day to which the hearing of the suit may be postponed under the last preceding Section, the Collector may, upon such conditions, if any, as to costs or otherwise, as he may think proper, allow the defendant to be heard in answer to the suit as if he had appeared on the day fixed for his attendance.

If defendant appear on a day to which the case is postponed, Collector may allow him to be heard in answer to the suit.

LVII. If on the day fixed for the trial of any issue under Section XLVI., neither of the parties appear, the case shall be struck off under the conditions provided in Section LIII. If on any such day one only of the parties appear, the issue shall be tried and determined *ex parte*.

Consequence of neither party appearing on the day fixed for the trial of any issue.

LVIII. If a decree be made *ex parte*, and the party against whom such decree shall have been made appear, either in person or by agent, if a plaintiff within fifteen days from the date of the Collector's order, and if a defendant within such time as the Collector shall deem reasonable under all the circumstances of the case, but before the decree shall have been finally executed, and shall show good and sufficient cause for his previous non-appearance, and shall satisfy the Collector that there has been a failure of justice, the Collector may, upon such terms and conditions as to costs or otherwise as he may think proper, revive the suit and alter or rescind the decree, according to the justice of the case. But no decree shall be reversed or altered without previously summoning the adverse party to appear and be heard in support of it.

Revival, reversal, and alteration of *ex parte* decrees under certain rules and conditions.

LIX. The defendant in any action under this Act may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment, and such sum shall be paid to the plaintiff. If the defendant deposit less than the sum claimed, and the plaintiff elect to proceed in the case, and ultimately recover no further sum than shall have been paid into Court, the plaintiff shall be charged with any costs incurred by the defendant in the suit after such payment.

Defendant may pay money into Court in satisfaction of the demand.

If plaintiff elect to proceed and ultimately recover no further sum than that paid into Court, he shall be liable to the subsequent costs.

LX. No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

No interest on deposits.

LXI. If on the trial of a suit for the delivery of a pottah instituted by a ryot or cultivator having a right of occupancy on payment of rent at pergunnah-rates as explained in Section III., the parties do not agree as to the term for which the pottah is to be granted, the Collector shall fix such term as under the circumstances of the case he may think just and proper. Provided that in permanently settled estates the term shall not be longer than ten years, and in estates not permanently settled shall not extend beyond the period for which the proprietor of the estate has engaged with Government. Provided also, that if the defendant be a farmer or other person having only a temporary interest in the land, the term of the pottah shall not extend beyond the period of the continuance of such interest. For cultivators not having a right of occupancy, the term of pottah shall be exclusively in the discretion of the person entitled to the rent of the land.

If on trial of suit for delivery of pottah parties do not agree as to the time for which the pottah is granted, Collector to fix the time.

Proviso.

LXII. If in an action for the recovery of arrears of rent the right to receive the rent of the land or tenure involved in the action is claimed by any third person as being in actual possession of the same, such third person shall be made a party to the suit, and the question of possession shall be put in issue, and the right of the plaintiff or of such third person to recover the rent of the land or tenure shall be determined according to the fact of possession. Provided always, that the decision of the Collector shall not affect the right of either party, who may have a legal title to the rent of such land or tenure, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

If in actions for arrears of rent, a third claimant appear, he is to be made a party to the suit.

Proviso.

LXIII. Any person desiring to eject a ryot or cultivator, or to cancel a lease on account of non-payment of arrears of rent, may sue for such ejectment or cancelment and for recovery of the arrear in the same action, or may adduce any unexecuted decree for arrears of rent as evidence of the existence of such arrear in a suit for such ejectment or cancelment. In all cases of suits for the ejectment of a ryot or cultivator or the cancelment of a lease the decree shall specify the amount of the arrear, and the ryot or cultivator or the lease-holder may, at any time before the execution of the decree, stay the execution by paying such amount into Court, together with costs of suit.

Suits for ejectment or cancelment of lease.

LXIV. The Collector shall pronounce judgment in open Court, and the provisions of Act XXXIII. of 1854 shall be applicable thereto.

Judgment how to be pronounced.

LXV. When a decree is given for the delivery of a pottah, if the person required by the decree to grant such pottah refuse or delay to grant the same, the Collector may grant a pottah in conformity with the terms of the decree under his own hand and seal, and such pottah shall be of the same force and effect as if granted by the person aforesaid.

If person required by the decree refuse to grant pottah, Collector may do so.

LXVI. When a decree is given for the delivery of a kubooliyet, if the person required by the decree to execute such kubooliyet shall refuse to execute the same, the decree shall be evidence of the amount of rent claimable from such person, and a copy of the decree

Refusal of person to execute kubooliyet as required by the decree.

under the hand and seal of the Collector shall be of the same force and effect as a kubooliyet executed by the said person.

Mode of executing decree for ejectment or reinstatement of ryot or cultivator.

LXVII. If the decree be for the ejectment of any ryot or cultivator from land occupied by him, or for the reinstatement of any ryot or cultivator in the occupancy of land from which he has been ejected, the decree shall be executed by an order issued to the Nazir to give the possession or occupancy of the land to the person entitled by the decree to such possession or occupancy; and if any opposition is made to the execution of such order, the Magistrate, on the application of the Collector, shall give effect to the same.

Punishment for obstructing execution.

Mode of executing decree for cancelment of a lease or for ejectment or reinstatement of a farmer or tenant.

LXVIII. If the decree be for the cancelment of any lease or the ejectment of any farmer or other person (not being an actual cultivator) or for the reinstatement of such farmer or person in the possession of a farm or tenure from which he has been ejected, the decree shall be executed by erecting a pole upon some place within or adjacent to the farm or tenure, and proclaiming to the cultivators or other occupants at some convenient place or places the substance of the decree in regard to the farm or tenure.

Decree to contain order for immediate execution.

In what case a judgment-debtor may be detained or imprisoned without issue of process of execution.

LXIX. Every decree for the payment of money or costs shall contain an order for immediate execution; and if the decree be for arrears of rent, or for money, papers, or accounts, and the defendant have been committed to jail or appear pursuant to the conditions of the security given under Section XXXIII., he may, without the issue of any process of execution, be detained in or committed to the Civil Jail, unless he immediately pay into Court the amount of the decree with costs, or otherwise comply with the terms of the decree.

Liability of surety on failure to deliver judgment-debtor into custody.

LXX. If the judgment-debtor have given security for his appearance, and be not present when judgment is pronounced, and the surety shall fail to deliver him into custody when required so to do, process of execution may be taken out against the surety in the same manner as if a decree for the amount due by the debtor had been passed against the surety.

Issue of process of execution.

LXXI. Process of execution may be issued against either the person or the property of a judgment-debtor; but process shall not be issued simultaneously against both person and property. Process of execution against the person or moveable property of a debtor shall be in the form (D) or (E) contained in the Schedule to this Act, or to the like effect.

Application for execution against moveable property.

LXXII. Any moveable property required to be seized under an execution shall, if practicable, be described in a list to be furnished by the judgment-creditor, but if the creditor is unable to furnish such list, he may apply for a general attachment of the debtor's effects to the amount of the judgment and costs. In either case the property to be seized shall be pointed out by the creditor or his agent.

How long warrant shall continue in force.

LXXIII. Process of execution shall bear date on the day on which it is signed by the Court, and no warrant shall continue in force for a longer period than sixty days calculated from such date.

Second and successive warrants.

LXXIV. Second and successive warrants of execution may be issued by order of the Collector on the application of the judgment-creditor after the expiration of the period above fixed for the continuance in force of a previous warrant. No such warrant shall continue in force for a longer period than sixty days.

Time for issue of warrant.

LXXV. Process of execution shall not be issued upon any judgment without previous notice to the party against whom execution is applied for, if, when application for the issue of the process is made, a period of more than one year shall have elapsed from the date of the judgment or from the date of the last previous application for execution.

Execution not to issue against heir or representative of a deceased party without notice.

LXXVI. Execution on a judgment shall not issue against the heir or other representative of a deceased party without notice to such heir or other representative to appear and be heard.

No process of execution to be issued three years after date of judgment.

LXXVII. No process of execution of any description whatsoever shall be issued on a judgment under this Act after the elapse of three years from the date of such judgment.

Warrant against the person.

LXXVIII. If a warrant issue for taking in execution the body of any person, the Nazir of the Court shall cause him to be seized, and unless such person shall immediately deposit with the Officer entrusted with the service of the warrant the full amount specified therein, the Nazir shall bring him before the Collector. If such person shall not then deposit in Court the full amount specified in the warrant, or make such arrangement for the payment of the same as shall be satisfactory to the judgment-creditor, the Collector shall send him to the Civil Jail, there to remain for such time as shall be directed by the warrant, unless he shall in the mean time pay the full amount specified therein. Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed three calendar months when the amount decreed, exclusive of costs, does not exceed fifty Rupees, or six calendar months in any other case.

No person to be imprisoned a second time under same judgment, but his property to be liable to attachment.

LXXIX. Any person once discharged from jail shall not be imprisoned a second time under the same judgment, but such discharge shall not extinguish the liability of such person under the decree, or exempt any property belonging to such person from attachment in execution of the same.

Diet-money to be deposited at the time of issue of warrant.

LXXX. Any person applying for a warrant of arrest under Section XXXI., or suing out process of execution against the body of any person, shall deposit with the Nazir of the Court, at the time of the issue of the warrant, diet-money for one month of thirty days, at such rate as the Collector may direct, not exceeding two annas per diem, unless the Collector for any special reason direct that deposit be made at a higher rate, which shall not exceed four annas per diem.

Payment of diet-money in advance during imprisonment.

LXXXI. Payment of diet-money at the same rate shall be made previous to the commencement of each succeeding month of the imprisonment, in failure of which the party confined shall be discharged.

Diet-money to be costs in suit.

LXXXII. All diet-money spent in providing subsistence for any prisoner shall be added to the costs in the suit, and any diet-money not so spent shall be returned to the person who deposited the same.

LXXXIII. In executing a writ of execution against the moveable property of a debtor liable under this Act, the Nazir shall prepare a list of the property pointed out by the judgment-creditor, and shall publish a proclamation specifying the day upon which the sale is intended to be held, together with a copy of the said list at the intended place of sale and at the residence of the debtor. A copy of the said proclamation and list shall be transmitted to the Collector, and shall be affixed in his Office.

List of property to be prepared by the Nazir, and proclamation of sale to be published, &c.

LXXXIV. No sale of any moveable property taken in execution shall be made until after the end of ten days next following the day on which such property may have been so taken. Until such sale the property shall be deposited by the Nazir in some fit place, or it may remain in custody of some fit person approved by the Nazir. The provisions of Sections CXIV. to CXVIII., so far as the same are applicable, shall be applied to sales under this Section.

Custody and sale of moveable property taken in execution.

LXXXV. If before the day fixed for the sale a third party appear before the Collector, and by petition, supported by his oath or affirmation, claim a right or interest in any of the moveable property taken in execution, the Collector may stay the sale of such property.

Collector to stay sale of moveable property seized if a third party claim any interest therein.

LXXXVI. The Collector shall adjudicate upon such claim, and make such order between the claimant and the plaintiff and defendant in the original suit as shall seem fit. In trying such claim the Collector shall be guided by the rules contained in this Act, so far as they may be applicable.

Collector to adjudicate such claims.

LXXXVII. If the claimant shall fail to establish his right to the property taken in execution, the Collector at the time of disposing of the case may award to the judgment-creditor against such claimant as part of the costs such sum as he may consider sufficient to cover any loss of interest or damage which the judgment-creditor may have sustained by reason of the postponement of the sale of the property.

Claimant failing to establish his right, liable to pay compensation to judgment-creditor.

LXXXVIII. No appeal shall lie from any order passed by the Collector under the two last preceding Sections. But the party against whom the same may be given shall be at liberty to bring a suit in the Civil Court to establish his right at any time within one year from the date of the order; Provided that, if the order be for the sale of the property, the suit shall be for damages against the judgment-creditor by whom the property was brought to sale.

No appeal from order of Collector under the two last preceding Sections.

Proviso.

LXXXIX. No irregularity in publishing or conducting a sale of moveable property under an execution shall vitiate such sale; but this rule shall not be held to deprive any person who may sustain damage by reason of such irregularity from recovering such damage by action in the Civil Court; Provided such action be brought within one year from the date of sale.

Sale not vitiated by irregularity in publishing or conducting the same.

Proviso.

XC. If the decree be for an arrear of rent due in respect of an under-tenure which by the title-deeds or the custom of the country is transferable by sale, the judgment-creditor may make application for the sale of the tenure, and the tenure may thereupon be brought to sale in execution of the decree, according to the rules for the sale of under-tenures for the recovery of arrears of rent due in respect thereof contained in Act of . But no such application shall be received when a warrant of execution has been previously issued against the person or moveable property of the judgment-debtor, so long as such warrant remains in force. If after sale of an under-tenure any portion of the amount decreed remains due, process may be applied for against any other property, moveable or immoveable, belonging to the debtor.

Sale of transferable tenures in execution of decrees for arrears of rent.

XCI. If before the day fixed for the sale of any such under-tenure as aforesaid, in execution of a decree for arrears of rent due in respect of such under-tenure, a third party appear before the Collector, and on oath or affirmation allege that such third party and not the person against whom the decree has been obtained is the proprietor of such under-tenure, and was in lawful possession of the same at the time when such decree was obtained, and shall deposit in Court the amount of the decree, or give sufficient security for the same, the Collector shall stay the sale and proceed to inquire into and adjudicate upon the claim.

If third party claim to be the proprietor and lawful possessor of such under-tenure, Collector to stay the sale and to inquire into and adjudicate upon the claim.

XCII. In trying such claim the Collector shall be guided by the rules contained in this Act, so far as the same may be applicable, and the judgment passed by the Collector on such claim shall be subject to the same rules in respect of appeal as a judgment in a suit instituted under this Act.

Mode of adjudicating such claims.

XCIII. If a decree is given in favour of a sharer in a joint undivided estate, dependent talook, or other similar tenure for money due to him on account of his share of the rent of an under-tenure situate in such undivided estate or talook or tenure, application for the sale of such under-tenure shall not be received unless execution shall have been first taken out against any moveable property which the judgment-debtor may possess within the District in which the suit was instituted, and the sale of such property, if any, shall have proved insufficient to satisfy the judgment. In such case such under-tenure, if of the nature described in Section XC., may be brought to sale in execution of the decree, in the same manner as any other immoveable property may be sold in execution of a decree for money under the provisions of the two next following Sections.

Execution of decrees given in favour of sharers in undivided estates or tenures.

XCIV. In the execution of any decree for the payment of money under this Act, not being money due as arrears of rent of a saleable under-tenure, if satisfaction of the judgment cannot be obtained by execution against the person or moveable property of the debtor within the District in which the suit was instituted, the judgment-creditor may apply for execution against any immoveable property belonging to such debtor.

In all cases of decrees for money, if judgment cannot be satisfied by sale of debtor's moveable property, execution may be had against his immoveable property.

XCV. If the immoveable property against which execution is applied for be a house, shop, or other building, process shall be issued in the same manner as for the attachment and sale of moveable property, and the provisions of Section LXXXIV. shall be applicable to the execution of such process. If the property be a saleable under-tenure, it shall be sold under the provisions of Act of applicable to the sale of such under-tenures for demands other than those of

Mode of executing process if immoveable property be a house, shop, or other building.

If it be a saleable under-tenure.

arrears of rent due in respect thereof. If the property be an estate or a share of an estate, it shall be sold under the rules in force for the sale of such property for the recovery of demands recoverable by the same process as arrears of land revenue.

If it be an estate or a share of an estate.

XCVI. If before the day fixed for the sale of any immoveable property as aforesaid, objection shall be offered to the sale on the ground of such property not belonging to the judgment-debtor, and consequently not being liable to be sold in execution of a decree against him, the Collector, if satisfied that there is sufficient ground for so doing, shall stay the sale and proceed to inquire into and adjudicate upon the objection, in the same manner, and subject to the same right of appeal, as is provided in Section XCII.

Consequence of objection being offered before the sale of any immoveable property.

XCVII. The produce of the land is held to be hypothecated for the rent payable in respect thereof: and when an arrear of rent, as defined in Section XIII. of this Act, is due from any cultivator of land, the Zemindar, lakherajdar, farmer, defendant, talookdar, under-farmer, or other person entitled to receive rent immediately from such cultivator, instead of bringing suit for the arrear as hereinbefore provided, may recover the same by distraint and sale of the produce of the land on account of which the arrear is due, under the following rules.

Produce of the land to be held hypothecated for the rent.

Arrears of rent may be recovered by distraint under the following rules.

XCVIII. Provided always, that when a cultivator has given security for the payment of his rent, the produce of the land occupied by such cultivator shall not be liable to distraint for any arrear of rent that may accrue due in respect of such land.

Cultivators who have given security to be exempt from distraint.

XCIX. *After the lapse of one year from the time when this Act comes into* operation, distraint shall be lawful only when a kubooliyet has been executed, or a decree obtained under Section LXVI. in respect of the rent for the recovery of which distraint is made. Distraint shall not be made for any arrear which has been due for a longer period than one year.

No distraint in certain cases.

C. The power of distraint vested by Section XCVII. in Zemindars and other persons entitled to receive rent from cultivators of land, may be exercised by managers under the Court of Wards, surburakars of estates held under khass management, and other persons lawfully entrusted with the charge of landed property; and also by the naibs, gomashtahs, and other agents employed by any such persons as aforesaid in the collection of rent if expressly authorised by power of attorney in that behalf. Provided that, if any illegal act is committed by any such naib, gomashtah, or other agent in the exercise of said power, the person employing such agent shall be liable, as well as the agent, for any damages accruing by reason of such act.

Power of distraint to be exercised by managers under the Court of Wards, &c.

Proviso.

CI. When standing crops and other ungathered products of the earth are distrained, the distress shall be made at or about the time when such crops or products are ready to be reaped or gathered, and such crops and products may, notwithstanding the distress, be reaped and gathered by the cultivator, and may be stored in such granaries or other places as are commonly used by him for the purpose. If the cultivator neglect to do so, the distrainer may cause the said crops or products to be reaped or gathered, and in such case shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood. No crops or products other than the produce of the land in respect of which an arrear of rent is due, and no other property whatsoever, shall be liable to distraint under this Act.

Standing crops, &c., when attached, to be reaped and stored by the cultivator, or, if he neglect to do so, by the distrainer.

CII. Before or at the time when distraint is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made. The demand and account shall, if practicable, be served personally on the defaulter, or if he abscond or conceal himself so that they cannot be so served, shall be affixed at his usual place of residence in the presence of witnesses, who shall sign a certificate of the notice and account having been so affixed.

Defaulter to be served with a written demand, &c. before or at the time of distraint.

CIII. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value proportionate to the amount of the arrear with costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent affix it to his usual place of residence in the manner provided in the last preceding Section. Except so far as may be necessary for the due preservation of the distrained property, the same shall not be removed from the place where the distress is made, but shall there remain in the charge of some person appointed by the distrainer for the purpose.

Distress to be proportionate to the arrear if not paid or tendered.

List of property to be distrained to be served on owner.

Charge of distrained property.

CIV. Distress shall be made between sunrise and sunset; and distrainers are authorised to force open any golah, granary, or other building, and to enter any dwelling-house the door of which may be open, for the purpose of attaching any property as aforesaid which may be lodged therein. If a distrainer shall be opposed, or shall apprehend resistance, or shall desire to force open the door of a dwelling-house for the purpose of attaching property as aforesaid, he shall make application to the Police Darogah, and thereupon the Darogah shall proceed as directed in Section XXVII. Regulation XX. 1817.

Time for making distress.

Power of entry.

Distrainer may apply for aid of the Police upon occasion of resistance made or apprehended.

CV. When any person, empowered to distrain property under Section XCVII. or Section C. shall employ a servant or other person to make the distress, he shall give to such servant or person a written authority (which may be on plain paper) for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Persons empowered to distrain may give written authority to their servants to do so.

CVI. If at any time after property has been distrained and prior to the day fixed for its being put up to sale as hereinafter provided, the owner of the property shall tender payment of the arrear demanded of him, and of the expenses of the distress, the distrainer shall receive the same, and shall forthwith withdraw the distress.

Distress to be withdrawn if defaulter tender payment of arrear and expenses of attachment prior to the day of sale.

CVII. Within five days from the time of making the distress, or if the property distrained consist of

Application for sale.

standing crops or ungathered products within five days from the storing thereof, the distrainer shall apply for sale of the same to the Civil Court Ameen, or other Officer authorised to sell property in satisfaction of decrees of the Civil Court within the circle in which the distrained property is situate, or to such other public Officer as the Lieutenant Governor of Bengal, or the Lieutenant Governor of the North-Western Provinces, shall appoint for the purpose.

Form of application.

CVIII. The application shall be in writing, and shall contain an inventory or description of the property distrained, the name of the defaulter and his place of residence, the amount due, and the date of the distress, and the place in which the distrained property is deposited. Together with the application the distrainer shall deliver to the Civil Court Ameen or other Officer the amount necessary for the service of a notice upon the defaulter as hereinafter provided.

Cost of notice upon defaulter to be deposited by distrainer.

Procedure by Civil Court Ameen, &c. on receipt of application.

CIX. Immediately on receipt of the application the Civil Court Ameen or other Officer shall transmit a copy of it to the Collector; and shall serve a notice (which shall be in the form (F) contained in the Schedule to this Act, or to the like effect) on the person whose property has been distrained, requiring him either to pay the amount demanded, or to institute a suit to contest the demand before the Collector within the period of fifteen days from the receipt of the notice. He shall at the same time put up in the Kutcherry of the Moonsiff, or other Court or Office to which he may be attached, and if in the North-Western Provinces in the Kutcherry of the Tuhseeldar, a proclamation fixing a day for the sale of the distrained property, which shall not be less than twenty days from the date of the application; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited. The proclamation shall contain a description of the property, the demand for which it is to be sold, and the place where the sale is to be held.

Ameen to suspend sale on receipt of Collector's certificate of the institution of a suit.

CX. If a suit shall be instituted before the Collector in pursuance of the aforesaid notice, the Collector shall transmit to the Civil Court Ameen or other Officer, or if so requested shall deliver to the owner of the distrained property, a certificate of the institution of such suit; and on such certificate being received by or presented to the Ameen or other Officer, he shall suspend proceedings in regard to the sale of the distrained property.

Suits to contest distrainer's demand before issue of notice of sale.

CXI. A person whose property has been distrained in the manner hereinbefore provided may institute a suit to contest the demand of the distrainer immediately after the distraint of his property and before the issue of notice of sale. When such suit is instituted, the Collector shall proceed in the manner prescribed in the last preceding Section. If thereafter application for the sale of the property is made to the Civil Court Ameen or other Officer, he shall transmit a copy of the application to the Collector, and suspend further proceedings pending the decision of the case.

Distress to be withdrawn on receipt of Collector's certificate that the owner has executed a bond with security to pay amount of decree with interest and costs.

CXII. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with security binding himself to pay whatever sum may be adjudged to be due from him, with interest and costs of suit, and when such bond is executed the Collector shall give to the owner of the property a certificate to that effect, or if so requested shall serve the distrainer with notice of the same; and the distrainer, upon such certificate being presented to him by the owner of the property, or served on him by order of the Collector, shall immediately withdraw the distress.

On expiration of period fixed in the proclamation of sale, if institution of suit to contest distrainer's demand have not been certified, sale may be proceeded with.

CXIII. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the Civil Court Ameen or other Officer in the manner hereinbefore provided, he shall, unless the said demand, with costs of the distress at such rate as shall be allowed by him, be discharged in full, proceed to sell the property, or such part of it as may be necessary, in the manner following.

Place and manner of sale.

CXIV. The sale shall be held at the place where the distrained property is deposited, or at the nearest gunge, bazar, haut, or other place of public resort, if the Civil Court Ameen or other Officer should be of opinion that it is likely to sell there to better advantage. The property shall be sold by public auction in one or more lots, as the Officer holding the sale may think advisable, and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

If fair price be not offered, sale may be postponed to another day, and shall be then completed at whatever price may be offered.

CXV. If, on the property being put up for sale, a fair price in the estimation of the Officer holding the sale be not offered for it, and the owner of the property or some person authorised to act on his behalf apply to have the sale postponed until the next day, or the next market day if a market be held at the place of sale, the sale shall be postponed until such day, and shall be then completed, whatever price may be offered for the property.

Payment of purchase-money.

CXVI. The price of every lot shall be paid for in ready money at the time of sale, or as soon after as the Officer holding the sale shall think necessary; and in default of such payment the property shall forthwith be put up again and sold. When the purchase-money has been paid in full, the Officer holding the sale shall give the purchaser a certificate describing the property purchased by him and the price paid.

Proceeds of sale.

CXVII. From the proceeds of the sale of distrained property the Officer holding the sale shall make a deduction at the rate of ten per centum on account of the costs of the sale, and shall transmit the amount to the Collector in order that it may be credited to Government. He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distress, and of the issue of the notice and proclamation of sale prescribed in Section CIX., to such amount as, after examination of the statement of expenses furnished by distrainer, he shall think proper to allow. The remainder shall be applied to the discharge of the arrear for which the distraint was made, with interest thereon up to the day of sale, and if there be any overplus it shall be delivered to the person whose property shall have been sold.

Officers holding sales prohibited from purchasing.

CXVIII. Officers holding sales of property under this Act, and all persons employed by or subordinate to such Officers, are prohibited from purchasing, either directly or indirectly, any property sold by such Officers.

All irregularities to be reported to the Collector.

CXIX. Civil Court Ameens and other Officers as aforesaid are required to bring to the notice of Collectors any material irregu-

larities committed by distrainers under colour of this Act; and if in any case, on proceeding to hold a sale of property, the Civil Court Ameen or other Officer shall find that, through the practices of the distrainer, or from any other cause, the owner of the property has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Collector, and the Collector shall direct the issue of another notice and proclamation of sale under Section CIX., or pass such other order as he may think proper.

Officer not to proceed to sale, if he find that defaulter has not received due notice.

CXX. When a Civil Court Ameen or other Officer has proceeded to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in the last preceding Section, or because the demand of the distrainer has been previously satisfied, no intimation of such satisfaction having been given by the distrainer to the Civil Court Ameen or other Officer, the charge of ten per centum on account of expenses shall be leviable, and shall be calculated on the estimated value of the distrained property. If the demand of the distrainer be not satisfied until the day fixed for the sale, the charge for expenses shall be paid by the owner of the property, and may be recovered by the sale of such portion thereof as may be necessary. In every other case it shall be paid by the distrainer, and may be recovered by warrant under the hand of the Collector. Provided always, that in no case shall a larger amount than ten Rupees be recoverable under this Section.

Recovery of expenses if Ameen proceeds to place of sale and no sale takes place.

CXXI. All proceedings under this Act of the Civil Court Ameens and other Officers as aforesaid shall be subject to the revision and orders of the Collectors, and the Collectors, with the sanction of the Boards of Revenue, may require the submission of such periodical reports and statements of business peformed by the Civil Court Ameens and other Officers as may be thought necessary.

Proceedings of Civil Court Ameens, &c. subject to revision and orders of Collectors.

CXXII. When a suit has been instituted to contest the demand of a distrainer, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Collector shall issue an order to the Civil Court Ameen or other Officer authorising the sale of the property, and on the application of the distrainer, which shall be made within five days from the receipt of such order by the Civil Court Ameen or other Officer, such Ameen or Officer shall publish a second proclamation, in the manner prescribed in Section CIX., fixing another day for the sale of the distrained property, which shall not be less than five nor more than ten days from the date of the proclamation; and unless the amount adjudged to be due with the costs of distress be paid intermediately, shall proceed to sell the property in the manner hereinbefore provided.

Second proclamation of sale.

CXXIII. In all suits instituted to contest the demand of a distrainer, the distrainer shall be required to prove the arrear in the same manner as if he had himself brought suit for the amount under the foregoing provisions of this Act. If the demand or any part thereof is found to be due, the Collector shall make a decree for the amount in favour of the distrainer, and the amount may be recovered by sale of the property, as provided in the last preceding Section, if the distress has not been withdrawn, and if any balance remain due after such sale by execution of the decree against the person and any other property of the defaulter, or if the property have been released on security by execution of the decree against the person and property of the defaulter and of his surety. If, on the other hand, the distraint is adjudged to be vexatious or groundless, the Collector, besides directing the release of the distrained property, may award such damages in favour of the plaintiff as the circumstances of the case shall seem to require.

Procedure after institution of suit to contest distrainer's demand.

CXXIV. If any person shall claim as his own property which has been distrained for arrears of rent alleged to be due from any other person, such person may institute a suit against the distrainer and such other person, to try the right to the property, in the same manner and under the same conditions as to the time of instituting the suit, and to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand. When any such suit is instituted, the property may be released upon security being given for the value of the same. If the claim is dismissed, the Collector shall make an order for the sale of the property or the recovery of the value thereof, as the case may be, for the benefit of the distrainer. If the claim is upheld, the Collector shall decree the release of the distrained property with costs, and such damages (if any) as the circumstances of the case may seem to require. Provided always that no claim to any produce of land, liable to distraint under this Act, which at the time of the distress may have been found in the possession of a defaulting cultivator, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the prior claim of the person entitled to the rent of the land, nor shall any attachment in execution of a judgment of any Civil Court prevail against such prior claim.

Any person, whose property has been distrained for arrears of rent alleged to be due from another, may institute a suit against the distrainer, &c.

Proviso.

CXXV. If in any case in which property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, the right to distrain for such arrear is claimed by any person other than the distrainer as being in possession of the rent of the land, such other person shall be made a party to the suit, and the question of possession shall be put in issue, and the right of either party to distrain for rent shall be determined according to the fact of possession. Provided always, that the decision of the Collector shall not affect the right of either party who may have a legal title to the rent of the land, to establish his title by suit in the Civil Court if instituted within one year from the date of the decision.

Procedure if distrainer's right to distrain be disputed.

CXXVI. If any person, whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, is prevented by any sufficient cause from bringing suit to contest the demand or to try the right to the property, as the case may be, within the period allowed by Sections CIX. and CXXIV., and his property is in consequence brought to sale, he may nevertheless institute a suit under this Act to recover damages for the illegal distress and sale of his property.

Persons prevented from suing in time to save their property from sale, may sue for damages.

CXXVII. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, shall distrain or sell, or cause to be sold, any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act, or if any distrained property shall be lost, damaged, or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof, the owner of the property may institute a suit under this Act to recover damages for any injury which he may have thereby sustained.

Also persons aggrieved by any illegal act of distrainer.

CXXVIII. If any person not empowered to distrain property under Sections XCVII. and C. of this Act, nor employed for the purpose under a written authority by a person so empowered, shall distrain or sell or cause to be sold any property under colour of this Act, the owner of the property may institute a suit under this Act to recover damages from such person for any injury which he may have sustained from the distraint or sale. The said person shall be held to have committed criminal trespass, and shall be subject to the penalties for that offence in addition to any damages which may be awarded against him in such suit.

Unlawful distraint.

CXXIX. Provided always, that any suit which may be instituted under any of the three last preceding Sections shall be commenced within three months from the date of the occurrence of the cause of action.

Time for commencing suits for damages.

CXXX. If any person shall resist a distraint of property duly made under this Act, or shall forcibly or clandestinely remove any distrained property, the Collector, upon complaint being made within fifteen days from the date of such resistance or removal, shall cause the person accused to be arrested, and if the offence be proved, and the offender be the owner of the property, shall order him to be imprisoned in the Civil Jail for six months, or until the whole arrear due to the distrainer, with all expenses and costs, shall sooner be paid or levied by distress and sale of the property of the offender under warrant of the Collector. If the person convicted of the offence be any other than the owner of the property, he shall make good to the distrainer the value of the same, and shall further be liable to a fine not exceeding One hundred Rupees, or in default of payment thereof to imprisonment for a period not exceeding two months.

Resistance of process.

CXXXI. Every process issued by a Collector under this Act shall be under the seal and signature of the Collector, and shall be served or executed by the Nazir or by an Officer of his establishment at the cost of the party at whose instance it is issued. The amount of such cost, and, in the case of summons to a witness, any sum required for the travelling expenses of such witness, shall be deposited in Court before the process is issued. Provided that if in any case the Collector is satisfied that a party is unable to pay the cost of any necessary process, he may direct such process to be served free of charge.

Service of process.

CXXXII. Whenever in accordance with the provisions of this Act any notice, summons, proclamation, or process is served, by affixing a copy thereof to some part of the usual place of abode of the person named in the process, such service shall be attested by the signature of not less than three persons residing in the same neighbourhood, one of whom shall, if practicable, be the village Chowkeydar or local Police Officer.

Service of process to be attested.

CXXXIII. When any of the offences described in Chapter X. of the Penal Code is committed in contempt of the lawful authority of a Collector or other public servant, duly exercised under the provisions of this Act, it shall be competent to the Collector to punish the offender as for a contempt of Court, and to adjudge the punishment authorised by the Clause applicable thereto.

Contempt of Court under Chapter X. of the Penal Code.

CXXXIV. In any such case as is referred to in the last preceding Section, if the offender be not present in Court, the Collector may summon him to answer to the charge, and if after due service of the summons he fail to attend, may issue a warrant for his apprehension.

Warrant for apprehension of offender under the last preceding Section.

CXXXV. Whenever any such offence as is described in Clause 39 Chapter XI. of the Penal Code is committed in contempt of the lawful authority of a Collector in any stage of a judicial proceeding under this Act, it shall be competent to the Collector to punish the offender as for a contempt of Court, and to adjudge the punishment authorised by the said Clause.

Contempt of Court under Chapter XI. Clause 39 of the Penal Code.

CXXXVI. It shall be competent to the Collector to hold a Court for hearing and determining suits under this Act in any place within the limits of his District or local jurisdiction, provided that every hearing and decision shall be in open Court, and that the parties to the suits or their authorised agents shall have had due notice to attend at such place.

Collector competent to hold a Court in any part of his jurisdiction.

Proviso.

CXXXVII. Any person may practise as an agent or mookhtar in a Court held by a Collector under this Act, without any formal licence from the Collector. But it shall be competent to the Collector to prohibit any person who has been convicted by a competent Court of a criminal offence, or who has been found guilty of fraudulent or dishonest conduct in the discharge of his duty as agent or mookhtar, to practice as an agent or mookhtar in his Court. When any charge of fraudulent or dishonest conduct in the discharge of his duty is brought against an agent or mookhtar, the Collector shall proceed in the manner prescribed in Section IV. Act XVIII. of 1852, and the order passed in the case shall be open to appeal to the superior Revenue authorities.

Agents or Mookhtars.

CXXXVIII. All the powers vested in the Collector by the preceding Sections of this Act may be exercised by any Deputy Collector in cases referred to him by a Collector, and in all cases without such reference, by any Deputy Collector having local jurisdiction in any Sub-division of a District.

Powers of Deputy Collector.

CXXXIX. *In the performance of their duties under* this Act, the Collectors and Deputy Collectors shall be subject to the general direction and control of the Commissioners and the Boards of Revenue; and the Deputy Collectors shall be subject to the direction and control of the Collectors to whom they are subordinate. Except as otherwise herein provided, all orders passed by a Collector under this Act shall be appealable to the Commissioner; and all orders passed by a Deputy Collector shall be appealable to the Collector; but no judgment or order of a Collector or Deputy Collector in any suit, and no order of a Collector or Deputy Collector in the execution of any decree, under this Act, shall be liable to be reversed or altered, unless the same is expressly declared to be open to revision or appeal by the provisions of this Act.

Collectors and Deputy Collectors to be subject to general direction and control of the Commissioners and the Boards of Revenue.

No appeal from orders of Collectors and Deputy Collectors in certain cases.

CXL. All orders which may be passed by a Collector under Sections CXXXIII. and CXXXV. shall be appealable to the Commissioner; and all such orders passed by a Deputy Collector shall be appealable to the Collector. In all such cases the order which may be passed in appeal shall be final and conclusive.

Appeal from orders of Collectors and Deputy Collectors for contempt of Court.

CXLI. In suits under Clauses 2, 4, and 7 of Section XVII. and under Section XVIII. of this Act, if the amount sued for or the value of the property claimed does not exceed fifty Rupees, the judgment of the Officer holding the Court shall be final,

No appeal from any decree for money below fifty Rupees unless the decision involve some question of right to enhance rents or some question relating to a title to land.

and not open to revision or appeal except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a cultivator or tenant, or any question relating to a title to land, or to some interest in land as between parties having conflicting claims thereto, has been determined by the judgment, in which case the judgment shall be open to appeal in the manner provided in Sections CXLIV. and CXLV. of this Act.

In suits not open to appeal Collector or Deputy Collector may grant a re-hearing upon the discovery of new evidence, &c.

CXLII. In suits in which the judgment of the Officer holding the Court is final, as provided in the last preceding Section, the Collector, or, if the case have been decided by a Deputy Collector, the Deputy Collector with the sanction of the Collector, may, upon the application of either party, if preferred within thirty days from the date of the decision, order the re-hearing of a suit, upon the ground of the discovery of a new evidence or matter material to the issue of the case which the applicant had no knowledge of, or could not produce at the time of trial.

In such suits, when decided by a Deputy Collector, the Collector on application may call for the case and set aside the judgment on the ground of substantial defect of procedure, and himself pass orders.

CXLIII. When any such suit as aforesaid is decided by a Deputy Collector, the Collector, on the application of either party, if preferred within thirty days from the date of the decision, may call for the record of the case, and if there have been substantial defect in the procedure or investigation, from which there may be strong probable grounds for presuming a failure of justice, the Collector may set aside the judgment of the Deputy Collector, and make such investigation into the merits of the case, and pass such decision thereon as, to him may seem fit. But no judgment of a Deputy Collector in any such suit shall be reversed or altered, nor shall a re-hearing be directed, on the ground that the decision of any question of fact is contrary to or not warranted by the evidence duly taken in the case.

In suits other than those under Section CXLI. appeal to lie only to Zillah Judge.

CXLIV. In all suits other than those in which the judgment of the Officer holding a Court under this Act is declared to be final by Section CXLI., an appeal from the judgment of such Officer shall be open to the Zillah Judge.

Rules regarding presentation and hearing of appeals.

CXLV. The petition of appeal shall be written on the stamp paper prescribed for appeals to the Zillah Judge from the subordinate Civil Courts with reference to the amount or value of the property involved in the appeal; and the rules in force in regard to the time within which appeals from the decisions of such Courts may be received, and to the manner in which such appeals are heard and determined, and to all proceedings which may be had in respect of such appeals, shall be applicable to appeals under this Act.

Suits to be preferred in the Revenue Office of the District or sub-division in which the greater part of the lands is situate.

CXLVI. Suits under this Act shall be preferred in the Revenue Office of the District or sub-division in which the cause of action shall have arisen. If the lands comprised in any talook, farm, or other tenure, or any lands held under one lease or engagement or at one entire rent in respect of which arrears of rent may be due, are situated in more than one District or sub-division, the District or sub-division in which the greater part of such lands is situate shall be held to be the District or sub-division in which the cause of action has arisen; and if any question shall be raised respecting the District or sub-division in which the greater part of the lands is situate, the Board of Revenue, or if all the lands be situate in one District the Collector of the District, shall decide the question, and such decision shall be conclusive on the point of jurisdiction.

Except as above, Collector not to exercise jurisdiction in respect to lands situate beyond his District.

CXLVII. Except as provided in the last preceding Section, no Collector shall exercise any jurisdiction under this Act in respect to any lands situate beyond the limits of the District to which he is appointed, by reason of such lands forming part of an estate the Revenue of which is paid into the Treasury of the said District.

Saving of rights of proprietors in respect of Putnee Talooks, &c. under Regulation VIII. of 1819.

CXLVIII. Nothing contained in this Act shall be held to affect the right vested in proprietors of land under direct engagements with Government, of bringing to sale for arrears of rent Putnee Talooks and other similar tenures under the Provisions of Regulation VIII. 1819.

Commencement of Act.

CXLIX. This act shall commence and have effect from and after the day of .

Interpretation.

CL. The word "Collector" as used in this Act shall include any Deputy Collector or other Officer vested with the full powers of a Collector and placed in independent charge of a District. The words "Civil Jail" shall include the Civil Jail of the Zillah and any place appointed by the Executive Government for the confinement of prisoners by any Court constituted under this Act. The word "Nazir" shall include any Officer of a Court authorised to serve or execute its process. Unless there be something in the subject or context repugnant to such construction, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, and words importing the masculine gender shall include females.

SCHEDULE.

(A).

Form of Warrant of Arrest.

No. (of suit) dated

In the Court of

A. B., Plaintiff.

C. D., Defendant.

To the Nazir of the Court of

Whereas the Plaintiff in this suit has obtained an order from the Court for the arrest of the Defendant, you are hereby commanded to bring the Defendant forthwith before the Court, unless he deposit with you or with the Officer employed by you to serve this warrant, the sum of

[*If the suit be for the delivery of papers, here specify the same.*]

Dated this day of 185 .

(B).

Form of Notice to accompany such Warrant.

In the Court of

A. B., Plaintiff.

C. D., Defendant.

[*Name, description, and address of Defendant.*]

Whereas the said A. B. has brought a claim against you in this Court for and has obtained a warrant for your arrest, a copy of the statement of claim is hereunto annexed, and you are hereby required to bring with you to the Court all documents on which you may intend to rely in support of your defence.

(C).

FORM OF SUMMONS TO DEFENDANT.

No. (of suit) dated

In the Court of

A. B., Plaintiff.

C. D., Defendant.

[*Name, description, and address of Defendant.*]

Whereas the said A. B. has brought a claim against you in this Court for a copy of the statement of claim is hereunto annexed, and you are hereby required to appear in person [*if not specially required to appear in person, state in person or by agent*] in this Court on the day of to answer the abovenamed Plaintiff, and you will bring with you (or send by your agent) [*here mention any document the production of which may be required by the Plaintiff*], which the Plaintiff desires to inspect, and all documents on which you may intend to rely in support of your defence. You will also bring with you your witnesses, if they are willing to attend without issue or process.

(D).

WRIT OF EXECUTION AGAINST THE PERSON.

A. B., Plaintiff.

C. D., Defendant.

To the Nazir of the Court of

Whereas the said C. D. was directed by a decree of this Court, under date the day of 185 , to pay to A. B. the sum of and for costs of suit, amounting to and whereas the said C. D. has omitted to pay the same, you are hereby commanded to apprehend the said C. D., and unless the said C. D. shall pay you the sum of in satisfaction of the said decree, and costs, and the sum of for the cost of executing this process, to produce him before this Court to be dealt with according to law.

(E).

WRIT OF EXECUTION AGAINST THE EFFECTS.

A. B., Plaintiff.

C. D., Defendant.

To the Nazir of the Court of

Whereas C. D. was directed by a decree of this Court, under date the day of 185 to pay to A. B. the sum of and for costs of suit, amounting to and whereas the said C. D. has omitted to pay the same, you are hereby commanded to levy the said sum of and the sum of for costs of executing this process, by seizure and sale of such moveable property of the said C. D. as (is described in the list annexed, and) [*if no list is furnished, these words to be omitted*] shall be pointed out to you by the judgement-creditor or his agent; and you are hereby ordered to sell such property of the said C. D. on some convenient day, not being less than ten nor more than fifteen days from the day of seizure, unless the amount leviable as aforesaid shall be sooner paid; and you are hereby commanded to certify to me what you shall do by virtue of this warrant.

(F).

FORM OF NOTICE TO OWNER OF DISTRAINED PROPERTY.

Office of Commissioner for sale of Distrained Property.

A. B., Distrainer.

[*Name, description, and address of the Owner of the Property.*]

Whereas the said A. B. has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby required either to pay the said sum to the said A. B., or to institute a suit before the Collector to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold. Dated this day of 185 .

W. MORGAN,

Clerk of the Council.

Legislative Council of India.

14th November 1857.

The following Bill, as amended by the Select Committee to whom it was referred, is hereby published for general information:—

A Bill to make further provision relating to Foreigners.

Preamble.

Whereas it is expedient to make further provision to enable the several Governments of the British Territories in India to prevent the subjects of Foreign States from residing or sojourning therein, or from passing through or travelling in the same, without the consent of the said Governments: It is enacted as follows:—

Foreigner to report his arrival in India.

I. Every Foreigner shall, on his arrival in any part of the Territories in the possession and under the government of the East India Company from any Port or place not within the said Territories, or from any Port or place not subject to the provisions of this Act, forthwith report himself to the Commissioner of Police, if he shall arrive at any of the Presidency Towns; or, if he shall arrive at any other place, to the Magistrate or to such other Officer as shall be appointed to receive such reports by the Governor General in Council, or (in places within their respective jurisdictions) by the Executive Government of any Presidency or place, or by the Chief Commissioner of the Punjab, the Chief Commissioner of Oude, or the Commissioners of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively.

Proviso.

Provide that nothing contained in this Section shall extend to any Foreigner being the Master or Commander of a ship or vessel, or employed therein.

What to be stated in the report.

II. The report shall be in writing, and shall be signed by the person reporting himself, and shall specify his name or names, the nation to which he belongs, the place from which he shall have come, the place or places of his destination, the object of his pursuit, and the date of his arrival in the said Territories; and the report shall be recorded by the Officer to whom it is made.

Foreigners employed in a ship or vessel to report themselves when they cease to be so employed.

III. If any person included in the proviso to Section I. shall remain in any part of the said Territories after he shall have ceased to be employed in a ship or vessel, he shall forthwith report himself in manner aforesaid.

Foreigners neglecting to report themselves to be dealt with in like manner as Foreigners travelling without a license.

IV. If any Foreigner shall neglect to report himself as required by this Act, he may be dealt with in the manner hereinafter provided in respect of Foreigners travelling without a license.

Foreigner not to travel in India without a license.

V. No Foreigner shall travel in or pass through any part of the Territories in the possession and under the government of the East India Company without a license.

License by whom to be granted.

VI. Licenses under this Act may be granted by the Secretary to the Government of India in the Foreign Department, or by the Chief

Secretary to the Governments of Fort St. George and Bombay respectively, or by the Chief Commissioner of the Punjaub, the Chief Commissioner of Oude, or the Commissioner of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively, or by such other Officers as shall be specially authorised so to do by the Governor General of India in Council, or by the Executive Government of any Presidency or place, or by any of the Chief Commissioners or Commissioners aforesaid.

What to be stated in license.

VII. Every such license shall state the name or names of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorised to pass, or the limits within which he is authorised to travel.

License may be granted subject to conditions, and may be revoked.

VIII. The license may be granted subject to such conditions (*if* any) as the Governor General in Council or the Executive Government of any Presidency or place, or (as regards their several jurisdictions) any of the said Chief Commissioners or Commissioners may by any general order direct, or as the Officer granting the license may deem necessary; and the license may be revoked at any time by the Governor General in Council, or by the Executive Government of any Presidency or place, or by the Officer granting the same.

Foreigner travelling without or contrary to the conditions of license may be apprehended.

IX. If any Foreigner travel in or attempt to pass through any part of the said Territories without such license as aforesaid, or beyond the districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the service of Her Majesty or of the East India Company, or by a Member of a Volunteer Corps enrolled by authority of Government, *whilst on duty, or by any Police Officer.*

Procedure upon apprehension by persons not being Magistrates or Police Officers.

X. If any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or a Police Officer, he shall be delivered over as soon as possible to a Police Officer, and carried before a Magistrate, who shall forthwith report the case to the Government to which he is subject, and shall cause the person brought before him to be discharged or to be conveyed to one of the Presidency Towns, or to be detained pending the orders of such Government.

Persons apprehended may be admitted to bail.

XI. All persons apprehended or detained under the above-mentioned provisions of this Act may be admitted to bail by a Magistrate, or by any of the Officers authorised to grant licenses, and shall be put to as little inconvenience as possible during their detention in custody.

Removal of persons apprehended.

XII. The Governor General in Council, or the Executive Government of any Presidency or place, may order such person to remove himself from the said Territories by sea or by such other route as the Government may direct, or the Government may cause him to be removed from the said Territories by such route and in such manner as to the Government shall seem fit.

Government may order any Foreigner to remove himself.

XIII. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act, may by writing order any Foreigner within his jurisdiction to remove himself from the Territories in the possession and under the Government of the East India Company, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner refusing to remove or returning without license after removal may be apprehended and detained.

XIV. If any Foreigner ordered to remove himself from the said Territories, or ordered to remove himself therefrom by any particular route, shall neglect or refuse so to do; or if any Foreigner, having removed himself from the Territories in consequence of an order issued under any of the provisions of this Act, or, having been removed from the said Territories under any of the said provisions, shall wilfully return to the said Territories without a license in writing granted by the Governor General of India in Council or by the Officer under whose order he shall have removed himself or been removed, such Foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Governor General in Council, or of the Executive Government, or of one of the said Chief Commissioners or Commissioners mentioned in Section VI. of this Act, within whose jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor General in Council, Executive Government, Chief Commissioner or Commissioner shall deem sufficient for the peace and security of the British Territories, and of the allies of Her Majesty and of the East India Company, and of the neighbouring Princes and States.

Government may prohibit persons, not being natural-born subjects, from travelling or passing through any part of India without a license.

XV. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act, may by order prohibit any person or persons, or any class or classes of persons, not being a natural-born subject or subjects of Her Majesty, from residing or travelling in or passing through any part of the said Territories, or from passing from any part of India to another, without a license to be granted by such Officer or Officers as shall be specified in the order; and if such person shall wilfully disobey such order, he may be apprehended without warrant by any of the Officers specified in Section IX. of this Act, and carried before a Magistrate and dealt with under the provisions of the said Section in the same manner as if he were a Foreigner; and the Government may order such person to be detained in safe custody, or under the surveillance of the Police, so long as it may be deemed necessary for the peace and security of the British Territories.

Police Officer may board ship to ascertain whether Foreigners are on board.

XVI. It shall be lawful for the Commissioner of Police, or for a Magistrate or his Assistant, or for any Officer appointed to receive reports as mentioned in the first Section of this Act, or for any Police Officer under the authority of such Commissioner or Magistrate, to enter any ship or vessel in any Port or place within the Territories in the possession and under the control of the East India Company, in order to ascertain whether any Foreigner bound to report his arrival under Section I. of this Act is on board of such ship or vessel; and it shall be lawful for such Commissioner of Police, or other Officer as aforesaid, to adopt such means as may be reasonably necessary for that purpose; and

Master of ship to furnish list of passengers.

the Master or Commander of such ship or vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police or other Officer as aforesaid, deliver to him a list in writing of the passengers on board, specifying the Ports or places at which they embarked, and the Ports or places of their disembarkation or intended disembarkation, and answer

to the best of his knowledge all such questions touching the passengers on board the said ship or vessel, or touching those who may have disembarked in any part of India, as shall be put to him by the Commissioner of Police or other Officer as aforesaid. If any Foreigner on board such ship or vessel in any part of India shall refuse to give any account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the Officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a Foreigner travelling in India without a license.

Obstructing Officers.

XVII. Whoever intentionally obstructs any Officer in the exercise of any of the powers vested in him by this Act, shall, upon conviction before a Magistrate, be liable to a fine not exceeding One thousand Rupees, or to imprisonment for any term not exceeding six months, or to both.

Penalty if Master neglects to report.

XVIII. If the Master or Commander of any ship or vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before a Magistrate, be liable to a fine not exceeding two thousand Rupees.

False answer.

XIX. Whoever shall willfully give a false answer to any question which by this Act he is bound to answer, or shall make any false report, shall, upon conviction before a Magistrate, be liable to imprisonment for a period not exceeding two years, and shall be liable to a fine not exceeding One thousand Rupees.

Interpretation.

XX. The word "Foreigner" in this Act shall be deemed to mean a person not being a natural-born subject of Her Majesty, or a native of a place in the possession and under the Government of the East India Company. The word "Magistrate" shall include every person exercising the full powers of a Magistrate, and Justice of the Peace.

Proof of being a Foreigner.

XXI. If a question shall arise whether any person alleged to be a Foreigner and to be subject to the provisions of this Act is a Foreigner or not, or is or is not subject to the provisions of this Act the onus of proving that such person is not a Foreigner or is not subject to the provisions of this Act shall lie upon such person.

Operation of Act.

XXII. This Act shall continue in force for two years; and it shall not extend to the Settlement of Prince of Wales' Island, Singapore, and Malaca, or to the Territory of Aden, unless the same shall be specially declared applicable to such Settlement or Territory by the Governor General of India in Council.

Exceptions.

XXIII. The foregoing provisions of this Act shall not extend to any Foreign Minister duly accredited by his Government, nor to any Consul or Vice-Consul, nor to any person under the age of fourteen years, nor to any person in the service of the British Government. The Governor General in Council or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act, may exempt any person, or any class of persons, either temporarily or otherwise, from all or any of the provisions of this Act.

Indemnity.

XXIV. Any Officer of Government or other person, who, prior to the passing of this Act, may have done anything which would have been justified by this Act, if it had been in force at the time, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of anything so done.

W. Morgan,
Clerk of the Council.

Legislative Council of India.

The following Bill was read a first and second time in the Legislative Council on the 14th November 1857, and referred to a Select Committee, who will report thereon on the 21st November 1857:—

A Bill to amend the Articles of War for the Native Army.

Whereas it is expedient that, on every conviction of Mutiny or Desertion, Government should have power to order the offender to be marked; It is enacted as follows:—

Marking of Mutineers and Deserters.

I. Whenever any person subject to the Articles of War for the Native Army shall be convicted of Mutiny or Desertion, it shall be lawful for the Governor General in Council, or for the Executive Government of the Presidency in which the offender shall have been tried, to order him to be marked on the left side, two inches below the armpit, with the letter M in the case of a conviction of Mutiny, and with the letter D in the case of a conviction of Desertion, together with such other mark as the Government may consider necessary for the purpose of identifying the offender at any future time, or of denoting the punishment to which he has been sentenced. The letter shall not be less than an inch long, and such letter and other mark shall be made upon the skin with some ink, gunpowder, or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Past sentences and orders to be deemed valid.

II. Any sentence or order, by which any person subject to the Articles of War for the Native Army may upon conviction of Mutiny or Desertion have been ordered to be marked, shall be deemed valid.

W. Morgan,
Clerk of the Council.

Notice.

The Commissioner for the Revision of Salaries throughout India requests that letters may be addressed to him at Calcutta.

H. RICKETTS,
Commissioner for the Revision of Civil Salaries and Establishments throughout India.

Ootacamund, 19th November 1857.

Advertisement.

Tenders will be received by the Commander in Chief of the Indian Navy for the Conveyance, to England, of Two Cases under consignment to the Honorable the Court of Directors.

The Dimensions and Weight of the Cases are as follows:—

One Case, containing Chronometers.

Length	28 inches.
Breadth	20 „
Depth	19½ „
Weight	1 cwt. 0 qr. 6 lbs.

One Case, containing three Barometers.

Length	40 inches.
Breadth	8 „
Depth	7½ „
Weight	0 cwt. 1 qr. 14 lbs.

By order of the Commander in Chief I. N.,
F. G. BONE, Secretary.

Office of the Commander in Chief I. N.,
Bombay, 18th August 1857.

Secretary to the Governments of Fort St. George and Bombay respectively, or by the Chief Commissioner of the Punjaub, the Chief Commissioner of Oude, or the Commissioner of Mysore, Coorg, Nagpore, Scinde, Pegu, and the Tenasserim and Martaban Provinces respectively, or by such other Officers as shall be specially authorised so to do by the Governor General of India in Council, or by the Executive Government of any Presidency or place, or by any of the Chief Commissioners or Commissioners aforesaid.

What to be stated in license.

VII. Every such license shall state the name or names of the person to whom the license is granted, the nation to which he belongs, the district or districts through which he is authorised to pass, or the limits within which he is authorised to travel.

License may be granted subject to conditions, and may be revoked.

VIII. The license may be granted subject to such conditions (if any) as the Governor General in Council or the Executive Government of any Presidancy or place, or (as regards their several jurisdictions) any of the said Chief Commissioners or Commissioners may by any general order direct, or as the Officer granting the license may deem necessary; and the license may be revoked at any time by the Governor General in Council, or by the Executive Government of any Presidency or place, or by the Officer granting the same.

Foreigner travelling without or contrary to the conditions of license may be apprehended.

IX. If any Foreigner travel in or attempt to pass through any part of the said Territories without such license as aforesaid, or beyond the districts or limits mentioned therein, or after such license shall have been revoked, or shall violate any of the conditions therein specified, he may be apprehended without warrant by a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the service of Her Majesty or of the East India Company, or by a Member of a Volunteer Corps enrolled by authority of Government, *whilst on duty, or by any Police Officer.*

Procedure upon apprehension by persons not being Magistrates or Police Officers.

X. If any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or a Police Officer, he shall be delivered over as soon as possible to a Police Officer, and carried before a Magistrate, who shall forthwith report the case to the Government to which he is subject, and shall cause the person brought before him to be discharged or to be conveyed to one of the Presidency Towns, or to be detained pending the orders of such Government.

Persons apprehended may be admitted to bail.

XI. All persons apprehended or detained under the above-mentioned provisions of this Act may be admitted to bail by a Magistrate, or by any of the Officers authorised to grant licenses, and shall be put to as little inconvenience as possible during their detention in custody.

Removal of persons apprehended.

XII. The Governor General in Council, or the Executive Government of any Presidency or place, may order such person to remove himself from the said Territories by sea or by such other route as the Government may direct, or the Government may cause him to be removed from the said Territories by such route and in such manner as to the Government shall seem fit.

Government may order any Foreigner to remove himself.

XIII. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act, may by writing order any Foreigner within his jurisdiction to remove himself from the Territories in the possession and under the Government of the East India Company, or to remove himself therefrom by a particular route to be specified in the order.

Foreigner refusing to remove or returning without license after removal may be apprehended and detained.

XIV. If any Foreigner ordered to remove himself from the said Territories, or ordered to remove himself therefrom by any particular route, shall neglect or refuse so to do; or if any Foreigner, having removed himself from the Territories in consequence of an order issued under any of the provisions of this Act, or, having been removed from the said Territories under any of the said provisions, shall wilfully return to the said Territories without a license in writing granted by the Governor General of India in Council or by the Officer under whose order he shall have removed himself or been removed, such Foreigner may be apprehended and detained in safe custody, until he shall be discharged therefrom by order of the Governor General in Council, or of the Executive Government, or of one of the said Chief Commissioners or Commissioners mentioned in Section VI. of this Act, within whose jurisdiction he shall be so apprehended or detained, upon such terms and conditions as the said Governor General in Council, Executive Government, Chief Commissioner or Commissioner shall deem sufficient for the peace and security of the British Territories, and of the allies of Her Majesty and of the East India Company, and of the neighbouring Princes and States.

Government may prohibit persons, not being natural-born subjects, from travelling or passing through any part of India without a license.

XV. The Governor General in Council, or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act, may by order prohibit any person or persons, or any class or classes of persons, not being a natural-born subject or subjects of Her Majesty, from residing or travelling in or passing through any part of the said Territories, or from passing from any part of India to another, without a license to be granted by such Officer or Officers as shall be specified in the order; and if such person shall wilfully disobey such order, he may be apprehended without warrant by any of the Officers specified in Section IX. of this Act, and carried before a Magistrate and dealt with under the provisions of the said Section in the same manner as if he were a Foreigner; and the Government may order such person to be detained in safe custody, or under the surveillance of the Police, so long as it may be deemed necessary for the peace and security of the British Territories.

Police Officer may board ship to ascertain whether Foreigners are on board.

XVI. It shall be lawful for the Commissioner of Police, or for a Magistrate or his Assistant, or for any Officer appointed to receive reports as mentioned in the first Section of this Act, or for any Police Officer under the authority of such Commissioner or Magistrate, to enter any ship or vessel in any Port or place within the Territories in the possession and under the control of the East India Company, in order to ascertain whether any Foreigner bound to report his arrival under Section I. of this Act is on board of such ship or vessel; and it shall be lawful for such Commissioner of Police, or other Officer as aforesaid, to adopt such means as may be reasonably necessary for that purpose; and

Master of ship to furnish list of passengers.

the Master or Commander of such ship or vessel shall also, before any of the passengers are allowed to disembark, if he shall be required so to do by such Commissioner of Police or other Officer as aforesaid, deliver to him a list in writing of the passengers on board, specifying the Ports or places at which they embarked, and the Ports or places of their disembarkation or intended disembarkation, and answer

to the best of his knowledge all such questions touching the passengers on board the said ship or vessel, or touching those who may have disembarked in any part of India, as shall be put to him by the Commissioner of Police or other Officer as aforesaid. If any Foreigner on board such ship or vessel in any part of India shall refuse to give any account of his objects of pursuit in India, or if his account thereof shall not be satisfactory, the Officer may refuse to allow him to disembark, or he may be dealt with in the same manner as a Foreigner travelling in India without a license.

Obstructing Officers.

XVII. Whoever intentionally obstructs any Officer in the exercise of any of the powers vested in him by this Act, shall, upon conviction before a Magistrate, be liable to a fine not exceeding One thousand Rupees, or to imprisonment for any term not exceeding six months, or to both.

Penalty if Master neglects to report.

XVIII. If the Master or Commander of any ship or vessel shall wilfully neglect or refuse to comply with the requisitions of this Act, he shall, on conviction before a Magistrate, be liable to a fine not exceeding two thousand Rupees.

False answer.

XIX. Whoever shall willfully give a false answer to any question which by this Act he is bound to answer, or shall make any false report, shall, upon conviction before a Magistrate, be liable to imprisonment for a period not exceeding two years, and shall be liable to a fine not exceeding One thousand Rupees.

Interpretation.

XX. The word "Foreigner" in this Act shall be deemed to mean a person not being a natural-born subject of Her Majesty, or a native of a place in the possession and under the Government of the East India Company. The word "Magistrate" shall include every person exercising the full powers of a Magistrate, and Justice of the Peace.

Proof of being a Foreigner.

XXI. If a question shall arise whether any person alleged to be a Foreigner and to be subject to the provisions of this Act is a Foreigner or not, or is or is not subject to the provisions of this Act the onus of proving that such person is not a Foreigner or is not subject to the provisions of this Act shall lie upon such person.

Operation of Act.

XXII. This Act shall continue in force for two years; and it shall not extend to the Settlement of Prince of Wales' Island, Singapore, and Malaca, or to the Territory of Aden, unless the same shall be specially declared applicable to such Settlement or Territory by the Governor General of India in Council.

Exceptions.

XXIII. The foregoing provisions of this Act shall not extend to any Foreign Minister duly accredited by his Government, nor to any Consul or Vice-Consul, nor to any person under the age of fourteen years, nor to any person in the service of the British Government. The Governor General in Council or the Executive Government of any Presidency or place, or any of the Chief Commissioners or Commissioners mentioned in Section VI. of this Act, may exempt any person, or any class of persons, either temporarily or otherwise, from all or any of the provisions of this Act.

Indemnity.

XXIV. Any Officer of Government or other person, who, prior to the passing of this Act, may have done anything which would have been justified by this Act, if it had been in force at the time, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of anything so done.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

The following Bill was read a first and second time in the Legislative Council on the 14th November 1857, and referred to a Select Committee, who will report thereon on the 21st November 1857:—

A Bill to amend the Articles of War for the Native Army.

Whereas it is expedient that, on every conviction of Mutiny or Desertion, Government should have power to order the offender to be marked; It is enacted as follows:—

Marking of Mutineers and Deserters.

I. Whenever any person subject to the Articles of War for the Native Army shall be convicted of Mutiny or Desertion, it shall be lawful for the Governor General in Council, or for the Executive Government of the Presidency in which the offender shall have been tried, to order him to be marked on the left side, two inches below the armpit, with the letter M in the case of a conviction of Mutiny, and with the letter D in the case of a conviction of Desertion, together with such other mark as the Government may consider necessary for the purpose of identifying the offender at any future time, or of denoting the punishment to which he has been sentenced. The letter shall not be less than an inch long, and such letter and other mark shall be made upon the skin with some ink, gunpowder, or other preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Past sentences and orders to be deemed valid.

II. Any sentence or order, by which any person subject to the Articles of War for the Native Army may upon conviction of Mutiny or Desertion have been ordered to be marked, shall be deemed valid.

W. MORGAN,
Clerk of the Council.

Notice.

The COMMISSIONER for the REVISION OF SALARIES throughout India requests that letters may be addressed to him at CALCUTTA.

H. RICKETTS,
Commissioner for the Revision of Civil Salaries and Establishments throughout India.

Ootacamund, 19th November 1857.

Advertisement.

TENDERS will be received by the COMMANDER IN CHIEF of the Indian Navy for the CONVEYANCE, to ENGLAND, of Two CASES under consignment to the Honorable the Court of Directors.

The Dimensions and Weight of the Cases are as follows:—

One Case, containing Chronometers.

Length	28 inches.
Breadth	20 „
Depth	19½ „
Weight	1 cwt. 0 qr. 6 lbs.

One Case, containing three Barometers.

Length	40 inches.
Breadth	8 „
Depth	7½ „
Weight	0 cwt. 1 qr. 14 lbs.

By order of the Commander in Chief I. N.,
F. G. BONE, Secretary.

Office of the Commander in Chief I. N., Bombay, 18th August 1857.

STATEMENT OF DEPOSITS made at the General Treasury at Bombay, on account of the Estates of Deceased European Commissioned, Warrant, and Non-Commissioned Officers, and Soldiers, and Seamen, of the East India Company's Service, during the Month of October 1857.

Date of Deposit.	On whose Account.	Rank.	Corps.	General No.	Date of Decease.	Amount of Deposit. Rs.	a.	p.
	MILITARY.							
1857 Oct. 14th	Patrick Connor	Gunner	4th Troop H. A.	2518	June 30th, 1857	561	0	8
„ „	John Dooling	Ditto	Ditto	2392	„ 30th, „	657	2	11
„ „	William Keating	Ditto	Ditto	2562	„ 30th, „	12	11	11
„ „	G. Darley	Ditto	1st Ditto	3438	Sept. 17th, „	37	4	6
„ „	William Berrigan	Ditto	Ditto	3336	Aug. 6th, „	27	13	1
„ „	Thomas Craig	Private	3rd Eur. Regiment	168	July 21st, „	10	12	11
„ „	James Harriss	Ditto	Ditto	328	Aug. 11th, „	14	7	5
„ „	George Nichol	Corporal	Ditto	527	„ 21st, „	7	4	4
„ „	Cornelius McCormack	Private	Ditto	688	July 19th, „	20	8	0
„ „	James Findlay	Ditto	Ditto	214	„ 20th, „	5	4	6
„ „	Thomas Robinson	Ditto	Ditto	868	„ 20th, „	15	2	10
„ „	Thomas Craig	Ditto	Ditto	168	„ 21st, „	25	2	9
„ 21st	G. M. S. Seaward	Surgeon	Bombay Med. Estabt.	....	Sept. 29th, „	526	2	3
„ „	Thomas Gray	Gunner	No. 9 Field Battery	2414	.....	125	4	3
„ „	James Colville	Serjeant	1st Bo. Eur. Regt. (Fus.)	....	June 15th, „	80	8	11
„ „	John King	Private	Ditto	133	July 11th, „	777	9	0
„ „	C. W. G. Gould	Ditto	Ditto	....	„ 20th, „	51	1	0
„ „	John Nevall	Ditto	Ditto	519	June 24th, „	7	6	0
„ „	John Parnell	Lance Corporal	Ditto	2267	July 30th, „	17	11	11
„ „	D. Armstrong	Corporal	Ditto	....	May 13th, „	599	12	3
„ „	Michael McCormic	Recruit	.....	....	.....	28	10	2
„ 26th	F. W. Follett	Major	25th Regt. N. I.	....	.....	1,150	15	0
„ 27th	Henry Knight	Serjeant	Ordnance Department	....	.....	103	10	0
„ „	J. Patterson	Ditto	Public Works Department.	....	Sept. 2nd, 1856	109	2	8
„ 31st	F. W. Follett	Major	25th Regt. N. I.	....	.....	2,000	0	0
	MARINE.							
1857 Oct. 5th	George Cottier	O. S.	"Semiramis"	4867	Jan. 2nd, 1857	40	10	0
„ 30th	Robert Taylor	1st Class Boatswain	"Elphinstone"	....	Aug. 8th, „	307	12	6
„ 31st	Robert Taylor	Ditto	Ditto	....	„ 8th, „	957	13	11

Claims against the above Estates are to be preferred to the Secretary to Government in the Military Department, within twelve months from the date of the death of the party, after which period all payments will cease to be made in India.

P. M. MELVILL, Colonel,
Secretary to Government.

WEEKLY SUMMARY OF DEATHS ON THE ISLAND OF BOMBAY.

CASTE OR TRIBE.	Still-born.	Cholera.	Small-pox.	Measles.	Fever.	Disease of Nervous System.	Vascular System.	Respiratory System.	Alimentary System.	Urinary System.	Sexual System, and Child-bearing.	Locomotive & Tegumentary Systems.	Cachexy and Debility.	Leprosy, Tubercular and Articular.	Dropsy.	Accident and Violence.	Other and Unknown Cause.	Total—exclusive of Still-born.
Boodhist—Jain, &c.	..	..	..	..	12	..	..	..	1	..	..	..	2	..	1	..	..	16
Brahmun..	..	..	..	..	7	..	..	1	2	..	..	..	..	..	..	..	..	10
Lingaet and Bhatia	..	..	..	..	1	..	..	..	..	..	..	..	1	..	..	..	..	2
Hindoo of other Caste	..	3	1	1	1	84	13	..	13	10	..	3	2	5	1	1	3	..	138
Hindoo Out-caste	..	1	..	..	..	15	..	..	1	3	..	1	..	..	..	..	..	..	20
Moosulman	..	2	1	..	..	47	3	..	4	9	..	..	..	3	..	..	..	..	67
Parsee	..	1	..	..	..	1	3	..	2	2	..	..	1	2	..	..	1	..	12
Jew	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Native-Christian..	..	..	1	..	..	7	..	..	1	2	..	..	..	..	..	..	1	..	12
Indo-European	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
European..	..	..	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	2
Negro-African	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	1
Other and Unknown Caste	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total..	..	7	3	1	1	176	20	..	22	29	..	4	3	13	1	2	5	..	280
Mean of the corresponding Weeks in the preceding Nine Years..	..	48	1	1	117	11	..	29	34	..	2	1	13	1	3	4	1		266

Bombay, 2nd December 1857.

A. H. LEITH,
In charge of Mortuary Returns.

Advertisement.

TENDERS will be received by the COMMODORE COMMANDER IN CHIEF of the INDIAN NAVY for the CONVEYANCE TO ENGLAND of a CASE containing the bottom and the lower portion of the CYLINDER of the Honorable Company's Steam-Vessel "Assaye."

The Tonnage of the Case is as follows :—

By measurement at 50 cubic feet to the ton..... 1 ton, 23 feet, 816 ins.
By dead weight..... 2 tons, 9 cwt., 3 qrs.

By order of the Commander in Chief I. N.

F. G. BONE, Secretary.

Office of the Commander in Chief I. N., Bombay, 14th July 1857.

BANK OF BOMBAY.

DISCOUNT.

On Government Bills..... 9 per cent.
On Private Bills at or within 3 Months ..... 12 ditto.

INTEREST.

On Fixed Loans on Government Notes and Railway Shares.. 10 per cent.
On Open Loans on ditto.....11 ditto.
On Cash Credit Accounts .....11 ditto.
On Loans on Security of Goods..12 ditto.

Bills payable within one month are discounted under the above rate, and Discount at 3 per cent. under the rate charged will be refunded on all Bills paid before maturity, for the unexpired portion of the time such Bills may have to run.

The Rate of Advance on deposit of 5 per Cent. Government Notes is 85 per cent., on 4 per Cent. Government Notes 75 per cent., on Railway Shares *three-fourths* the paid-up value of the Shares, and on Goods *three-fourths* the approved value.

Loans on Goods, &c.

Advances are granted on the security of Goods not of a perishable nature, deposited in private Godowns situated either in the Fort, or in Grant Buildings, Colaba.

Government Agency.

The Bank undertakes the safe custody of Government Securities, Bank Shares, and other Indian Stock Certificates; also the purchase or sale of the same, and realises the Interest and Dividends as they become due; and is also authorised to transact the business hitherto carried on by the Government Agents for the public Creditors of Government and others, and to remit the interest, dividends, and principal by *Bills of Exchange payable in England* to Constituents, Shareholders, and others, whether resident in Europe or elsewhere.

By order of the Board of Directors,
JOHN STUART,
Secretary and Treasurer.

Bank of Bombay, 12th November 1857.

BANK OF BOMBAY.

Notice is hereby given, that the ANNUAL GENERAL MEETING of PROPRIETORS will be held at the Bank Office, in the Fort, on Monday the 14th day of December, at eleven o'clock in the forenoon, for the purpose of electing two Directors, as provided for under Section XIII. of Act III. of 1840.

By order of the Board of Directors,
JOHN STUART,
Secretary and Treasurer.

Bank of Bombay, 26th November 1857.

Notice.

Communication by ELECTRIC TELEGRAPH with SURAT is open to the Public.

R. L. BRUNTON,
Deputy Superintendent Electric Telegraph,
Bombay Presidency.

Bombay, 26th November 1857.

Notice.

With reference to the Notification dated the 20th October 1857, published in the *Government Gazette*, it is hereby further notified, that SALT exported from the Salt Works of this Presidency, *and covered with Certificates*, on or before the 31st December next, will be received and paid for at the Ports on the Malabar Coast, at the Rates specified in the Notification dated the 5th October 1857, and not such Salt as may be exported after that date.

RICHARD SPOONER,
Commissioner of Customs, Salt, and Opium.

Bombay Custom House, 24th November 1857.

જાહેરખબર.

આપવામો આવે છે કે ગવર્નમેંટ ગ્યાજેટમાં જાહેર ખબર તારીખ ૫ આક્ટોબર સને ૧૮૫૭ની પ્રગટ કરી છે તે મુજબ મુંબઈ ઇલાકામોથી મલબાર કીનારાને ખંદરે મીઠ તારીખ ૩૧ મી ડિસેંબર સને ૧૮૫૭ ની તારીખ શુધીના દાખલા બરાબર જરો તે મીઠ લેવામો આવશે. ને ઉપર લખેલી જાહેર ખબરમો લખ્યા પ્રમાણે કીમતનો દર મળશે. અને તારીખ ૩૧ મી ડિસેંબર પછી જે દાખલો નિકલશે તેમાનું મીઠ લેશે તો તેનો સદહું જાહેરાતમો લખેલી કીમતનો દર મળશે નહીં.

સહી.
રિચાર્ડ સ્પુનર,
જકાત તથા મીઠુ તથા અફીણના કમિશનર.

તારીખ ૨૪ નવેંબર સને ૧૮૫૭ ઇસવી
મુકામ મુંબઈ કસ્ટમ હૌસ.

जाहिरखबर.

दिल्ही जाते ऐसी जे गवर्नमेंट ग्याझेटींत जाहिरखबर तारीख ५ आक्टोबर सन १८५७ ची प्रगट केली आहे त्या मुजब मुंबई इलाक्यांतून मलबार किनाऱ्याचे बंदरीं मीठ तारीख ३१ डिसेंबर सन १८५७ तारखे पर्यंतचे दाखल्या बरोबर जाईल तें मीठ घेण्यांत येईल. व वर लिहिलेले जाहिरखबरींत लिहिल्या प्रमाणे किंमतीचा दर मिळेल. आणि तारीख ३१ डिसेंबरचे नंतर जे दाखले निघतील त्यांतील मीठ घेतल्यास सदहूं जाहिरातींत लिहिलेले किमतीचा दर मिळणार नाहीं.

सहीं.
रिचार्ड स्पुनर
जकात व मीट व अफिणीचे कमिशनर.

तारीख २४ नवेंबर सन १८५७ इसवी
मुकाम मुंबई कस्टम हौस.

VENAYEK WASSOODEW,
Oriental Translator to Govt.

OPIUM MEMORANDUM for the Week ending Tuesday, 1st December 1857.

YEARS.	PASSES GRANTED AT INDORE			IMPORTED INTO BOMBAY			EXPORTED BY SEA			Balance.
	Up to 24th Nov. 1857.	From 25th Nov. to 1st Dec. 1857.	Total.	Up to 24th Nov. 1857.	From 25th Nov. to 1st Dec. 1857.	Lost on the road.	Total.	Up to 24th Nov. 1857.	From 25th Nov. to 1st Dec. 1857.	Total.	
For 1856-57 .... Chests.	29,582½	..	29,582½	29,546½	..	8	29,554½	29,167½	82	29,249½	297
„ 1857-58 .... „	11,047	2,933	13,980	4,354½	936	6½	5,297	1,697½	1,237	2,934½	2,356

Detail of Exports from 25th November to 1st December 1857.

	Chests.
FOR THE SEASON 1856-57.	
Per Steamer "Aden"	82
FOR THE SEASON 1857-58.	
Per Steamer "Aden"	1,237
Total....	1,319

(Errors excepted)
E. L. JENKINS,
Deputy Commissioner of Customs, Salt, and Opium.

Bombay, Custom House, 2nd December 1857.

General Orders.

MILITARY DEPARTMENT.

BY THE RIGHT HONORABLE THE GOVERNOR IN COUNCIL.

Bombay Castle, 26th November 1857.

No. 1091 of 1857.—The following Orders are confirmed :—

Dated 11th October 1857.—By Major Stewart, appointing Lieutenant Leith to act as Quartermaster to the 14th Regt. N. I., during the absence of Lieutenant Forbes, on sick leave to Munora.

Dated 26th October 1857.—By Brigadier Macan, directing Assistant Surgeon Spry, Civil Surgeon at Ajmere, to receive medical charge of the Details 2nd Troop Horse Artillery and Her Majesty's 83rd Regiment at that Station, from Assistant Surgeon Colvill.

Dated 27th October 1857.—By Lieutenant Colonel Lucas, appointing Lieutenant Seacome, of the 2nd Gr. Regt. N. I., to act as Interpreter to the Wing Her Majesty's 89th Regiment, proceeding to Deesa on the 29th idem.

Dated 28th October 1857.—By Captain Merewether, appointing Lieutenant Gordon, Second in Command 2nd Regiment Sind Irregular Horse, in addition to his own duties, to perform the duties of Adjutant to the Regiment, until further orders.

Dated 30th October 1857.—By Major General Scott, C.B., directing Assistant Surgeon Gilbert, of the 14th Regt. N. I., to proceed to assume charge of the duties of the Civil Surgeon at Shikarpoor, during the absence of Assistant Surgeon Hunter on sick certificate.

Dated 31st October 1857.—By Major Lynch, appointing Lieutenant H. Phillipps to act as Adjutant of the Left Wing of the 29th Regt. N. I., during its separation from the Head Quarters of the Regiment.

Dated 31st October 1857.—By Brigadier Hobson, attaching Sub-Assistant Surgeon Burjorjee Ardaseer to do duty with the 8th Regt. N. I., with effect from the 15th July last.

Dated 1st November 1857.—By Major Rolland, appointing Lieutenant Stubbs to act as Quartermaster and Interpreter to the 27th Regt. N. I., vice DeLancey.

Dated 1st November 1857.—By Brevet Colonel Macan, appointing Lieutenant Tragett to act as Adjutant to the Detachment Wing of the 26th Regt. N. I., during its separation from Head Quarters of the Regiment.

Dated 2nd November 1857.—By Brigadier Shortt, appointing, with the sanction of the Right Honorable the Governor and Commander in Chief of the Garrison, Lieutenant Keys, of the 11th Regt. N. I., to act as Interpreter to Her Majesty's 95th Regiment.

No. 1092 of 1857.—The following promotion is made:—

Medical Establishment.

Senior Assistant Surgeon James Vaughan to be Surgeon, *from the 17th November 1857, vice Edwards, retired.*

Bombay Castle, 27th November 1857.

No. 1093 of 1857.—The Right Honorable the Governor in Council is pleased to direct that the new arrangements for the Medical Department of this Presidency, as announced in G. G. O. of the 2nd September last, No. 806, be brought into operation from the 1st December next.

From that date, the following appointments are ordered, in accordance with the provisions of the General Order by the Right Honorable the Governor General of India in Council, dated the 31st July last, No. 964, viz:—

Surgeon General B. P. Rooke, M.D., to be Director General of the Medical Department.

Inspector General of Hospitals J. Scott to be Inspector General, under the new system.

Assistant Surgeon W. C. Coles, M.D., to be Secretary to the Director General, with the same Establishment as is now attached to the Office of Secretary to the Medical Board.

No. 1094 of 1857.—Lieutenant Whish, Her Majesty's 14th Dragoons, is attached, subject to the confirmation of His Excellency the Commander in Chief in India, to Lieutenant Colonel Scobie, deputed to Australia on special service.

No. 1095 of 1857.—Major H. Rolland, of the 27th Regt. N. I., is permitted to retire from the Honorable Company's Service from the 4th proximo, upon the Pension of a Lieutenant Colonel, under the New Furlough Regulations.

No. 1096 of 1857.—Captain (Brevet Major) J. Hill, of the Corps of Engineers, is permitted to retire from the Honorable Company's Service from the 4th December 1857, upon the Pension of a Captain, under the New Furlough Regulations.

No. 1097 of 1857.—Lieutenant Colonel (Brevet Colonel) C. F. Jackson, of the 2nd Regiment Light Cavalry, is permitted to retire from the Honorable Company's Service from the 1st January 1858, upon the Pension of his rank, under the provisions of Article 1, Section XLVII. of Jameson's Code.

Bombay Castle, 28th November 1857.

No. 1098 of 1857.—Lieutenant Stewart, Sub-Assistant Commissary General, is directed to proceed forthwith to Sukkur, to relieve Lieutenant Brett, Commissariat Agent at that Station.

The services of Lieutenant Brett are placed at the disposal of His Excellency the Commander in Chief.

No. 1099 of 1857.—Gunner James Fleming, No. 3240, of the 1st Company 1st Battalion of Artillery, is allowed his discharge from the Army, and will be provided with a passage to England, payment for the same having been made into the Home Treasury.

Bombay Castle, 30th November 1857.

No. 1100 of 1857.—The 21st Company Royal Engineers, having arrived in Bombay on the 23rd November, is brought upon the strength of the Establishment from that date.

No. 1101 of 1857.—The Right Honorable the Governor in Council is pleased to appoint Lieutenant O. Probyn, Invalid Establishment, and Veterinary Surgeon Burton, to proceed on special duty to the Australian Colonies.

No. 1102 of 1857.—Captain Ashburner, Deputy Judge Advocate General, has, as a temporary measure, been attached to the Garrison of Bombay from the 5th November last.

No. 1103 of 1857.—The following Gentlemen are admitted to the Service, in conformity with their appointments by the Honorable the Court of Directors, as Cadets of Infantry on this Establishment :—

	Infantry.	*Date of Arrival at Bombay.*
Ranked and Posted to Regiments in G. G. O. 26th October 1857.	No. 73, Mr. John Wright..... No. 74, Mr. William Scott..... No. 83, Mr. William Frederick Sandwith..... No. 87, Mr. William Weir.....	19th November 1857.

The undermentioned Officers have returned to their duty, without prejudice to their rank, by permission of the Honorable the Court of Directors :—

	Date of Arrival at Bombay.
Lieutenant W. Creagh, 18th Regt. N. I..... Lieutenant the Honorable W. A. Hobart, 3rd Eur. Regt.	19th November 1857.

No. 1104 of 1857.—The following promotion is made :—

2nd Grenadier Regiment Native Infantry.

Ensign Charles Renny Blair to be Lieutenant, from the 28th October 1857, vice Lieutenant Hickes, deceased.

No. 1105 of 1857.—Lieutenant W. G. E. Somerset, Her Majesty's 81st Regiment of Foot, is appointed to officiate as Military Secretary to His Excellency the Commander in Chief, retaining his appointment as Aide-de-Camp, during such time as Colonel Somerset may be Officiating Deputy Adjutant General Queen's Troops, or until further orders, subject to the approval of the Commander in Chief in India.

No. 1106 of 1857.—Jemedar Pailwan Khan, Native Adjutant of the 3rd Battalion of Artillery, is promoted to Subedar, from the 15th September last, as a reward for his loyal and gallant conduct on the occasion of a disturbance at Ahmedabad on that night.

No. 1107 of 1857.—Acting Assistant Apothecary J. Edmunds (No. 236) is relieved from duty in the Indian Navy, and the services of Apothecary Webb (No. 211) are placed, as a temporary measure, at the disposal of the Commander in Chief of the Indian Navy, for duty at Butcher's Island.

No. 1108 of 1857.—Assistant Surgeon W. G. Hunter, Civil Surgeon at Shikarpoor, is allowed a furlough to Europe for fifteen months, on medical certificate, under the New Furlough Regulations.

No. 1109 of 1857.—The Right Honorable the Governor in Council is pleased to republish the following General Order by the Right Honorable the Governor General of India in Council, dated Fort William, 6th November 1857 :—

"No. 1399 of 1857.—The undermentioned Officer reported his arrival on the date specified opposite to his name :—

		Date of Arrival at Fort William.
* See G. O. No. 1095 of 1856.	Assistant Surgeon J. F. Shekleton, A.B. and M.D., of the Bombay Establishment, Deputy Assay Master of the Calcutta Mint, on leave for fifteen months, from 10th* August 1856.....	2nd November 1857.

(Signed) R. J. H. Birch, Colonel,
Secretary to the Government of India in the Military Department."

No. 1110 of 1857.—The Right Honorable the Governor in Council is pleased to republish the following General Orders by the Right Honorable the Governor General of India in Council, dated Fort William, 6th November 1857 :—

"No. 1394 of 1857.—The Right Honorable the Governor General of India in Council is pleased to direct the publication in General Orders of the following Military letter from the Honorable the Court of Directors to the Government of India, No. 170, dated 16th September 1857, and the Royal Warrants therein referred to :—

'MILITARY DEPARTMENT.

No. 170 of 1857.

Our Governor General of India in Council.

We transmit herewith three copies of each of the Royal Warrants named in the margin : that dated 18th July 1857 directing that the claim of the Widow of an Officer, whose death might have been accelerated by the performance of his duty, shall be admissible, if the husband shall have served five, instead of seven years ; and that dated the 20th July 1857 prescribing revised Rules for the Pensioning of Non-Commissioned Officers and Soldiers, with reference to the Good Conduct Service or Good Conduct Pay to which they may be entitled.

Royal Warrants dated 18th and 20th July 1857.

We are, &c.
(Signed) Ross D. Mangles,
And Nine other Directors.

London, 16th September 1857.

"No. 122.

VICTORIA R.

Whereas, by Our Royal Warrant bearing date the 15th June 1855, Regulations were established for the grant of Pensions to Widows of Officers of the Land Forces ; and whereas, by the said Regulations it is required, in order to give a claim to Pension to the Widow of an Officer dying from the effects of Foreign Service while serving on Full Pay, that

156,712
38

such Officer shall have served '*seven*' years, shall have been in good health when he married, and that it shall be clearly shown that the disease which occasioned his death was accelerated by the performance of his duty, and was not the result of constitutional pre-disposition, misconduct, or any circumstances over which the Officer himself had control: Our will and pleasure is, that hereafter, if any Officer so dying shall have served '*five*' years, his Widow's claim shall be admissible, subject to the provsions of Our said Royal Warrant. And it is Our further will and pleasure, that the Regulations herein contained, to be administered and interpreted by Our Secretary of State for War, shall from henceforth be the sole and standing authority upon the matters herein contained.

Given at Our Court at Saint James's, this Eighteenth day of July 1857, *in the Twenty-first year of Our Reign.*

By Her Majesty's Command,

(Signed) PANMURE.

"No. 124.

VICTORIA R.

Whereas, by Our Royal Warrant of the 1st July 1848, it is declared that the Distinction and Rewards for Good Conduct shall not extend to Serjeants and other Non-Commissioned Officers above the rank of Corporal; and whereas, it is further declared, that Corporals shall not be entitled to have their good conduct pay added to their Pension on discharge, but that they shall have the option of having their pensions computed as Privates, either with the addition of good conduct reward, or with the addition of one half-penny per diem for each year of service completed in the rank of Corporal: Our will and pleasure is, that all Corporals, who enlisted into Our Service subsequently to the 1st March 1833, and who may have been, or who shall hereafter be, discharged after completing twenty-one years' service in the Infantry, or twenty-four years' service in the Cavalry, shall be entitled to have their pensions computed according to the scale prescribed in the second portion of the ninth clause of Our said Royal Warrant; and shall also be allowed to add the good conduct pay, of which they shall have been in possession when discharged, to augment the rate of pension to a sum not exceeding one shilling and six-pence a day.

1861
1

It is Our further will and pleasure, that all Serjeants and other Non-Commissioned Officers above the rank of Corporal, who enlisted subsequently to the 1st March 1833, and who may have been, or who shall hereafter be, discharged after twenty-one years' service in the Infantry, or twenty-four years' service in the Cavalry, shall be entitled to have their pensions computed according to the scale prescribed in the said article of Our said Royal Warrant; and shall also be entitled to have their service as Serjeant reckoned as good conduct service, to enable them to add to the rate of good-conduct pay which they had acquired prior to promotion, and to carry the whole to increase their pension: Provided always, that the amount of pension thus to be awarded shall in no case exceed the maximum pension prescribed by Our said Royal Warrant of the 1st July 1848; namely, for a Serjeant Major two shillings and six-pence a day; for a Quartermaster Serjeant two shillings and three-pence; and for a Troop Serjeant Major, Color Serjeant, or Serjeant, two shillings a day.

And whereas, by the fifth paragraph of the twenty-first clause of Our said Royal Warrant of the 1st July 1848, it is declared that Soldiers who had enlisted before the 2nd March 1833 shall not be entitled to have their good conduct pay added to their pension on discharge: Our will and pleasure further is, that all such Soldiers, except those who have been discharged upon the modified rate of pension, whether Privates, Corporals, Serjeants, or other Non-Cmomissioned Officers above the rank of Corporal, who, since the grant of good conduct pay, have been or may hereafter be discharged, shall have the option of being pensioned for service alone, without any consideration for good conduct pay, under the provisions of the Warrant on the 14th November 1829, or of reckoning their good conduct pay or good conduct service in addition to such rates of pension as men of similar length of service, enlisted after the 1st March 1833, would be entitled to under the provisions of the Warrant of the 1st July 1848: provided, however, that the pension, except for wounds received in action, shall in no case exceed, for a Private one shilling and three-pence; for a Corporal one shilling and six-pence; for a Serjeant, Troop Serjeant Major, or Color Serjeant, two shillings; for a Quartermaster Serjeant two shillings and three-pence; and for a Serjeant Major two shillings and six-pence a day.

Given at Our Court at Saint James's, this Twentieth day of July 1857, *in the Twenty-first year of Our Reign.*

By Her Majesty's Command,

(Signed) PANMURE." '

"No. 1395 of 1857.—The Right Honorable the Governor General of India in Council directs the publication in General Orders of the following Extract of a Military letter from the Honorable the Court of Directors to the Government of India, No. 174, of the 23rd September 1857, and the Royal Warrant therein referred to:—

'MILITARY DEPARTMENT.

No. 174 OF 1857.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

We transmit herewith three copies of a Royal Warrant dated 1st August 1857, No. 128, establishing a Corps to be called the "Army Hospital Corps," and fixing the Rates of Pay and Pension to which the Men of that Corps are to be entitled.

We are, &c.

(Signed) Ross D. MANGLES,
And Eleven other Directors.

London, the 23rd September 1857.

"No. 128.

VICTORIA R.

Whereas, We have deemed it necessary to constitute a new Corps of Attendants at our Military Hospitals, for the better care of the Sick and Wounded Soldiers of Our Army: Our will and pleasure is, that a Corps shall be forthwith raised for this purpose, which shall be called the 'Army Hospital Corps,' and shall consist of the Ranks, and shall

157,717
883

receive the Rates of Pay, specified in this Warrant, and shall be subject to the Rules and Regulations laid down in the same.

1. The Army Hospital Corps is to consist of the following Ranks :—

Serjeant Major.
Company Serjeant.
Serjeant.
Private.

2. The Pay of these ranks is to be as follows :—

Serjeant Major	4*s.* a day.
Company Serjeant	3*s.* ,,
Serjeant	2*s.* ,,
Private	1*s.* ,,

3. Increased pay for good conduct and long service is to be granted to the Non-Commissioned Officers and Privates of this Corps, under the provisions of the Good Conduct Warrant for the Line, subject to the usual forfeiture for each entry in the Defaulter Book.

4. *Every Non-Commissioned Officer and Private of this Corps is to be allowed the daily ration of a Soldier in Hospital on full diet, free of any stoppage, whenever it is practicable to furnish such diet; but in the event of his becoming a patient in Hospital, he is to be supplied with the class of diet applicable to his case, and for such diet he is not to be liable to any stoppage from his pay. He will not be entitled under any circumstances to the allowance of 1d. a day for beer money.*

5. Whenever it is not practicable to furnish him with a full hospital diet, he is to be supplied from the public stores with a ration as nearly as possible equivalent thereto, free of any stoppage; and when he cannot draw rations from the public stores, whether on board-ship or on shore, he is to receive a money allowance of 8*d.* a day in lieu of a free ration. Under no circumstances is he to be liable to stoppage from his pay for any ration supplied to him at the public expense. When he is in confinement for any offence, the whole of his pay to be forfeited, and he is to be provided with the usual prison diet.

6. When he is on a march, under route, in the pursuance of the public duty, the same allowances for marching money and hot meals are to be charged for him as for a Soldier on the march; and in such case he is not to be entitled to rations, but is to receive, in addition to such marching allowances, the money allowance of 8*d.* mentioned in Article 5.

7. While on furlough, he is to be subject to the same Rules as Soldiers, but the pay to be advanced to him, while so situated, is to be 6*d.* a day less than the full rate of pay of his rank, and the residue is to be accounted for to him on his return to duty.

8. While on furlough, he will not be entitled to the money allowance of 8*d.* a day in lieu of rations, but will be settled with for his pay only.

9. A Private of this Corps, appointed to act as Surgery Man, is to receive, while so acting, 1*s.* a day in addition to his pay. A Private appointed to act as Assistant Cook or Barber is to receive, while so acting, 2*d.* a day in addition to his pay.

10. All Non-Commissioned Officers and Privates of this Corps are to be liable to be employed in any way that may be required in the performance of Hospital duties; and, when on duty with an Army in the Field, they will be liable to be attached to the field ambulances, and to attend on the wounded, carrying them off the field, and performing any such like duties.

11. Although a portion of the Non-Commissioned Officers and Privates may be placed under the immediate orders of the Purveyor, they are to be under the general superintendence and control of the Principal Medical Officer of each Station, or of the Senior Medical Officer of each Regiment, as the case may be.

12. The Non-Commissioned Officers are to take rank with those of the other Corps of Our Army, and are to wear the ordinary distinctions of Non-Commissioned Officers on their uniforms.

13. The ranks of the Army Hospital Corps are to be filled, as a general rule, by Soldiers volunteering from the ranks of other Corps of Our Army, and having such length of service as shall from time to time be fixed by Our Commander in Chief.

14. Whenever it may be desirable to admit into this Corps candidates who are not Soldiers, application is to be made to Our Secretary of State for the War Department for special authority to enlist such candidates.

15. All Non-Commissioned Officers and Privates of this Corps are to be liable to be discharged from the Service at any time that Our Commander in Chief shall think fit, without any claim to compensation beyond the scale of pensions hereinafter laid down, and they may be re-transferred, at the order of Our Commander in Chief, for misconduct, unfitness, or any other cause which Our Commander in Chief may deem sufficient, to the Corps of the Army from which they may have been transferred to this Corps.

16. When their services shall be dispensed with, they shall be entitled to pensions on the following scale, after a total service in this Corps, or in the Line, exceeding twenty-one years, of which sixteen at least shall have been in this Corps.

17. *Serjeants Major.*—After twenty-one years' service, of which at least five in that rank, a pension for life of 2*s.* a day, increasing to a maximum of 3*s.* a day, at the rate of 2*d.* for each additional year's service, with the further additions of good conduct pay of which they may be in possession at the time of their discharge, and of 1*d.* a day for every five years' service as Non-Commissioned Officers, but the maximum with such additions not to exceed 3*s.* a day.

18. *Company Serjeants.*—After twenty-one years' total service, of which at least five in that rank, a pension for life of 1*s.* 6*d.* a day, increasing to a maximum of 2*s.* 6*d.* a day, at the rate of 1½*d.* for each additional year's service, with the further addition of the good conduct pay of which they may be in possession at the time of their discharge, and of 1*d.* a day for every five years' service as Non-Commissioned Officers, but the maximum with such additions not to exceed 2*s.* 6*d.* a day.

19. *Serjeants.*—After twenty-one years' total service, of which at least five in that rank, a pension for life of 1*s.* 3*d.* a day, increasing to a maximum of 2*s.*, at the rate of 1*d.* a day for each additional year's service, with the further additions of the good conduct pay of which they may be in possession at the time of their discharge, and of 1*d.* a day for every five years' service as Non-Commissioned Officers, but the maximum with such additions not to exceed 2*s.* a day.

20. *Privates.*—After twenty-one years' service, of which sixteen years at least shall have been in this Corps, a pension for life of 10*d.* a day, increasing to a maximum of 1*s.* 4*d.*, at the rate of ¾*d.* a day for each additional year's service, with the further addition of the good conduct pay, of which they shall have been in uninterrupted possession for six months immediately preceding their discharge, but the maximum with such addition not to exceed 1*s.* 7*d.* a day.

21. In case a Non-Commissioned Officer or Private of this Corps shall become disabled by disease or injury contracted on duty in the service, his case shall be specially considered, with a view to a pension being awarded to him, proportionate to his disability, without reference to length of service.

22. In all points not specifically detailed or provided for in this Warrant, the Non-Commissioned Officers and Privates of this Corps shall be subject to all the Rules and Regulations affecting the other Corps of Our Army.

23. For the general management of the Corps and the due preservation of its records, an Officer or Officers shall be appointed, who will be stationed at the Depôt, and will perform generally the duties of the Paymaster, Adjutant, and Quartermaster of a Regiment.

24. For Men of this Corps who may be attached to a General Hospital, the Purveyor is to perform the duty of Paymaster and Quartermaster; but when the Men are serving in Regimental or Depôt Battalion Hospitals, the Officer Commanding will attach them to Companies for the purposes of discipline and payment.

Given at Our Court at Saint James's, this First day of August 1857, *in the Twenty-first year of Our Reign.*

By Her Majesty's Command,
(Signed) Panmure." '

(Signed) R. J. H. Birch, Colonel,
Secretary to the Government of India in the Military Department."

No. 1111 of 1857.—The following is a copy of List No. 6 of Rank of Cadets for the Bombay Engineers and Infantry :—

For the Engineers.

To rank from the 7th December 1855, *the day on which he passed his Public Examination, provided he take his departure within the prescribed period, viz* :—

Alfred Thomas Mander. Quitted Chatham 4th September.

For the Infantry.

To rank from the date of his departure from Southampton by the Overland Route, viz :—

George Henry Bridges..... 4th September.

To rank from the date of the departure from Southampton of the Overland Mail, he having proceeded to Aden to join the same at that Station, viz :—

William Tufnell Keays..... 20th September.

To rank from the date of their departure from Southampton by the Overland Route, and in the following order, viz :—

William Tuckwell Arbouin ..... 20th September.
Walter Raleigh Trevelyan.....
Robert Augustus Carew Hunt ..... 4th October.
Richmond Irvine Crawford .....
Charles Hay Coghlan.....

(Signed) Philip Melvill,
East India House, 21st October 1857. Secretary Military Department.

No. 1112 of 1857.—The following Gentlemen are admitted to the Service, in conformity with their appointments by the Honorable the Court of Directors, as Cadets of Infantry and Assistant Surgeon on this Establishment.

Infantry.	*Date of Arrival at Bombay.*
No. 152, Mr. Charles Hay Coghlan	23rd November 1857.
No. 157, Mr. Cuthbert Caldecot	
Medical Establishment.	
No. 105, Mr. Albert Abel Mott	23rd November 1857.

The undermentioned Officers have returned to their duty, without prejudice to their rank, by permission of the Honorable the Court of Directors :—

	Date of Arrival at Bombay,
Captain J. W. F. Sandwith, 3rd European Regiment.....	23rd November 1857.
Lieutenant C. A. Collier, 26th Regt. N. I., and Sub-Assistant Commissary General.	
Lieutenant O. Probyn, Invalid Establishment.....	
Surgeon R. H. Davidson, M.D., Medical Establishment	

No. 1113 of 1857.—The following Orders are confirmed :—

Dated 15th September 1857.—By Colonel Ferryman, C.B., appointing Lieutenant Holland, Acting Deputy Assistant Quartermaster General N. D. A., to act as Interpreter to Her Majesty's 89th Regiment, as a temporary measure, until the arrival of the Regiment at Ahmedabad.

Dated 24th October 1857.—By Captain Bannister, appointing Lieutenant Browne, of the 12th Regt. N. I., to act as Line Adjutant at Neemuch, until further orders, vice Captain Laurie.

Dated 29th October 1857.—By Major Guerin, appointing Lieutenant Warden to act as Quartermaster to the Left Wing of the 2nd Eur. Regt. L. I. during its separation from the Head Quarters of the Regiment, vice Lieutenant Whittaker, promoted.

Dated 2nd November 1857.—By Major General Roberts, directing Captain Lucas, Deputy Assistant Commissary General, Rajpootana Field Force, to assume charge of the Troops proceeding from Deesa to Nusseerabad.

Dated 7th November 1857.—By Brigadier Ferryman, directing Captain Bainbrigge, Acting Brigade Major Rajpootana Field Force, to accompany as Staff Officer the Light Field Force proceeding to Nusseerabad under Command of Lieutenant Colonel Holmes.

Dated 10th November 1857.—By Brigadier Macan, appointing Lieutenant Heathcote, Deputy Assistant Quartermaster General, in addition to his own duties, to act as Brigade Major to the Rajpootana Field Force, until the arrival of Captain Bainbrigge, vice Captain Bishop.

Dated 12th November 1857.—By Brigadier Blood, directing Assistant Surgeon Fraser, Civil Surgeon at Ahmednuggur, to receive medical charge of the 5th Regt. N. L. I., and Depôt 24th Regt. N. I., with effect from the 6th to the 22nd ultimo, during the absence of the Detachment under Captain Pottinger, on Field Service.

Dated 16th November 1857.—By Major General Scott, C.B., directing Sub-Assistant Surgeon Horne to receive medical charge of the Detachment of Her Majesty's 4th Regiment at Sukkur, as a temporary measure.

Dated 20th November 1857.—By Brevet Major Powell, appointing Lieutenant Anderson to act as Adjutant to the Wing 26th Regt. N. I., during its separation from the Head Quarters of the Regiment, vice Lieutenant Tragett.

Dated 21st November 1857.—By Brevet Colonel James, appointing Captain Field to act as Interpreter to the 6th Regt. N. I., until further orders.

No. 1114 of 1857.—Lieutenant Colonel J. Kilner, Superintending Engineer Southern Province, has been granted two months' leave of absence on private affairs, under the New Furlough Regulations, from the 4th instant.

No. 1115 of 1857.—The promotions announced in G. G. O. No. 979, of the 24th October last, are to have effect from the 16th September, instead of 16th August 1857.

No. 1116 of 1857.—Lieutenant C. F. Boulton, 27th Regt. N. I., has been appointed Adjutant of the Kolapore Infantry Corps.

No. 1117 of 1857.—Lieutenant W. C. Lester, Deputy Collector of Roree, in the Shikarpoor Collectorate, has been allowed a further extension, to the 16th August last, of the leave of absence, on medical certificate, announced in General Order No. 636, dated 3rd July last.

No. 1118 of 1857.—Lieutenant William Creagh, 19th Regt. N. I., is appointed to do duty as Interpreter with Her Majesty's 72nd Highlanders, on the arrival of the Regiment from England.

No. 1119 of 1857.—Ensign J. G. Watts, of the 9th Regt. N. I., is appointed and attached to Her Majesty's 38th Regiment of Foot, as Interpreter, on arrival of that Corps.

No. 1120 of 1857.—The following promotion is made :—

Infantry.

Supernumerary Lieutenant Colonel (Major General) A. Woodburn, C.B., to be Colonel, from the 12th October 1857, vice Colonel (General) J. F. Salter, C.B., deceased.

No. 1121 of 1857.—The following promotion is made :—

14th Regiment Native Infantry.

Ensign Alexander John Vibart to be Lieutenant, from the 8th November 1857, vice Lieutenant Mills, killed in Action.

No. 1122 of 1857.—Assistant Surgeon R. C. Thorp, M.D., has been appointed Superintendent of Vaccination, North-Western Division, Guzerat.

No. 1123 of 1857.—The furlough on private affairs, granted in General Order No. 884, dated 23rd September last, to Captain J. L. Hoare, of the Invalid Establishment, is for the residue of the furlough previously granted.

Bombay Castle, 2nd December 1857.

No. 1124 of 1857.—Serjeant David Hepworth, of the Town Major's Non-Effective List, is promoted to the rank of Conductor on the Establishment.

No. 1125 of 1857.—Lieutenant A. G. St.John Mildmay, of the 3rd European Regiment, and Assistant to the Governor General's Agent, Rajpootana, is allowed a furlough to Europe for fifteen months, on medical certificate, under the New Furlough Regulations.

No. 1126 of 1857.—Captain J. W. Cottell, of the 26th Regt. N. I., is allowed a furlough to Europe for eighteen months, on medical certificate, under the New Furlough Regulations.

No. 1127 of 1857.—Assistant Surgeon F. F. Dukes, of the Bengal Establishment, and 5th Regiment Punjaub Cavalry, is allowed a furlough to Europe for fifteen months, on medical certificate, under the New Furlough Regulations.

No. 1128 of 1857.—Captain Oldfield, 3rd Light Cavalry, Officiating Assistant to the Governor General's Agent for Rajpootana, will continue in the performance of Regimental duty, at the disposal of His Excellency the Commander in Chief, until further orders.

No. 1129 of 1857.—The services of Lieutenant R. R. Woodhouse, of the 21st Regt. N. I., are placed at the disposal of His Excellency the Commander in Chief, for Military duty.

By order of the Right Honorable the Governor in Council,

P. M. MELVILL, Colonel,

Secretary to Government.

MARINE DEPARTMENT.

Bombay Castle, 30th November 1857.

No. 226 of 1857.—The undermentioned Officers have returned to their duty, on the 19th instant, with the permission of the Honorable the Court of Directors:—

Lieutenant J. Sedley.
Lieutenant A. A. Cookson.
Lieutenant H. Jackson.
Midshipman W. Plunkett.

Messrs. Henry Warner and Duncan McPherson Scott, appointed by the Honorable the Court of Directors Volunteers for the Indian Navy, arrived from England on the 19th instant.

No. 227 of 1857.—The following temporary arrangements and appointments are confirmed:—

By Commodore G. G. Wellesley, C.B., R. N., Commander in Chief I. N.

Senior Lieutenant T. S. H. Twynam, supernumerary on board the "Acbar," to the Command of the "Victoria," from the 2nd November 1857, vice Lieutenant Sweeny.

Mr. George Peck to be Acting 1st Class 2nd Master in the Indian Navy, from the 1st November 1857.

Captain G. Jenkins to the Command of the "Ferooz," from the 6th November 1857, vice Lieutenant Tronson.

Lieutenant Tronson, of the "Ferooz," to the Command of the Steam-vessel "Prince Arthur," from England, from the 6th November 1857.

Mr. Litchfield, Captain's Clerk, supernumerary on board the "Acbar," to be Acting Purser of the "Prince Arthur," from the 6th November 1857.

Mr. Daniell, Captain's Clerk, supernumerary on board the "Ferooz," to be Clerk in charge of the "Lady Canning," from the 6th November 1857, vice Lieutenant Peevor.

Mr. Noble, Captain's Clerk, of the "Punjaub," to be Clerk in Charge of the "Berenice," from the 7th November 1857, vice Lieutenant Chitty.

Acting Lieutenant Edwards, of the "Ferooz," to be Acting Lieutenant of the "Prince Arthur," from the 9th November 1857.

Lieutenant J. H. Trollop and Mr. Chippendale, Midshipman, on special detached duty at Rutnagherry, from 8th August to 27th October 1857.

Persian Gulf Squadron Orders.

Acting Lieutenant H. Carey, Transport Agent, proceeding on duty from Bushire to Bassadore, to be accommodated on board the "Clontarf," from 11th September to 11th October 1857.

Lieutenant E. Brazier, I. N., Agent for Transports, to be accommodated on board the Transport "British Flag," while lying at anchor in Bushire Roads, from 20th August to 6th September 1857.

Lieutenant W. Pengelly, proceeding on duty from Bushire to Karrack, to be accommodated on board the Transport "British Queen," from 3rd to 6th September 1857, inclusive.

Assistant Surgeon Ticehurst, of the "Clive," to the charge of the Bassadore Station Hospital, from the 1st October 1857, vice Assistant Surgeon Asher.

Acting Lieutenant W. T. Crockett, of the "Ferooz," on detached duty, while proceeding with the Senior Indian Naval Officer to Ahwaz, from 28th March to 4th April 1857, also while proceeding from the mouth of the River Tigris to Bushire, from 19th to 20th May 1857, inclusive.

Assistant Surgeon Boxwell, of the "Berenice," to afford medical aid to the Troops proceeding to the Presidency in that Vessel, from the 20th October 1857.

Lieutenant Twynam, of the Indus Flotilla, as Transport Agent, from the 9th February 1857, while conveying a Fleet of Native Boats with the Sind Horse Baggage Animals, &c. from Kurrachee to the Persian Gulf.

No. 228 of 1857.—Acting Assistant Apothecary J. Edmunds (No. 236) is relieved from duty in the Indian Navy, and the services of Apothecary Webb (No. 211) are placed, as a temporary measure, at the disposal of the Commander in Chief of the Indian Navy, for duty at Butcher's Island.

Bombay Castle, 2nd December 1857.

No. 229 of 1857.—Lieutenants H. H. James and A. T. Windus have returned to their duty on the 23rd instant, with the permission of the Honorable the Court of Directors.

By order of the Right Honorable the Governor in Council,
P. M. MELVILL, Colonel,
Secretary to Government.

Civil Appointments, &c.

POLITICAL DEPARTMENT.

Bombay Castle, 26th November 1857.

Captain H. Sandwith, of the 2nd or G. Regt. N. I., having been appointed, under date the 17th ultimo, Second in Command of the Extra Sind Battalion, assumed charge of his duties on the 3rd instant.

Lieutenant C. F. Boulton, 27th Regt. N. I., has been appointed Adjutant of the Kolapore Infantry Corps.

The services of Apothecary Carvalho have been placed temporarily at the disposal of His Excellency the Commander in Chief, and Assistant Surgeon James Kearney has been placed in charge of the Medical duties at Sawunt Waree, until further orders.

Bombay Castle, 28th November 1857.

Lieutenant G. G. Leathes, Third Assistant to the Political Agent in Kattywar, has been permitted to proceed into the Districts, making over charge of the Treasury at Rajkote to Assistant Surgeon E. L. M. Larken.

Sub-Assistant Surgeon Sudasew Hemraj, lately in charge of Civil Medical duties in Kutch, was absent from his duties on sick certificate from the 25th September last to the 10th November.

Bombay Castle, 1st December 1857.

The Right Honorable the Governor in Council has been pleased to cancel the temporary appointments, notified under date the 18th November last, of Major J. W. Auld, and Major A. M. Haselwood, the former as Superintendent of Police in Khandeish and Ahmednuggur, and the latter as Political Superintendent in Sawunt Waree.

Bombay Castle, 2nd December 1857.

Lieutenant Colonel H. W. Trevelyan, Acting Political Agent in Kutch, assumed charge of that office on the 27th November 1857.

The Political Agent in Kattywar, and the First and Second Assistants to that Officer, have been appointed Assistants to the Magistrate of Ahmedabad, with the full powers of Magistrates.

JUDICIAL DEPARTMENT.

Bombay Castle, 27th November 1857.

Lieutenant T. Thatcher, 11th Regt. N. I., to be Adjutant of the Second Khandeish Bheel Corps, vice Lieutenant Neave, whose services have been placed at the disposal of the Commander in Chief, at His Excellency's request.

Bombay Castle, 30th November 1857.

Under the provisions of Act XIV. of 1835, the Right Honorable the Governor in Council has been pleased to appoint Major Kane an Assistant Magistrate in the Tanna, Ahmednuggur, and Khandeish Collectorates.

Bombay Castle, 2nd December 1857.

Mr. F. L. Brown received charge of the Office of Clerk to the Court of Petty Sessions, from Mr. Johnson, on the 27th ultimo.

Under the provisions of Act IV. of 1851, Dr. A. Gibson is vested with the full powers of a Magistrate, with the exception of the power to review.

By order of the Right Honorable the Governor in Council,
H. L. ANDERSON, *Secretary to Government.*

TERRITORIAL DEPARTMENT,
REVENUE.

Bombay Castle, 1st December 1857.

Mr. F. Macnaghten, Civil Service, has been allowed leave of absence for one month, from the 20th ultimo, to remain at Bombay, on medical certificate.

Mr. J. Anding, Sub-Assistant Inam Commissioner Northern Division, is allowed leave of absence for nine days, under Section VII. of the Uncovenanted Absentee Rules, to proceed to the Konkun, on urgent private affairs.

Bombay Castle, 2nd December 1857.

Mr. H. Coleman, Sub-Assistant to the Superintendent of the Revenue Survey and Assessment Southern Muratha Country, is allowed leave of absence for twenty days, from the 2nd to the 21st próximo, to enable him to appear before the next General Examination Committee.

Mr. H. W. Hathway to be an Assistant to the Superintendent of the Revenue Survey and Assessment, Khandeish.

Lieutenant T. Waddington, 7th Regt. N. I., to act as Assistant to the Superintendent of the Revenue Survey and Assessment in the Southern Muratha Country, during the absence of Lieutenant G. A. Laughton on Regimental duty.

TERRITORIAL DEPARTMENT,
FINANCE.

Bombay Castle, 27th November 1857.

Surgeon W. Collum, Acting Assay Master, assumed charge of his duties on the 24th instant.

Assistant Surgeon M. Kane, Acting Deputy Assay Master, assumed charge of his duties on the 24th instant.

By order of the Right Honorable the Governor in Council,
H. YOUNG, *Chief Secretary.*

GENERAL DEPARTMENT.

Bombay Castle, 27th November 1857.

Messrs. C. J. Manson and W. D'Oyly, of the Bombay Civil Service, returned to their duty on the 23rd November 1857, with the permission of the Honorable the Court of Directors, and without prejudice to their rank.

Bombay Castle, 30th November 1857.

Assistant Surgeons Colston and Plumptre are, as a temporary measure, appointed to the medical charge of Cambay and Bhewndy, respectively.

Bombay Castle, 2nd December 1857.

Assistant Surgeon G. C. M. Birdwood received charge of the duties of Professor of Materia Medica in the Grant Medical College, from Dr. Haines, on the 17th November 1857.

Sub-Assistant Surgeon Cooverjee Dorabjee relieved Mr. Apothecary Bailie of the medical charge of the Department of the Revenue Commissioner Southern Division on the 24th November 1857.

Shaik Moideen Esaney, Sir Karkoon of Customs, is appointed a Municipal Commissioner for the Town of Panwell, in the room of Wittoba Kundapa Gulvey, resigned.

Rao Saheb Bhasker Damodhur joined his appointment of Central Book Depôt Keeper at Bombay on the 16th November 1857.

PUBLIC WORKS DEPARTMENT.

Bombay Castle, 28th November 1857.

Captain P. L. Hart, of the Engineers, has been directed to resume charge of his appointment as Executive Engineer of the Poona and Kirkee Cantonments.

Captain W. D. Graham will resume his duties as Executive Engineer of the Poona Collectorate.

Captain W. R. Dickinson will assume charge of his appointment as Executive Engineer of Belgaum.

Bombay Castle, 30th November 1857.

Major Tremenheere, of the Bombay Engineers, Garrison Engineer and Civil Architect at the Presidency, is placed at the disposal of His Excellency the Commander in Chief, for Military duty.

The leave of absence for one month, to proceed to Bombay, on urgent private affairs, granted to Mr. R. W. Barton, Assistant Executive Engineer Northern Province, by Government Notification dated 28th October 1857, is cancelled.

Bombay Castle, 2nd December 1857.

The leave of absence granted to Assistant Surveyor and Builder Vittul Wassudeva, by Government Notification dated the 10th September 1857, is cancelled, and he has been allowed leave of absence from the 28th idem to the 12th November 1857.

By order of the Right Honorable the Governor in Council,
W. HART, *Secretary to Government.*

SUDDER DEWANEE ADAWLUT.

The Judges of the Sudder Dewanee Adawlut have made the following appointment: —

Azum Abbajee Bulwunt to be Acting Moonsiff in the Konkun Zillah.

By order of the Sudder Dewanee Adawlut,
Bombay, Sudder Dewanee Adawlut, 26th November 1857. M. A. COXON, Registrar.

POLITICAL DEPARTMENT.

The following Notification is republished for general information :—

No. 4345.

FORT WILLIAM, FOREIGN DEPARTMENT,
The 23rd October 1857.

The Right Honorable the Governor General of India in Council is pleased to recognise the appointment of Mr. Henri Lambert as Consular Agent for France at Aden.

(Signed) G. F. EDMONSTONE,
Secretary to the Government of India.

By order of the Right Hon'ble the Governor in Council,
H. L. ANDERSON,
Secretary to Government.
Bombay Castle, 2nd December 1857.

GENERAL DEPARTMENT.

With reference to Government Circular Order No. 671, dated 17th February 1854, prescribing the mode of Docketing Letters addressed to Government, the Right Honorable the Governor in Council, in extension of that Order, directs that in future every Letter addressed by any Government Officer to any Public Department shall be docketed as therein directed, viz. that the subject of the letter shall be described in the Docket in as clear, brief, and correct a manner as possible; the Docket being written on the back of the letter, commencing at the top of the page on the left side.

By order of the Right Hon'ble the Governor in Council,
W. HART,
Secretary to Government.
Bombay Castle, 30th November 1857.

Marine Department.

NOTICES TO MARINERS.

The Honorable the Secretary for Finance and Trade directs the publication of the following Notices for general information.

(Signed) HENRY LANE,
Secretary to the Treasury.

The Treasury, New South Wales, 9th October 1857.

ADDITIONAL LIGHT AT THE ENTRANCE OF PORT JACKSON.

Notice is hereby given, that in addition to the Revolving Light now exhibited on the Outer South Head of the Harbour of Port Jackson, it is the intention of the Government shortly to erect a Lighthouse on the Inner South Head, which will be a First-class Catoptric Light, and exhibit a constant bright light, at an elevation above the level of high-water mark of 90 feet.

Notice will be given of the time when this Light will be first exhibited, as soon as it has been with certainty decided upon.

(Signed) ROBT. F. POCKLEY,
Superintendent of Lights, Pilots, and Navigation, New South Wales.

Sydney, New South Wales, 7th October 1857.

NEW LIGHT AT THE PORT OF NEWCASTLE.

Notice is hereby given, that on and after the 1st January 1858, the Coal Fire hitherto exhibited on the Mainland at the Port of Newcastle will be discontinued, and that a Light from the Lighthouse recently erected on Nobby's Island will be exhibited.

The Light will be a bright white fixed light, and will show from sunset to sunrise.

(Signed) ROBT. F. POCKLEY,
Superintendent of Lights, Pilots, and Navigation, New South Wales.

Sydney, New South Wales, 7th October 1857.

By order of the Right Honorable the Governor in Council,

P. M. MELVILL, Colonel,
Secretary to Government.

Bombay Castle, 30th November 1857.

MEDICAL DEPARTMENT, CIVIL.

No. 118 of 1857.—The following arrangements are ordered in the Subordinate Medical Department:—

First Hospital Assistant Mahomed Khan (No. 153), from the Civil Hospital, Ahmedabad, to the Civil Hospital, Shikarpoor.

First Hospital Assistant Mulkoo Balloo (No. 255), from the 18th Regt. N. I., to the Civil Hospital, Kurrachee.

First Hospital Assistant Balla Bhutt (No. 258), from general duty, Sind, to Civil Hospital, Hyderabad.

First Hospital Assistant Abraham Bunnajee (No. 203), from the Jail, to the Civil Hospital, Ahmedabad.

Second Hospital Assistant Jacob Solomon (No. 405), from Civil Hospital, Hyderabad, to the Civil Native General Hospital, Aden.

No. 119 of 1857.—The following promotions are made in the Vaccination Establishment, Southern Deccan Division, vice First Assistant Vaccinator Lingunah, deceased:—

Senior Assistant Vaccinator Luximon Mahadeo (No. 35) to be First Assistant Vaccinator.

Apprentice Vaccinator Verkûtrow Subrow (No. 131) to be Assistant Vaccinator.

By order of the Medical Board,
W. C. COLES, M.D., Assist. Surgeon,
Secretary Medical Board.

Bombay, Medical Board Office, 30th November 1857.

TERRITORIAL DEPARTMENT,

REVENUE.

REGULATIONS OF THE PORT OF KHYOUK PHYOO, UNDER ACT XXII. OF 1855.

No. 422.

ORDERS BY THE LIEUTENANT GOVERNOR OF BENGAL.

NOTIFICATION.—*The 24th October* 1857.—With the sanction of the Governor General of India in Council, it is hereby declared that the Port of Khyouk Phyoo is subject to Act No. XXII. of 1855.

The limits of the said Port of Khyouk Phyoo are as follows:—

To the East.—A line drawn from Volcano Point to the Western end of Buffalo Island; again from a North-west point on that Island to the South-eastern point of Tankaro Island.

To the North.—From the South-eastern point of Tankaro Island westward along the Southern side of that Island to a fixed mark; thence to the North-east point of the Island of Lekgnyognon, and along its South-eastern shore to its South-eastern point; thence again to the South-eastern point of One Tree Island.

To the West.—A line drawn from the South-eastern point of One Tree Island to Deadman's Point.

To the South.—From Deadman's Point easterly along the Khyouk Phyoo Beach up to Pregnphroo-moh; from thence up the left bank of the Oonkhyougn Creek to a mark fixed above the Salt Golahs; from thence to another mark fixed on the opposite side of the Creek; and from thence down its right bank to Volcano Point.

The limits of the said Port include all Piers, Jetties, Landing-places, and so much of the Shore as is within 50 yards of high-water mark at spring tides.

PORT RULES.

Rule 1.—Vessels may enter or go out of the Port of Khyouk Phyoo at any hour of the day or night, but the Masters of all Vessels are to enter correctly, in the columns of the Report Book of the Conservator, or such other Officer as the Local Government shall appoint, as soon as presented, the information therein required

Rule 2.—All vessels within the Port of Khyouk Phyoo shall be bound to take up such berth as may be appointed for them by the Conservator of

the Port, or such other Officer as the Local Government shall appoint, and shall not change their berths, or remove, except by or with the permission of such authority.

Rule 3.—All vessels within the Port of Khyouk Phyoo shall, on the requisition of the Conservator of the Port, or such other Officer as the Local Government shall appoint, rig in their jib and driver-booms, shall strike their yards and masts, if required so to do by either of those Officers.

Rule 4.—Every ship or vessel within the Port of Khyouk Phyoo shall remove any anchor or spar, or other substance projecting from her side, when required to do so by the Conservator of the Port, or such other Officer as the Local Government shall appoint.

Rule 5.—A free channel of 240 yards' width is to be kept for ships moving up or down the river within the Port, and also free passages to Piers, Jetties, Landing-places, Wharves, Quays, Docks, and Moorings; and all vessels shall be bound to move when required to clear such channels or passages.

Rule 6.—All vessels within the Port of Khyouk Phyoo shall anchor, moor, and unmoor when and where required by the Conservator of the Port, or such other Officer as the Local Government shall appoint.

Rule 7.—All vessels within the Port of Khyouk Phyoo shall be moved or warped from place to place, as required by the Conservator of the Port, or such other Officer as the Local Government shall appoint; and no vessel shall cast off a warp that has been made fast to her, to assist a vessel in moving, without being required so to do by the Pilot or Officer in charge of the vessel moving.

Rule 8.—No vessel shall use any of the Government chain moorings, whether fixed or swinging, without permission of the Conservator of the Port, or such other Officer as the Local Government shall appoint.

Rule 9.—All vessels occupying Government moorings, fixed or swinging, shall be liable to pay for the same according to the following scale, and no more:—

For Fixed Moorings.	From 1st November to 1st May, 6 months.	From 2nd May to the last day of October.
	Per diem.	*Per diem.*
All vessels up to 100 tons ..	1 Rupee ..	3 Rupees.
„ from 200 to 299 „ ..	2 Rupees ..	4 „
„ „ 300 to 399 „ ..	3 „ ..	5 „
„ „ 400 to 499 „ ..	4 „ ..	6 „
„ „ 500 to 599 „ ..	5 „ ..	7 „
„ „ 600 and upwards ..	6 „ ..	8 „
Swinging Moorings ..	3 „ ..	4 „

Rule 10.—All vessels within the limits of the Port shall, when at anchor between sunset and sunrise, have a good light hoisted at the starboard foreyard-arm; and all vessels under weigh at night shall show a good light at the fore-royal or upper foremast-head; and when under weigh in tow of a steamer shall, in addition to the mast-head light, show a good light at each foreyard-arm; the Steamer showing the usual lights prescribed by the Admiralty Regulations.

The provisions of Sections XXVIII. XXXVII. and XL. of the said Act No. XXII. of 1855 are hereby specially extended to the Port of Khyouk Phyoo.

(Signed) A. R. YOUNG,
Secy. to the Govt. of Bengal.

Republished by order of the Right Hon'ble the Governor in Council,

H. YOUNG,
Chief Secretary to Government.

Bombay Castle, 2nd December 1857.

No. 77 OF 1857.

Notice

Is hereby given, that a small supply of ADHESIVE ENVELOPES, referred to in the undermentioned Notice of the Officiating Director General of the Post Office in India, dated Calcutta, the 29th November 1856, have been received by this Department from Calcutta. Officers in charge of Local Depôts, requiring any, should prefer their Indent to this Department, as directed in the above notice.

"NOTICE.

"The Officers in charge of Treasuries and Depôts for the custody and sale of Postage Stamps are informed that Adhesive Envelopes, stamped with the value of One Anna, have been received from England, and, being now in charge of the Superintendent of Stamps, Calcutta, are now available on Indent.

"2. These Envelopes are in packets of 16, and each packet is enclosed in a wrapper, on which is marked the price, Rs. 1-2-0.

"3. The Rules for the sale of Postage Stamps are applicable to the sale of the Stamped Envelopes; but discount is allowed on the actual value of the latter, and not the extra charge of 2 annas on every 16 Envelopes, which is added to cover the cost of the paper and manufacture.

"4. The Superintendent of Stamps will not supply the Stamped Envelopes in a smaller quantity than one Ream at a time, which consists of 30 Packets, and is of the value of Rs. 33-12-0, including the extra charge of 2 annas on each Packet."

J. W. MUSPRATT,
Superintendent of Stamps.

Bombay, General Stamp Office,
4th February 1857.

Advertisement.

PASSAGE is required for FOUR (4) UNFIT SEAMEN of the Indian Navy to ENGLAND.

By order of the Commander in Chief I. N.,

F. G. BONE,
Secretary.

Office of the Commander in Chief I. N.,
Bombay, 18th November 1857.

Advertisement.

TENDERS are hereby invited for the Conveyance of (1) ONE EUROPEAN CONVICT to Western Australia.

By order of the Commander in Chief I. N.,

F. G. BONE, Secretary.

Office of the Commander in Chief I. N.,
Bombay, 20th October 1857.

PROCLAMATION.

BOMBAY TO WIT.—By virtue of a Precept to me directed, I hereby proclaim and give notice that the SESSION of OYER and TERMINER, and GENERAL GAOL DELIVERY, will be holden before the Supreme Court of Judicature at Bombay, at the Court House, on THURSDAY, the 3rd day of December next, at 11 o'clock in the forenoon, for the trial of all Treasons, Murders, and other Felonies, Perjuries, Trespasses, and other Crimes and Misdemeanors, had, done, or committed within the Town and Island of Bombay, and the Limits thereof, and the Factories subordinate thereto; and also to inquire, hear, and determine, in like manner, all Treasons, Murders, Felonies, Forgeries, Perjuries, Crimes, Extortions, Misdemeanors, Trespasses, Wrongs, Oppressions, had, done, or committed by any of Her Majesty's British Subjects in any of the Territories which now are subject to or dependent upon the said Government of Bombay, or within any of the Dominions of the Native Princes of India in alliance with the said Government.

And also, that at the same time and place will be holden a Session of Admiralty, for the trial of all Treasons, Murders, Piracies, Robberies, Trespasses, Misdemeanors, and other Crimes and Offences, had, done, perpetrated, or committed on the High Seas.

And I hereby give notice to all persons bound to prosecute and give evidence at the above Sessions, or in any way concerned therein, that they are to attend at the time and place above mentioned, and not to depart without leave of the Court.

And I hereby give notice to all Justices of the Peace, Coroners, Escheators, and also all Chief Constables and Bailiffs of the Town and Island of Bombay, and the Limits thereof, that they be then and there in their own persons, with their Rolls, Records, Indictments, and other Remembrances, to do those things which to their offices in that behalf appertain to be done.—Dated the 14th day of November 1857, and in the Twenty-first year of the Reign of Her Majesty Queen Victoria.

H. J. PARKINSON,
Sheriff.

જાહેરનામું.

શ્રી (મુંબઈમાં) મને જે હોકમ કીધો છે તેહની ખુબી પ્રમાણે હું અતરેથી ઢંઢેરો કરૂંચ તથા ખબર આપુંચ કે મુંબઈના ગામ તથા ટાપુમાં તથા તેહની હદમો તથા મુંબાઈ તાલુકાનાં અંગ્રેજી કોઠીવાલા ઠેકાણાંઓમો જે જે મોહોટા દગા તૃથા ખુન તથા ચોરી તથા જુઠા રાપતના વાંકો તથા તકશીરો તથા બિજા ગુનાહ તથા ભુડાં કર્મો જે થએલાં હોએ અથવા કિધાં હોએ તેહની છાંડણ કરવાને શારૂ તથા તે સાથે મુંબઈ સરકારનાં અમલ નીચેનાં તથા તાબેનાં હરેક મુલકમો તથા હોંદુ સ્વસ્થાનમાંનાં ગાંમઠી રાજાઓ કે જે મુંબઈ સરકાર સાથે મિત્રાચારી રાખે છે તેવોનાં હરેક રાજમાં નામદાર રાંણીની હરેક અંગ્રેજી પ્રજાએ જે જે મોહોટા દગા તથા ખુણ તથા ચોરી તથા તરકટ તથા ખોટા રાપતનાં વાંકો તથા રાખતગીરી તથા ભુડાં કર્મો તથા જુકરાન તથા જુલમ કીધો હોએ તે વીશે પણ સાંભલવાને તથા તેહનો ન્યાય કરવાને આવતા ડિસેંબર મહિનાની તારીખ ૩ જી અને બેસ્પતવારને દીને પેહેલા પોહરના ૧૧ કલાકને અમલે શ્રી મુંબઈની જુડીકેટરની સુપ્રીમ કોરટમો કે જે ઘેરમો કોરટ ભરાએચ તે ઘેરમો આએર તથા ટરમીનર તથા જનરલ દીલીવરીની સેરાંન બેસરો.

અને બિજું હું એમ જાહેર કરૂંચ કે મોહટા સમુદ્રમાં જે જે મોહટા દગા તથા ખુણ તથા ચાંચીઆ ચોરી તથા લુટ તથા તકશીરો તથા ભુડાં કર્મો તથા બિજા ગુન્હા કીધા હોએ તેહનો ન્યાય છાંડવાને વાસ્તે તેજ જગોએ આડમીરાલટી સેરાન બેઠલે જે દરઆવરદી બાતાના ન્યાયની સભા બેસરો.

અને હું અતરેથી ફર્માંઉંચ તથા હોકમ કરૂંચ કે ઉપર કહેલી સેરાનમાં જે જે માંણસોએ દાવો કરવો હોએ અથવા તેહમાં હરેક રીતે ઇલાકા રાખતા હોએ તેમોએ ઉપર કહેલાં વખત તથા જગોમો હાજર થવું અને કોરટની રજા વનાં કોરટમાંથી જાવું નહીં.

મુંબઈ શેહર તથા ટાંપુ તથા તેની હદમાં જસ્ટિસ આફ ધી પીસ, કોરોનર તથા એસચીઅર તથા મુખ્ય કાનસ્ટેબલ અને બેલીફ એ સર્વોને જાહેર કરૂંચ કે તે સર્વોએ ખત, યાદી, કાગળ પત્ર લાવીને ત્યાંહાં તે વખતે હાજર થવું અને આપ આપના હુદાનુ કામ કરવું.—તારીખ ૧૪ મી નવેંબર સન ૧૮૫૭; અને નામદાર રાંણી વીકટોરીઆનાં એકવીસમો વર્ષ છે.

એચ. જે. પારકીનસાંન,
શેરીફ.

जाहिरनामा.

मुंबईस खबर—मजला हुकूम दिल्यावरून जाहीर करितों व खबर देतों कीं अयर आणि टरमीनर आणि जनरल जेल डिलिवरी याचें सेशन, मुंबईतील जुडिकेटरचे सुप्रीम कोडताचे हवेलींत येत्या डिसेंबर महिन्याचे ३ रे तारिखेस बृहस्पतवारीं सकाळचे ११ वाजतांना राजद्रोह, खून, चोरी, खोट्या सह्या, खोटी साक्ष वगैरे अन्याय आणि तकशीरी ज्या मुंबई शहर व टापूमध्यें व त्यांच्या सीमेमध्यें त्यांचा हद्दीतील फ्याक्टोरीमध्यें केल्या असतील त्यांचा न्याय करण्याकरितां, बसेल तसेच सर्व प्रकारचे अन्याय जे कोणी राणीचे ब्रिटिश प्रजेनें मुंबईचे गवरनराचे अमलांतील राज्यामध्यें अथवा त्या सरकारासीं सल्यानें राहाणारे हिंदुस्थानांतील नेटिव राजांच्या राज्यांत केले असतील ते तपासण्या करितां बसेल.

अणखी सदहू वेळीं व ठिकाणीं समुद्रामध्यें जे राजद्रोह, खून, व चोरी व त्या प्रकारचे दुसरे अन्याय केले असतील त्यांचा इनसाफ करण्या करितां अडमीरालटीचें सेशन भरलें जाईल.

आणि जांस सदहू सेशनामध्यें फिर्याद करणें व साक्षी देणे अगत्य आहे अथवा कोणत्याही प्रकारचा संबंध असेल त्यां सर्व लोकांला जाहीर करितों कीं सदहू वेळीं व ठिकाणीं त्यांहीं हजीर असावें आणि कोडताचे रजे शिवाय जाऊं नये.

मुंबई शहर व टापू व त्याचे हद्दींत जस्टीस आफ धी पीस, कारोनर व एसचींटर व मुख्य कानस्टेबल आणि बेलीफ यां सर्वांस जाहिर करितों कीं त्या सर्वांहीं खत, यादी, कागद पत्र आणून तेथे त्या वेळीं हजीर असावें व आप आपले हुद्याचें काम करावें.—तारीख १४ वी माहे नवेंबर सन १८५७; आणि राणी साहेब विक्टोरिया यांचें एकविसावें वर्ष आहे.

एच. जे. पारकीन्सन,
शरीफ.

MILITARY

ARRIVALS AND DEPARTURES.

1857 ARRIVALS.

26th Nov.—Captain F. L. Magniac, Bhopal Contingent, on sick certificate.

27th „ Major H. Rolland, 27th Regt. N. I., on leave, from Kolapore.

„ „ Lieutenant and Adjutant W. H. Mason, 3rd Regt. N. I., on leave, from Sholapore.

„ „ Lieutenant A. T. Spens, 3rd Light Cavalry, on leave, from Kirkee.

28th „ Lieutenant J. R. Maunsell, Engineers, on duty, from Mulligaum.

„ „ Second Lieutenant H. S. K. Pechell, Artillery, on duty, from Mulligaum.

„ „ Lieutenant L. R. Forbes, H. M.'s 33rd Regt., on sick certificate, from Poona.

„ „ Major F. Hill, Engineers, on leave, from Poona.

29th „ Captain N. M. Miller, 1st Fusiliers, on sick certificate, from Rawul Pindee.

„ „ Lieutenant G. Hawkins, 6th Bengal Irregular Cavalry, on sick certificate, from Jacobabad.

„ „ Major H. Evans, 9th Regt. N. I., on leave, from Poona.

30th „ Captain W. Scott, Pension Paymaster, on duty from Alibaugh.

„ „ Lieutenant W. D. Chapman, 17th Regt. M. N. I., on sick certificate, from Nagpore.

„ „ Lieutenant P. H. LeGeyt, 3rd Light Cavalry, on duty, from Kandalla.

1st Dec.—Ensign A. O. Barras, 6th Regt. N. I., on duty, from Poona.

„ „ Lieutenant H. Newton, 11th Regt. N. I., to join, from Sind.

„ „ Assistant Surgeon C. Joint, Steamer "Punjaub," duty, from Vingorla.

1857 DEPARTURES.

25th Nov.—Captain H. Shakespear, Commanding Nagpore Irregular Force, to join, to Nagpore.

26th „ Lieutenant A. Bell, 3rd Regt. N. I., on duty, to Dhurrumgaum.

28th „ Lieutenant A. T. Spens, 3rd Light Cavalry, to rejoin, to Kirkee.

30th „ Captain J. W. J. Sandwith, 3rd European Regiment, to join, to Ahmednuggur.

„ „ Lieutenant the Honorable W. A. Hobart, 3rd European Regiment, to join, to Ahmednuggur.

„ „ Captain Ashburner, Deputy Judge Advocate Nerbudda Irregular Force, on duty, to Poona.

1st Dec.—Lieutenant H. S. K. Pechell, No. 2 Light Field Battery, Artillery, on duty, to Deesa.

„ „ Lieutenant J. Maunsell, Engineers, on duty, to Deesa.

„ „ Captain G. Montgomery, 14th Regt. N. I., on duty, to Ahmednuggur.

2nd „ Lieutenant H. T. Vachell, Artillery, on duty, to Belgaum.

Bombay, Town Major's Office,
2nd December 1857.

NOTICE.—The Power authorising Messrs. Dossabhoy Cursetjee and Co. to Sign for our Firm ceased on 22nd instant.

GEORGE POLLEXFEN & Co.

Bombay, 23rd October 1857.

NOTICE.—Mr. Alexander Knox was admitted a Partner in our Firm on the 1st August last.

GEORGE POLLEXFEN & Co.

Bombay, 23rd October 1857.

FOR A CHRISTMAS OR NEW YEAR'S GIFT.

Sent Postage free in India or to England.

A PAPER BASKET,

INTO WHICH HAVE BEEN THROWN SOME PIECES OF PROSE AND RHYME

BY

J. St. CLEMENT.

Half Bound, 4 Rs. Morocco Gilt, 6 Rs.

Opinions of the Press.

"In style and spirit alike the Sketches and Tales are good. They exhibit considerable graphic power, exercised with much taste and judgment; and they display warm feeling, always of the right sort."—*Bombay Gazette.*

"A genial and kindly spirit breathes through the pages. The author is an observer of men and manners, meditative, imaginative, and with a faculty for sketching in words the pictures that occupy his mind."—*Bombay Guardian.*

"Mr. St. Clement is a writer of considerable ability. His versification is extremely elegant and harmonious, and his imagery beautiful and chaste, from its exquisite simplicity." —*Telegraph and Courier.*

"Ignorant for a time as to who their author was, we considered them so excellent as to be reprints from some English work of name which had not happened to fall into our hands, and were not a little astonished to find that the writer was in the midst of us."—*Bombay Times.*

"We cannot doubt but that the work will meet with the most complete success."—*Poona Observer.*

"Its typography, printing, and binding is so elaborately and excellently executed that we may fairly say it is one of the best and neatest works that has been issued from the Presidency Press."— *Sind Kossid.*

"The Author seems to be a man of genuine talent. We do not often meet with so much good writing in Anglo-India publications."—*Bengal Hurkaru.*

"A very clever volume."—*Madras Spectator.*

BOMBAY:

J. CHESSON, 28 MEDOW STREET,

AND ALL BOOKSELLERS.

NOTICE.—Michael Jamieson McHaffie, Merchant in Glasgow, having ceased by his judicial sequestration to be a Partner of the Firms carrying on business as Merchants, in Glasgow under the Firm of McHaffie, Brothers, and in Bombay under the Firm of William McHaffie & Co., it is hereby intimated to all parties concerned, that the Subscriber, *William McHaffie, senior, residing* in Glasgow as Attorney and Commissioner, under Power of Attorney of dates the 23rd July and 5th August 1857, is empowered to attend and act for the said Firms of McHaffie, Brothers, and William McHaffie & Co., in all matters, in Glasgow or elsewhere, in Great Britain and Ireland.

WILLIAM McHAFFIE, Senior.

Glasgow, 24th October 1857.

William Nesbit Henderson, of the City of Glasgow, Law Clerk, Witness.

John Graham, of the City of Glasgow, Law Apprentice, Witness.

WRECK.—To be Sold by Auction, at Mangalore, on Monday, the 6th day of January 1858, for the good of those it may concern,—the Hull, Cargo, and Stores, of the Barque "Angela," of Newcastle, as she now lies in Mangalore Roads, in four Fathoms Water, with Cargo of Steam Coals on board.

Also a quantity of Rope, Spars, Sails, &c., consisting of New 9-in. Towline, 7-in. and 6-in. Hawsers (Russian Rope), Standing and Running Rigging, a 16-cwt. Anchor, forty-five fathoms of 1⅛-in. Cable, and Four Boats (two quite new).

The above Vessel was sheathed with Yellow Metal to the 15-feet mark in the month of May last.

The Sale will commence at 10 o'clock A. M.

W. THISTLE,
Chief Mate.

Mangalore, 24th November 1857.

TENDERS FOR ERECTION OF A STEAM-PRESS BUILDING AND GODOWN AT COLABA.

TENDERS will be received by the Undersigned, at the Office of the Colaba Press Company, in Grant Buildings, No. 6, Colaba, until Saturday the 5th proximo, for the ERECTION of the abovenamed BUILDINGS by Contract.

Plan and Specification in detail of the Work to be performed can be seen on application at this Office.

P. M. DA SILVA,
Secretary Colaba Press Company.

Colaba Press Company's Office,
28th November 1857.

જાહેરખબર.

કોલાબા ખાતે સ્ટિમ પ્રેસની ઈમારત તથા વખાર બાંધવાનાં ટેનડરો જોઇએ.

ઉપલું બાંધકામ કનટરાકટ લઈ કરી આપવાને આવતા ડિસેમબર મહિનાની તારીખ ૫ મી અને શનિવારસુધી કોલાબા પ્રેસ કમપનીની ગ્રાંટ બિલ્ડીંગ્સ મધેની નંબર ૬ ઠા વાલી ઈમારતમાંની આપીસમાં હેઠળ સહી કરનારે ટેનડરો લેશે.

એ બાંધકામ બાબેની વિગત તથા પલાંન આબે આપીસમાં અરજ કિધાથી બતલાવેબામાં આવશે.

સહી.

પી. એમ. ડાસિલવા,
સક્રટારી કોલાબા પ્રેસ કમપની.

કોલાબા પ્રેસ કમપનીની આપીસ,
તારીખ ૨૮ મી નવેંબર સને ૧૮૫૭.

ORIENTAL BANK CORPORATION.

Bombay Agency.

EXCHANGE.

THE CORPORATION grants Drafts on London on Demand and at from one day to six months' sight, and Drafts on Scotland and Ireland on Demand, also Circular Notes negotiable in Egypt, Syria, the Continent of Europe, New York, the West Indies, New South Wales, and the Cape of Good Hope.

The current rates of Exchange are :—

On London at 6 months' sight	2*s.*	2*d.* per Rupee.
" " 3 " "	2*s.*	1½*d.* "
" " 2 " "	2*s.*	1½*d.* "
" " 1 " "		
" " 1 day's sight	2*s.*	0½*d.* "
On Scotland on demand.....		
On Ireland "		
Circular Notes "	2*s.*	0½*d.* "
On Paris at 3 days' sight		

No Draft at six months' sight is granted for sums under £50. Sums under £20 are only drawn for on Demand.

COMMISSION.

The rate of Commission charged by this Agency, on the purchase or sale of Government Securities negotiable in Bombay, is one-quarter per cent., and on the collection of Bills one per cent. and Postage.

The Corporation takes charge of Government Paper, Shares in the Bank of Bombay, and other local Stocks, free of all charges, and will draw Interest and Dividends on the same as they fall due, on the following terms :—

If to be remitted through the Corporation....	Without charge.
If to be paid in India, a Commission will be charged of.....	¼ per cent.
On returning Government Paper out of safe custody	¼ per cent.
Hours of Business	10 to 4
Saturdays	10 to 1

Bombay, 1st December 1857.

INDIA AND LONDON LIFE ASSURANCE COMPANY.

THE Scales of Premiums of this Company are now greatly reduced, and the Lives of healthy persons, Civil or Military, in any part of the World, are assured at as low rates of Premium as can be taken consistently with perfect security.

Extract from the Tables of Annual Premiums required for an Assurance of Rs. 1,000, *or* £100, *at the Reduced Rates.*

Age.	CIVILIANS. One year.	Seven years.	Whole life.	MILITARY AND NAVAL. One year.	Seven years.	Whole life.
	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.	Co.'s Rs.
18	18	20	27	24	26	32
25	22	23	31	28	29	36
30	25	26	34	31	32	39
35	28	30	38	34	36	43
40	31	33	43	37	39	47
45	35	37	48	41	43	52

Prospectuses and every requisite information obtained on application to the Agents of the Company

GREY & Co.

For Sale

AT THE

BOMBAY EDUCATION SOCIETY'S PRESS.

Price Four Annas (including Postage).

A PLEADING FOR "KOOMPANEE JEHAN"; by FIDELITAS.

Just published, Price One Rupee, in 8vo, *Fifty pages of Close Print,*

FACTS FOR FACTORIES; being Letters on Practical Subjects: by "PRO BONO PUBLICO."

Now Publishing.

In Boards, Rs. **6-12**; in Pliable Cover, Rs. **5-12.**

SEPARATE GENERAL ORDERS

ISSUED IN THE YEAR 1856,

With Section REVIEWS AND INSPECTIONS *(of November* 1857)

BY

LIEUT. GENERAL SIR H. SOMERSET, K.C.B., K.H.,

COMMANDER IN CHIEF OF THE BOMBAY ARMY.

Reprinted by Permission.

*** In continuation of SEPARATE GENERAL ORDERS, the Section

REVIEWS AND INSPECTIONS

Is now published, November 1857.

Copies of this Section will be supplied (free of Postage) if **four Annas,** in Postal stamps or cash, be forwarded to the

BOMBAY EDUCATION SOCIETY'S PRESS,
OR TO ALL BOOKSELLERS.

Printed for Government at the BOMBAY EDUCATION SOCIETY'S PRESS, Byculla.