SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE

CONTAINING

BILLS OF THE GOVERNMENT OF INDIA.

Published by Authority.

THURSDAY, 3RD APRIL 1862.

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

HOME DEPARTMENT (Legislative).

The following Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March 1862:—

HOME DEPARTMENT.—LEGISLATIVE.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to whom the Bill to amend Act XLVI. of 1860 (to authorise and regulate the Emigration of Native Labourers to the French Colonies) was referred, have the honour to report that we have considered the Bill, and that we have no amendments to suggest.

(Signed.) W. RITCHIE.
„ H. FORBES.
„ DAVID COWIE.

The 13th February 1862.

M. WYLIE,
Depy. Secy. to the Govt. of India,
Home Department.

THE following Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 26th February 1862, and the Bill, as proposed to be amended by the Select Committee, was ordered to be published in the *Official Gazettes* of the several Presidencies, and taken into consideration on the 9th of April next:—

HOME DEPARTMENT.—LEGISLATIVE.

WE, the undersigned, the majority of the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to whom the Bill to consolidate and amend the Law relating to Stamp Duties was referred, have the honor to report that we have considered the Bill, and have suggested several amendments in its details, which will appear in italics in the reprinted copies.

A Petition to the Governor General in Council from certain Secretaries and Agents of Marine Insurance Offices in Calcutta, objecting to the Stamp on letters of cover, having been referred to us, we have come to the conclusion that, as the Policy of Insurance, to which the letter of cover is only initiatory, is required to bear the full Stamp, the letter of cover may be properly exempted, subject to a provision by which such letter of cover is prevented from doing the duty of a Policy unless stamped with a full Policy Stamp in cases in which no Policy is issued.

The Sudder Fouzdaree Adawlut of Bombay having thrown doubts on the authority of Collectors under Section XXXVII. of Act XXXVI. of 1860 when only acting under general instructions of the superior Revenue Authorities, and having ruled that the words "any Magistrate" in Section XXXVIII. of that Act could not be construed to mean persons having powers less than the full powers of a Magistrate, we have proposed to amend Sections XLVIII. and XLIX. of the Bill so as to meet the difficulty which has thus arisen.

The Honorable Rajah Dinkar Rao Rugonauth Bahadoor does not concur in this Report: a separate paper recorded by him is annexed.

(Signed) H. B. HARINGTON.
„ S. LAING.
„ W. RITCHIE.
„ H. FORBES.
„ C. J. ERSKINE.
„ W. S. FITZWILLIAM.
„ D. COWIE.

The 26th February 1862.

SEPARATE REPORT OF THE HONORABLE RAJAH DINKAR RAO RUGONAUTH BAHADOOR.

I entirely disagree to the passing of this Bill. It is my opinion that Taxation should be simple; a great variety of kinds of Duties and Taxes should

not be imposed on the people. The detailed objections that occur to me are as follows :—

1. It is said that this Bill is a consolidation and amendment of the former Acts ; but this is not its meaning, for in it, to a greater or less extent, the Stamp Duty is increased. It is plain that this Bill is not for consolidation and amendment only, but for increasing the Stamp Duty.

2. It is only a short time since three Stamp Acts (XXXVI., XL. and LI. of 1860) have come into force. It is proper to alter Laws when essentially required. The object of this Bill is supposed to be to explain the Stamp Laws to the people. But before the people can have made themselves acquainted with the former Acts, they will receive another on the same subject. Some of the people are learned, and some are ignorant. How are they all to get themselves acquainted with all these new Acts, and on what should they place their confidence as a settled Law ? If in this matter they make any mistake in using the Stamps, they will have to pay a fine. In such a state of things they must be bewildered and harassed.

3. The Government, in consideration of the comfort of the people, and that there should not be any obstruction to Commerce, has dispensed with Road Taxes, and Customs Duty on many articles, and levied it only on a few things. This is a sound policy; but it is clear that such Taxes as these Stamp Duties and other similar Taxes are opposed to this policy, because they lead to constant interference and will not leave the people free to perform their occupations.

4. It is well known how much all classes of people complained against the Income Tax, though they submitted to it from the necessity of the case. The Stamp Duty is a kind of Tax open to the same class of objections, that it constantly interferes which the Tax-payers.

5. The people are required to pay several kinds of Taxes, such as Income Tax, License Tax, Land Tax, Municipal Tax, Customs Duty, Chowkedaree, and many others. The present Bill not only leaves all these, but also taxes many of the transactions connected with them, such as receipts, leases, &c.

6. It will be seen from the above that very few are left free to perform their occupations without perpetual taxation.

7. Though the Income Tax is on a larger scale in comparison to the Stamp Duties, yet the effect of both to obstruct a man's business is the same. It will also be seen that the Income Tax is a temporary impost; but these Stamp Duties will perhaps be permanent.

8. It is said that people in England pay willingly numerous kinds of Taxes. I should doubt if this be true of direct Taxes. But even if it be so, it is to be observed that there is a difference between their customs in this respect and those of the people in Hindoostan who have a special dislike to direct taxation.

9. It is evident that the Subjects will not be pleased to pay any such Taxes. But the Government has to provide for the extraordinary expenses of the State. It is therefore compelled for a temporary purpose to impose such Taxes. For this reason it has already levied the Income Tax wherein all sorts of incomes are included. As all man's profits are embraced in the Income Tax, it is not consistent to impose on him any other Tax. When it is incumbent on the Government, in order to make up a deficiency, to increase such taxation, the people no doubt must obey. But they will, I think, deem it better and more easy to pay once for all, any Tax which may be right in principle and properly assessed, rather than be harassed with several kinds of Taxes and Duties. They will wish, after having paid one Tax, to be left to follow their several occupations unmolested.

10. Though the Government is compelled to impose Taxes to make up what is deficient, yet it is right and proper that the Government should consider what Taxes may be most easily paid by its Subjects, and what will give them least cause of dissatisfaction. I do not think that the Stamp Duty on the general transactions of life, falling upon learned and ignorant people of every class, is such a Tax.

AMENDED BILL.

A Bill to consolidate and amend the Law relating to Stamp Duties.

Preamble.

WHEREAS it is expedient to consolidate and amend the Law relating to Stamp Duties; It is enacted as follows :—

Repeal of Acts.

I. From the time when this Act shall come into force, Act XXXVI. of 1860 (*to consolidate and amend the Law relating to Stamp Duties*), Act XL. of 1860 (*to amend Act XXXVI. of* 1860), and Act LI. of 1860 (*further to amend Act XXXVI. of* 1860) are repealed, except in so far as they rescind other Acts or Regulations or parts of other Acts or Regulations, and except as regards Deeds, Instruments, or Writings which shall have been made or executed, and all proceedings or matters which shall have taken place before this Act shall come into force.

Stamp Duty payable under Schedule A.

II. For every Deed, Instrument, or Writing which shall be executed from the time when this Act shall come into force, and which shall be of any of the kinds specified as requiring Stamps by the Schedule A annexed to this Act, there shall be payable to Government a Stamp Duty of the amount indicated in the said Schedule to be proper for such Deed, Instrument, or Writing.

Penalty for drawing, &c. unstamped or insufficiently stamped Bill of Exchange, &c.

III. If any person shall draw, or, except as provided in Section XXIII. of this Act, shall accept, endorse, negotiate, pay, or receive payment of any Bill of Exchange, Promissory Note, Draft, Cheque, or other similar Instrument, or if any person shall make, execute, sign, or be a party to any Deed, Instrument, or other Writing, engrossed on unstamped or insufficiently Stamped paper or other material, which should bear a stamp of the value set forth in Schedule A, every such person so offending (unless in any case in which a higher penalty is imposed by this Act), shall forfeit a sum not exceeding one hundred Rupees, or a sum equal to ten times the value of the Stamp omitted to be used, if the sum so calculated exceed one hundred Rupees.

Governor-General in Council to prescribe the form, &c. of Stamps to be used.

IV. The Governor-General of India in Council shall prescribe the form, size, and material of the Stamps to be used, and the mode and place of

impressing, affixing, or denoting thereupon the value of the same under the provisions of this Act, and may from time to time alter and vary the orders which he may so issue. The orders made by the Governor-General of India in Council under this Section shall be published in the *Official Gazettes* of the several Presidencies and places in which such orders are to be in force.

Receipt Stamps how to be denoted.

V. The Duty imposed by this Act on Receipts and Drafts or Orders for the payment of money on demand and bearing the date on which the Draft or Order is made, may be denoted by a Stamp impressed upon the paper whereupon any such Instrument is written, or by an adhesive Stamp affixed thereto.

Adhesive Stamps may be used for transfers of shares of Banking Corporations, &c.

VI. The Duty chargeable on the transfer of a share of any Banking Corporation or Joint Stock Company, which by any Law applicable to such Corporation or Company can be effected by simple endorsement, may be denoted by an adhesive Stamp.

Governor-General in Council may authorize the use of adhesive Stamps for other Deeds, &c.

VII. It shall be lawful for the Governor-General of India in Council, by an order to be published in the *Official Gazette*, to authorize the use in the whole or in any part of the British Territories in India to be mentioned in such order of adhesive Stamps for any Deeds, Instruments, or Writings required to bear a Stamp other than the Instruments mentioned in the last two preceding Sections.

Obliteration of adhesive Stamp when used.

VIII. In any case where an adhesive Stamp shall be used as hereinbefore authorized, the person making the Deed, Instrument, or Writing to which such Stamp is affixed, shall, before the Deed, Instrument, or Writing shall be delivered out of his hands, custody, or power, cancel the Stamp so used, by writing thereon his name or the initial letters of his name, or in such other manner as to show that such Stamp has been made use of, and so that the same *shall* not be used again; and if any person who shall write or give any Receipt or Discharge or make or sign any Draft or Order, or any other Deed, Instrument, or Writing with an adhesive Stamp thereon when an adhesive Stamp is allowed to be used, shall not *bonâ fide* in manner aforesaid cancel such Stamp, he shall forfeit a sum not exceeding one hundred Rupees.

Stamps on Bills of Exchange, &c.

IX. The duty imposed by this Act on Foreign Bills of Exchange shall be paid on account of all Bills drawn within, but payable out of, the British Territories in India, and on account of all Bills drawn out of the British Territories in India, which shall be endorsed, transferred, paid, or otherwise negotiated within those Territories wheresoever the same may be payable; and the Duty so imposed on Bills drawn out of the British Territories in India *may* be denoted by adhesive Stamps to be affixed to such Bills as hereinafter directed.

Bills purporting to be drawn abroad deemed for the purposes of this Act to be so drawn.

X. Every Bill of Exchange which shall purport to be drawn at any place out of the British Territories in India shall, for all the purposes of this Act, be deemed to be a Foreign Bill of Exchange drawn out of the British Territories in India, and shall be chargeable with Stamp Duty accordingly, notwithstanding that in fact the same shall have been drawn within those Territories.

The holder of a Bill drawn out of the British Territory to affix an adhesive Stamp thereon before negotiating it.

XI. The holder of any Bill of Exchange drawn out of the British Territories in India, and not having a proper Stamp affixed thereon as herein directed, whether the same be a single Bill or one of a set of two or more Bills, shall, before he shall present the same for acceptance or for payment or endorse, transfer, or in any manner negotiate such Bill, affix thereto a proper adhesive Stamp for denoting the Duty by this Act charged on the amount of such Bill when drawn singly, and the person who shall present such Bill for acceptance or payment, or who shall endorse, transfer, or in any manner negotiate such Bill, shall, before he shall deliver the same out of his hands, custody, or power, cancel the Stamp so affixed by writing across the Bill as his endorsement, his name or the name of his firm and the date of the day and year on which he shall so write the same, or by affixing thereon or across the same the seal or mark which he is in the habit of using, or in such manner as to show that the Stamp has been made use of, and so that the same *shall* not be used again: and if any person shall present for acceptance or for payment, or shall pay or endorse, transfer, or in any manner negotiate any such Bill as aforesaid, whereon there shall not be such adhesive Stamp as aforesaid, duly affixed, or if any person who ought as directed by this Act to cancel such Stamp in manner aforesaid shall refuse or neglect so to do, every such person so offending in any such case shall be liable to the penalty prescribed in Section III. of this Act; and no person who shall take or receive from any other person any such Bill as aforesaid either in payment or as a security, or by purchase or otherwise shall be entitled to recover thereon, or to make the same available for any purpose whatever, unless at the time when he shall so take or receive such Bill, there shall be such Stamp as aforesaid affixed thereto and cancelled in the manner thereby directed.

Penalty for negotiating such Bill without a Stamp affixed or for neglecting to cancel such Stamp.

Penalty for drawing Bills purporting to be drawn in a set of three and not drawing the whole number of the set.

XII. If any person shall, within the British Territories in India, draw any Bill of Exchange, purporting to be drawn in a set of two or three, and shall not draw at the same time on paper duly stamped as required by this Act, the whole number of Bills of which such Bills purports the set to consist, he shall forfeit a sum not exceeding one thousand Rupees.

Effect of a writing not duly stamped.

XIII. Except as otherwise provided by this Act, no Deed, Instrument, or Writing, for which any Duty shall be payable under Section II. of this Act, shall be received as creating, transferring, or extinguishing any right or obligation, or as evidence in any Civil proceeding in any Court of Justice, whether established by Royal Charter or otherwise, or shall be acted upon in any such Court or by any public Officer, or shall be registered in any public Office or authenticated by any public Officer, unless such Deed,

Instrument, or Writing be upon a Stamp, or when an adhesive Stamp shall be allowed to be used, shall bear a Stamp of a value not less than that indicated to be proper for it by the said Schedule A. Provided that every Deed, Instrument, or Writing liable to Stamp Duty shall be admited as evidence in any Criminal proceeding, although it may not have the Stamp required by this Act impressed thereon or affixed thereto.

Proviso.

XIV. *Clause.* 1.—If any Deed, Instrument, or Writing requiring to be stamped shall have been executed on paper not bearing the proper Stamp, the Collector of Stamp Revenue of the District if satisfied that the omission or neglect to execute such Deed, Instrument, or Writing on paper bearing the proper Stamp did not arise from any intention to evade payment of the Stamp Duty prescribed by this Act for such Deed, Instrument, or Writing, or otherwise to defraud the Government, may, on payment of the proper Stamp Dutv, or if the Deed, Instrument, or Writing shall be insufficiently stamped, such sum as with the amount of the Stamp upon such Deed, Instrument, or Writing, shall suffice to complete the prescribed amount *and, as a penalty, double the amount required to make up the same,* direct that such Deed, Instrument, or Writing be duly stamped; provided that such Deed, Instrument, or Writing be presented to such Collector for the purpose of having the proper Stamp affixed to or impressed upon it within *six weeks* from the date of its execution. *If the Collector be satisfied that the omission or neglect to execute such Deed, Instrument, or Writing arose solely from urgent necessity or unavoidable accident, he may remit the penalty prescribed by this Section.*

Deeds inadvertently executed on paper not bearing proper Stamp may be duly stamped on payment of proper Stamp Duty and penalty, if brought to the Collector within six weeks.

Remission of penalty.

Clause. 2.—If any Deed, Instrument, or Writing requiring to be stamped under this Act, which shall have been executed on unstamped or insufficiently stamped paper, shall be brought to such Collector for the purpose of being properly stamped, after thirty days from the date of its execution, but within *four* months from that date, such Collector, if satisfied that the omission or neglect to execute such Deed, Instrument, or Writing on paper bearing the proper Stamp, did not arise from any intention to evade the payment of the Stamp Duty prescribed by this Act for such Deed, Instrument, or Writing, or otherwise to defraud the Government, may, on payment of a sum sufficient to make up the proper amount of Stamp Duty, and as a penalty treble the amount required to make up the same, direct that the requisite Stamp be impressed on such Deed, Instrument, or Writing; or if such Deed, Instrument, or Writing shall not be brought to such Collector until after the expiration of *four* months, from the date of its execution, the requisite Stamp may be ordered to be impressed on payment of the sum required to make up the proper amount of Stamp Duty, and as a penalty twenty times the amount required to make up the same.

Penalty if executed on unstamped or insufficiently stamped paper and brought to be stamped after thirty days of execution but within four months of that date.

Penalty if brought after four months.

Clause. 3.—It shall be the duty of the Collector of the Stamp Revenue of the District to determine whether the requisite Stamp shall be impressed on any Deed, Instrument, or Writing falling under the last two preceding Clauses, which shall have been executed on unstamped or insufficiently stamped paper.

Collector to determine whether, on payment of Penalty, a Deed, &c. executed on unstamped or insufficiently stamped paper shall be stamped.

Clause 4.—Whenever a doubt shall arise respecting the proper amount of the Stamp to be impressed under this Section on any Deed, Instrument, or Writing, the Collector of Stamp Revenue of the District shall determine the amount of Stamp to be impressed upon such Deed, Instrument, or Writing.

Collector to decide under the preceding Section the proper amount of Stamp Duty to be impressed upon any Deed, &c.

Clause 5.—In any case falling within this Section in which it shall appear to the Board of Revenue or the Chief Controlling Revenue Authority that a Collector of Stamp Revenue has directed an improper Stamp to be impressed upon any Deed, Instrument, or Writing, such Board or other Authority as aforesaid, if the Stamp ordered by the Collector to be impressed upon such Deed, Instrument, or Writing shall not have already been impressed thereupon, may order the proper Stamp to be impressed upon such Deed, Instrument, or Writing upon payment of the proper amount of Stamp Duty and the penalty to which the holder of such Deed, Instrument, or Writing is liable under Clause 1 *or* Clause 2 of this Section.

Board of revenue, &c. may in certain cases order the proper Stamp to be impressed.

Clause 6.—The Board of Revenue or other chief Controlling Revenue Authority may, upon petition, order any penalty imposed under this Section to be mitigated, and, if paid, may order any part of it to be returned.

Mitigation or return of penalty under this Section.

XV. The Stamp which shall be impressed under the last preceding Section shall be taken in any Court of Justice to be the proper Stamp required by this Act for the Deed, Instrument, or Writing on which the same is impressed.

The Stamp impressed under the preceding Section to be taken to be the proper Stamp.

XVI. *Clause* 1.—A Civil Court, in any case in which a stamp might be impressed under Section XIV. of this Act, may receive in evidence any Deed, Instrument, or Writing not bearing the Stamp prescribed by this Act on payment into Court of the proper amount of Stamp Duty to be determined by the Court, whose decision on the point shall be final, together with the penalty required by the said Section.

In cases falling under Section XIV. Civil Courts may receive in evidence unstamped or sufficiently stamped Deeds on payment of the proper Stamp Duty and penalty.

Clause 2.—An entry of such payment setting forth the amount thereof shall be made in a book to be kept by the Court, and shall also be endorsed on the back of the Deed, Instrument, or Writing, and shall be signed by the Court. The Court shall, at the end of every month, make a return to the Collector of the Stamp Revenue of the District, of the money (if any) which it has so received, distinguishing between the

Procedure on payment under preceding Clause.

sums received by way of penalty and the sums received by way of Duty, stating the number and title of the suit and the name of the party from whom such money was received, and the date, if any, and description of the document, for the purpose of identifying the same; and the Court shall pay over the money so received to such Collector, or to such person as he may appoint to receive the same. Such Collector or other proper Authority shall, upon the production of the Deed, Instrument, or Writing, with the endorsement hereinbefore mentioned, cause it to be stamped thereon with a Stamp of the amount paid into Court on account of such Duty. The provisions contained in Clause 6 Section XIV. of this Act as to the mitigation or payment of penalties paid to the Collector shall be applicable to penalties paid into Court under this Section.

No unstamped or insufficiently stamped Deed, &c. to be stamped, except as aforesaid.

XVII. No Deed, Instrument, or Writing executed on unstamped or insufficiently stamped paper shall be stamped at any time after the execution thereof, except as herein before provided.

Procedure in cases other than those provided for in Section XIV. for determining proper amount of Stamp Duty to be impressed on any Deed.

XVIII. When, in any case other than the cases provided in Section XIV. of this Act, any person shall entertain any doubt respecting the proper amount of Stamp Duty for any Deed, Instrument, or Writing, he may apply to the Board of Revenue or the chief Controlling Revenue Authority, through the Collector of Stamp Revenue of the District, for an adjudication, with a view to remove such doubt; and shall at the same time pay a fee of ten Rupees, and thereupon such Board or other Authority as aforesaid shall determine the amount of Stamp which such Deed, Instrument, or Writing should bear, and on payment thereof, shall cause such Deed, Instrument, or Writing to be impressed with such Stamp, and an additional Stamp, denoting that such adjudication fee has been paid. A Deed, Instrument, or Writing so stamped shall be received in evidence as properly stamped in any Court of Justice.

Cost of transmitting Deed, &c. to be stamped, by whom to be paid.

XIX. The cost of transmitting by post any Deed, Instrument, or Writing, required to be stamped under any of the foregoing Sections of this Act, and the cost of registering the same at the Post Office for transmission shall, in all cases, be borne by the party applying to have such Deed, Instrument, or Writing stamped.

Government not responsible for loss or damage to Deed, &c.

XX. The Government shall not be responsible for any loss or damage which shall occur in respect of any Deed, Instrument, or Writing entrusted to the Collector of Stamp Revenue of the District for the purpose of being stamped, and no person employed by the Government in the Stamp Department shall be responsible for any such loss or damage, unless such person shall wilfully, fraudulently, or by gross negligence cause such loss or damage.

Provisions of Sections XIV. and XVI. not to extend to Bills of Exchange, drawn in India.

XXI. The provisions of Sections XIV. and XVI. of this Act shall not extend to Bills of Exchange or other forms of orders for money, or to Receipts for money.

Exemption from further penalties than those prescribed in Section XIV. or XVI.

XXII. The payment of any penalty under Section XIV. or Section XVI. of this Act shall exempt the person paying the same from any further penalty for any such omission or neglect as in therein described; and if any other such penalty shall already have been imposed, the same shall be taken so far as it goes in reduction of any penalty under the said Sections.

Persons receiving unstamped Drafts or Order for payment of money on demand may affix Stamps thereto.

XXIII. When any Draft or Order for the payment of money on demand chargeable with the Stamp Duty of one anna shall come to the hand of any person unstamped, it shall be lawful for such person to affix thereto the necessary adhesive Stamp, and to cancel the same in the manner required by this Act; and upon so doing to charge the Duty against the person who ought to have paid the same, or to deduct such duty from the sum so directed to be paid, and such Draft or Order shall, so far as relates to the Stamp Duty chargeable thereon, be good and valid; but this shall not relieve any person from the liability to the penalty which he may have incurred by issuing the said Draft or Order unstamped

Penalty for executing or receiving only one number of a Policy of Marine Insurance purporting to be drawn in a set of two.

XXIV. If any person shall, within the British Territories in India, execute any Policy of Marine Insurance, purporting to be drawn in a set of two, and shall not at the same time execute on paper duly stamped as required by this Act the two numbers of which such Policy purports the set to consist, every such person so offending shall forfeit a sum not exceeding one thousand Rupees.

Refund in certain cases of half the amount of Stamp Duty on plaint in the event of agreement, compromise, or satisfaction.

XXV. In modification of so much of Section 98 *of the Code of Civil Procedure as* declares that, on the application of the plaintiff reciting the substance of any agreement, compromise, or satisfaction, in accordance with which a suit is adjusted and disposed of, the Court, if satisfied that such agreement, compromise, or satisfaction has been actually entered into or made, shall grant a certificate to the plaintiff, authorising him to receive back from the Collector the full amount of Stamp Duty paid on the plaint, if the application shall have been presented before the settlement of issues, or half the amount if presented at any time after the settlement of issues and before any witness has been examined,—it is enacted that, if such application shall have been presented before the suit is called up for the settlement of issues, or in suits in which the summons to the defendant shall be for the final disposal of the suit, as directed in Section 41 of the said *Code*, and in Section 9 Act XLII. of 1860 (*for the establishment of Court of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts established by Royal Charter*) before the hearing of the suit has commenced, the Court, if satisfied that such agreement, compromise, or satisfaction has been actually entered into or made, shall grant a certificate to the plaintiff, authorising him to receive back from the Collector half the amount of Stamp Duty paid on the plaint. Provided that no such certificate shall be granted if the adjustment between the parties be such as to require a

decree to pass, on which process of execution can be taken out, or in any appealed suit.

What sum recoverable under a writing bearing an optional stamp.

XXVI. No larger sum shall be recoverable in any Court of Justice by reason of any Deed, Instrument, or Writing, for which an optional Stamp is indicated to be proper by the Schedule *A annexed to this Act* than the largest sum for which, if specially stated in a Deed, Instrument, or Writing of the same denomination, the Stamp actually used under the option so given would be of sufficient value. And no such Deed, Instrument, or Writing shall be held by any Court of Justice to be valid in respect to any sum of money larger than that for which the Stamp, on the said Deed, Instrument, or Writing would be sufficient.

Stamp on certain affidavits.

XXVII. No Justice of the Peace or any Officer before whom an affidavit not made for the immediate purpose of being filed, read, or used in any Court of Justice, may be taken, shall receive or attest such affidavit, unless it be written on a Stamp of not less than the value prescribed *by the* Schedule A annexed to this Act.

Expense of providing Receipt Stamps, &c.

XXVIII. Every person receiving payment of any sum of money, the receipt for which under this Act requires a Stamp shall (if required) give a receipt bearing the proper Stamp indicted by this Act, and shall bear the expense of furnishing the same, and in case of refusal shall be liable to a penalty not exceeding one hundred Rupees. The expense of providing the Stamp of any Bill of Exchange, Letter of Credit, Draft, Cheque on a Banker or other person, Promissory Note, or other Order or Obligation for the payment of money made or drawn in the British Territories in India (not being a Bond, Instrument, or Writing bearing the attestation of one or more witnesses), shall be borne by the person making or drawing the same.

Stamp Duties under Schedule B.

XXIX. Except in any Court of Justice established by Royal Charter, or in any Court of Small Causes established within the local limits of the jurisdiction of any such Court, no Instrument or Writing of any of the kinds specified as requiring Stamps in the Schedule B annexed to this Act, shall be filed, exhibited, or recorded in any Court of Justice or Government Office, or shall be received or furnished by any public Officer, unless such Instrument or Writing be upon a Stamp prescribed as aforesaid by the Governor General of India in Council, and of a value not less than that indicated to be proper for it by the said Schedule B.

Effect of provision contained in the Schedules.

XXX. Every provision contained in the Schedules annexed to this Act, shall be of the same force as if it were contained in the body of the Act.

Governor General in Council may lower rates of Stamp Duty in any District, or altogether exempt the same, &c.

XXXI. The Governor General of India in Council may, from time to time, by an order to be published in the Official *Gazette*, direct that, in the whole or in any part of the British Territories in India, to be specified in such order, such lower rates of Stamp Duty as he shall prescribe, shall be taken on all or any of the Deeds, Instruments, or Writings specified in the Schedules annexed to this Act, or altogether exempt the same; and in like manner, as occasion shall require, cancel or vary such order to the extent of the powers hereby given. Such cancelment or variation shall also be notified in the Official *Gazette*.

Appointment of Officers for collection of Stamp Revenue.

XXXII. The local Government *shall* appoint Officers for the collection of the Stamp Revenue, and *shall* assign Districts to such Officers.

Orders of Collectors of Stamp Revenue open to revision by Board of Revenue, &c.

XXXIII. All orders passed by the Collectors of Stamp Revenue shall be open to revision by the Board of Revenue, or other chief Controlling Revenue Authority, except orders passed under Section XIV. of this Act, when the Collector shall allow a Deed, Instrument, or Writing not bearing the proper Stamp to have the proper Stamp impressed upon it, and orders passed under Section *XLVII.* of this Act, when the Collector shall allow a new Stamp or the value in money to be given in lieu of any Stamp which shall have been damaged, soiled, or rendered unfit for use. All such orders shall be final, and shall not be open to revision.

Licensed Stamp Venders.

XXXIV. The local Government may licence or cause to be licensed Venders of Stamps, and may direct how, and under what conditions Stamps may be supplied to such Venders for sale.

Licences and Schedules to be stuck up in Stamp Vender's shop.

XXXV. Every Vender of Stamps shall at all times have his licence, together with the Schedules annexed to this Act, in the Vernacular language of the District, stuck up in a conspicuous situation in the place where he sells the Stamps, on pain of a fine not exceeding fifty Rupees.

Endorsement of Stamps by Venders.

XXXVI. Every Vender of Stamps shall write on the back of every Stamp which he sells, except adhesive Stamps and Stamps used for Receipts, or for Bills of exchange, Promissory Notes, Drafts, or other Orders for money, Agreements for loans *falling under Article* 13 *of the Schedule A annexed to this Act*, or Bills of Lading, the date of issue, the name of the person to whom the Stamp is issued, and his own ordinary signature on pain of a fine not exceeding one hundred Rupees.

Penalty for Vender writing a false name or date.

XXXVII. Any Vender who shall knowingly write a false name or date on the back of any Stamp which he is required to endorse under the last preceding Section shall be punished by a fine not exceeding five hundred Rupees, or imprisonment with or without hard labour not exceeding three months, or both.

Delay by Stamp Vender in issuing Stamps.

XXXVIII. Every Vender of Stamps, shall without delay deliver any Stamp which he has in his possession for sale on demand by any person tendering the value in any currency which the Vender is duly authorised to receive in payment for Stamps, on pain of a fine not exceeding one hundred Rupees.

Stamp Vender accepting any consideration other than that authorised.

XXXIX. Any Vender who demands or accepts for any Stamp any consideration other than the value thereof in such

currency as he is duly authorised to receive in payment for Stamps, shall be punished by a fine not exceeding one hundred Rupees.

Stamp Vender accepting any consideration exceeding the value of the Stamp.

XL. Any Vender who demands or accepts for any Stamp any consideration exceeding the value of such Stamp, shall be punished by imprisonment with or without hard labour for a period not exceeding six months, or by a fine not exceeding ten times the value so demanded or accepted, or by both; and it shall be in the discretion of the Court or Officer passing the sentence to direct the value of the excess to be refunded out of such fine to any person from whom such excessive consideration may have been accepted.

Illegal sale of old Stamps.

XLI. Any Vender or other person who, after any period which may have been appointed by the Governor General of India in Council for the commencement of the use of new Stamps, sells any old Stamps, shall be punished by a fine not exceeding one hundred Rupees.

Stamp Vender refusing or omitting to render accounts.

XLII. If any Vender refuse or omit to render any *account* required by the provisions of any bond he may have entered into, or to permit the Collector of the Stamp Revenue of the District or any Officer duly authorised by him to inspect his accounts or to examine the store of Stamps in his possession, it shall be lawful for such Collector to proceed against such Vender for the recovery of the value of the balance of Stamps standing against *him* in the books of such Collector, or for the recovery of the balance of money standing against such Vender in the said books, in the same manner as Collectors of Land Revenue are authorised by law to proceed against persons owing revenue or rent to Government.

Delivery of Stamps, &c. by Vender on determination of his licence.

XLIII. Any Vender who, upon the determination or resignation of his licence, does not, within such reasonable time as shall have been prescribed by the Collector of the Stamp Revenue of the District, make over to some Officer duly authorised to receive the same *an account* of all his transactions in relation to Stamps kept according to the provisions of any bond he may have entered into, together with any Stamps remaining, or which ought to be remaining in his hands, and any balance of cash which may be due from him to Government on the abovementioned accounts shall be liable to a fine not exceeding five hundred Rupees; provided always that no Vender shall, by the payment of such fine, be exempt from any punishment provided by law for any embezzlement of which he may have been guilty, or from such proceeding as by the last preceding Section the Collector of the Stamp Revenue of the District is empowered to adopt for the recovery of the value of any Stamps or balance of cash remaining in the hands of or standing against such Vender.

On death of Stamp Vender, unsold Stamps, &c. to be delivered to a duly authorised Officer.

XLIV. Upon the death of any Vender, his Executor or Administrator, or in case there be no Executor or Administrator, any other person in possession of such Vender's effects shall, upon demand being made by the Collector of Stamp Revenue of the District or any Officer duly authorised by him, make over within a reasonable time to such Collector or Officer *as aforesaid* any Stamps which the deceased Vender shall have received and shall not have issued at the time of his death, and any *account* of the transactions of such deceased Vender in relation to Stamps which *shall* have been kept according to the provisions of any bond which such deceased Vender may have entered into, of which Stamps and account such Executor, Administrator, or other person may have the possession, or be able to obtain the possession, on pain of a fine not exceeding five hundred Rupees.

Proceedings against sureties of Stamp Vender.

XLV. The Collector of Stamp Revenue of the District may call upon the surety of a Vender of Stamps to make good the value of the balance of Stamps standing against such Vender in the books of such Collector, or the balance of money standing against such Vender in the books of such Collector, and on his failure to do so, may proceed against such surety for the recovery of the value of the balance of Stamps, or for the recovery of the balance of money as aforesaid, in the same manner as Collectors of Land Revenue are authorised by law to proceed against the surety of a person owing revenue or rent to Government.

Unlicensed sale of Stamps.

XLVI. No person not being a licensed Vender of Stamps duly appointed shall sell any Stamp, unless it has been in an authorised manner obtained for use and not for sale, under pain of a fine not exceeding one hundred Rupees; provided that nothing in this Section shall be held to apply to any adhesive Stamp, *or to any Stamp used for a Receipt, Bill of Exchange, Promissory Note, or other Order for money, or to an Agreement for a loan falling under Article* 13 *of the Schedule A annexed to this Act, or to a Bill of Lading.*

Renewal of damaged or spoiled Stamps.

XLVII. Clause 1.—If any Stamp Paper, after having been obtained in the manner allowed by this Act, shall have become damaged, spoiled, or unfit for use either by any accident happening to the same, or because of some error in the drawing up or copying of any Deed, Instrument, or Writing thereupon, which being discovered before such Deed, Instrument, or Writing shall be finally signed and executed renders the same of no avail; or when by reason of the death or refusal of the party whose signature may be necessary to effect the transaction intended by such Deed, Instrument, or Writing it remains incomplete and of no avail; or when by the refusal of any office or trust that may be granted by a Deed, Instrument, or Writing it has failed of the purpose intended; or if any Deed, Instrument, or Writing duly stamped shall not have been finally executed by reason of any accident having happened to the same or because of some error in the drawing up or copying thereof having been discovered the same is rendered of no avail; or if by reason of failure of consideration, the transaction intended by such Deed, Instrument, or Writing cannot be effected, or such transaction has been effected by some other Deed, Instrument, or Writing duly stamped, or in the case of a Promissory Note, Bill of Exchange, or the like, if by non-delivery to the payee or person acting on his behalf, or from other cause, the same is never brought to use, and in the case of a

Bill of Exchange *other than a Bill drawn in sets as provided in this Act* if it shall not have been presented for acceptance: in all such cases it shall be competent to the Collector of the Stamp Revenue of the District, upon delivery being made of such Stamped Paper, so damaged, spoiled, or rendered unfit for use, to cause a similar Stamp or Stamps of equal value to be delivered to the owner of such Stamp Paper, so damaged, spoiled, or rendered unfit for use, or to his representative, upon payment of the value of the Paper, on which the new Stamp *shall* be impressed. The provisions of this Section shall not extend to any Bill of Exchange drawn in a set, if any one of such set shall have been delivered to the payee.

Application for renewal.

Clause 2.—The owner of any Stamp which shall be damaged, spoiled, or rendered unfit for use as aforesaid, shall prefer his application to the Collector of Stamp Revenue of the District in which he may have purchased the same, and if such Collector be of opinion that the application ought to be complied with, he shall deliver or cause to be delivered, subject to the provisions of this Act, to the party or his representative, a Stamp similar or of equal value to that which has been damaged, spoiled, or rendered unfit for use. Provided that the application be made within one year of the period when the Stamp shall have become damaged, spoiled, or rendered unfit for use.

Collector may repay the amount of damaged Stamps, instead of giving new Stamps.

Clause 3.—In any case in which under this Section a Collector may give a new Stamp in lieu of a Stamp damaged, spoiled, or rendered unfit for use, he may, if he shall see fit, re-pay to the party making the application the amount of such Stamp in money.

Conveyance to state truly the amount of the purchase money.

XLVIII. Clause 1.—From the time when this Act shall come into force in case of the sale of any land, annuity, or other property, real or personal, movable or immovable, not being a share of any Banking Corporation or Joint Stock Company, when the same is transferred by simple endorsement, or of any right, title, interest, or claim in any such property, when a Duty is imposed by this Act on the conveyance thereof, the full purchase or consideration money directly or indirectly paid, or secured or agreed to be paid for the same, shall be truly expressed and set forth in words at length in the principal Deed, Instrument, or Writing, whereby the property sold shall be conveyed to or vested in the purchaser or in any other person; and if the full purchase or consideration money shall not be fully and truly expressed and set forth in the manner above directed, the purchaser and seller shall each forfeit a sum not exceeding five hundred Rupees, and be charged with the payment of five times the amount of the excess of Duty which would have been payable for such Deed, Instrument, or Writing, in respect of the full purchase or consideration money, if the same had been duly expressed in such Deed Instrument, or Writing, beyond the amount of Duty actually paid for the same.

Penalty if person employed to prepare a Conveyance inserts a less sum than the true purchase money.

Clause 2.—If any person shall knowingly and wilfully insert or set forth in any such Deed, Instrument, or Writing, any less amount than the full and true purchase or consideration money directly or indirectly paid or secured or agreed to be paid for the same, he shall incur the penalties prescribed in the preceding *Clause of this* Section.

Prosecution only to be by Collector of Stamp Revenue, &c.

XLIX. No person shall be proceeded against for any offence affecting the Public Revenue under this Act, except at the suit or prosecution of the Collector of the Stamp Revenue of the District or other Officer *specially* authorised by *the* Government *in that behalf.*

Offences cognizable by Magistrate or Justice of the Peace.

L. Every offence punishable by this Act may be tried by any *Officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the 1st Class as defined in the Code of Criminal Procedure,* or *by a* Justice of the Peace.

Imprisonment in case of non-payment of fine.

LI. If any person sentenced to a fine under the provisions of this Act shall not pay the fine to which he shall be sentenced, it shall be lawful for the *Magistrate or Justice of the Peace who passed the sentence* to issue his warrant to levy the amount by distress and sale of the goods and chattels of the party fined, or to sentence the offender to imprisonment until the payment of the fine or the expiration of a term to be assigned, not exceeding three months, which ever shall first take place.

Rewards to informers.

LII. A share not exceeding one-half of every fine imposed and recovered under this Act may be awarded by the Magistrate or Justice of the Peace imposing the fine to the informer.

Interpretation.

LIII. Throughout this Act and the Schedules annexed to it the word

"Stamp."

"Stamp," except when the contrary shall appear from the context, is used to signify a stamped piece of paper or other stamped material for writing on;

"Value".

and by the "value" of a Stamp is meant a sum indicated by words or figures duly impressed upon such piece of paper or other material.

"Bill of Exchange."

The term "Bill of Exchenge" includes a Hoondee or any other Instrument of a like nature.

"Deed."

The word "Deed" includes every Instrument of the nature of a Deed whether under a Seal or not.

"Paper."

The word "Paper" includes Parchment, Vellum, or other similar material.

"Sheet."

The word "Sheet" denotes a stamped paper or other material of the size prescribed by the Governor General in Council under Section IV.

Number.

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

Gender.

Words importing the masculine gender shall include females.

"Month."

The word "Month" means a Calendar month.

Commencement of Act.

LIV. This Act shall come into force from the 1st of May 1862.

SCHEDULE A.

Containing a specification of the Deeds, Instruments, and Writings which require *to be stamped under this Act, and of* the proper Stamps for *such* Deeds, Instruments, and Writings.

	Proper Stamps.
1. Agreement, or any Minute or Memorandum of an Agreement, not being of the nature of a Bond or other Obligation for the payment of money, or of a Conveyance, or of a Deed of Mortgage, Gift, or Dower, and not being otherwise provided for in this Schedule, whether the same be only evidence of a contract or obligatory upon the *parties*.	1 Rupee.
NOTE.—If two or more letters are offered in evidence to prove an Agreement between the parties who shall have written such letters, it will be sufficient if any one of such letters be stamped as an Agreement.	
If the Agreement, or Minute, or Memorandum be of the nature of a Bond or other Obligation for the payment of money, or of a Conveyance, or of a Deed of Mortgage, Gift, or Dower	The same Stamp as prescribed by this Schedule for such Instrument.
2. Agreement for an annual or any periodical payment ..	The same Stamp as for a Bond for the amount of ten years' payment, or of the total sum secured if less.
3. Agreement, *or* Minute, or Memorandum for a lease, or of the terms and conditions on which any land, house, or other real property is let, held, or occupied	The same Stamp as for a Lease for the same property on the same terms and conditions.
Provided that any lease afterwards made of the same land, house, or other real property in pursuance of such Agreement, Minute, or Memorandum, shall be chargeable with a Stamp Duty of 8 Annas only, to be denoted by a Stamp, which shall be affixed to such lease by the Collector of Stamp Revenue of the District upon the production of the Agreement, Minute, or Memorandum bearing the proper Stamp, and not otherwise.	
4. Agreement to cultivate, *manufacture*, produce, provide, or deliver any article in consideration of advance made—	Rupees. Annas.
If the amount advanced do not exceed 50 Rupees ..	0 1
If it exceed 50 Rupees but do not exceed 100 Rupees ..	0 2
If it exceed 100 Rupees but do not exceed 200 Rupees ..	0 4
If it exceed 200 Rupees but do not exceed 500 Rupees ..	0 8
If it exceed 500 Rupees	1 0
5. Agreement or Contract, or any Minute or Memorandum of an Agreement, made for or relating to the sale or purchase of any Security of the Government of India, Railway Scrip, Share, in any Joint Stock Company, or Bill of Exchange *to the amount or value of* 100 *Rupees*	1 Anna.
Exemptions.	
Agreement or Contract, or any Minute or Memorandum of an Agreement, made for or relating to the sale or purchase of any Security of the Government of India, Railway Scrip, Share in any Joint Stock Company, or Bill of Exchange, if not of the amount or value of 100 *Rupees*	
Agreement or contract, or any Minute or Memorandum of an Agreement, made for or relating to the sale of any goods or merchandize.	
6. Agreement for the hire of a Steamer for Tugging *a vessel*, if for a single trip within the limits of the Port ..	8 Annas.
Beyond the limits of the Port	1 Rupee.
7. Agreement for service or personal employment by the month or for any longer period—	
If the amount of monthly salary or wages secured by such Agreement do not exceed in *value* 5 Rupees	1 Anna.
If the amount so secured exceed 5 Rupees but do not exceed 20 Rupees	4 Annas.
If the amount so secured exceed 20 Rs. but do not exceed 50 Rs.	8 Annas.
In any other case	1 Rupee.

Exemption.	Proper Stamps.
Agreement for service or personal employment for any period less than a month.	
8. Affidavit or solemn declaration not made for the immediate purpose of being filed, read, or used in any Court of Justice, per sheet	1 Rupee.
9. Assignment, if not of the nature specified under the head of Conveyance or Settlement, nor specially exempted—	
In any case where the Assignment is of any interest secured by an original Deed, Instrument, or Writing on a Stamp of a value less than eight Rupees	The same Stamp as the original Deed.
In any other case	8 Rupees.
Exemption.	
Transfer by mere endorsement of a Bill of Exchange, Promissory Note, or other negotiable Instrument, or of a Bill of Lading; and transfer by Assignment of a Policy of Insurance.	
10. Bill of Exchange, Letter of Credit, Draft, Cheque, Promissory Note, Hoondee, or other order or obligation for the payment of money not being a Bond, Instrument, or Writing bearing the attestation of one or more witnesses—	
If payable on demand, and bearing the date on which it is made, and if the sum payable exceed *twenty* Rupees ..	1 Anna.

If payable at any period not exceeding one year after date or sight—

	If drawn singly.	If drawn in a set of two, each to be stamped.	If drawn in a set of three, each to be stamped.
	Rs. as.	Rs. as. p.	Rs. as.
When not exceeding .. .. .. 100 Rupees	0 1	0 1 0	0 1
When exceeding 100 and not exceeding 250 „ ..	0 3	0 1 6	0 1
„ 250 „ 500 „ ..	0 6	0 3 0	0 2
„ 500 „ 1,000 „ ..	0 12	0 6 0	0 4
„ 1,000 „ 2,500 „ ..	1 8	0 12 0	0 8
„ 2,500 „ 5,000 „ ..	3 0	1 8 0	1 0
„ 5,000 „ 10,000 „ ..	6 0	3 0 0	2 0
„ 10,000 „ 20,000 „ ..	12 0	6 0 0	4 0
„ 20,000 „ 30,000 „ ..	18 0	9 0 0	6 0

And for every further 10,000 Rs., or for any part of every further 10,000 Rs. if drawn singly, 6 Rs. in addition; if drawn in a set of two, each to be stamped, 3 Rs. in addition; if drawn in a set of three, each to be stamped, 2 Rupees in addition.

If drawn in a set of more than three, each of the set in excess of three to be stamped, as required for each one of a set drawn in a set of three.

If not drawn singly, each of the set shall *state that it is drawn in a set of two or three, and shall denote* on the face thereof that it is the first, second, or third of the set, *as the case may be.*

If payable at a period exceeding one year after date or sight. — The same Stamp as for a Bond for the payment of the same amount.

11. Bill of Lading of or *for* any goods *to be exported.* — 4 Annas for a single Bill, Acknowledgment, or Instrument, or each part of every set of the same.

Bill of Sale—See Conveyance and Mortgage.

12. Bond or other obligation for the payment either absolutely or conditionally of any definite or certain sum of money, not otherwise charged for or expressly exempted from the payment of Stamp Duty in this Schedule—

	Proper Stamps.	
	Rupees.	Annas.
If for any sum not exceeding .. .. 50 Rupees ..	0	4
Above 50 Rupees and not exceeding 100 „ ..	0	8
„ 100 „ ditto 200 „ ..	1	0
„ 200 „ ditto 300 „ ..	2	0
„ 300 „ ditto 500 „ ..	4	0
„ 500 „ ditto 700 „ ..	5	0
„ 700 „ ditto 1,000 „ ..	6	0
„ 1,000 „ ditto 2,000 „ ..	10	0
„ 2,000 „ ditto 3,000 „ ..	15	0
„ 3,000 „ ditto 5,000 „ ..	25	0
„ 5,000 „ ditto 10,000 „ ..	35	0
„ 10,000 „ ditto 20,000 „ ..	60	0
„ 20,000 „ ditto 40,000 „ ..	100	0
„ 40,000 „ ditto 60,000 „ ..	125	0
„ 60,000 „ ditto 80,000 „ ..	150	0
„ 80,000 „ ditto 1,00,000 „ ..	200	0
And for every further part of 1,00,000 „ ..	100	0
And for every further 1,00,000 „ ..	200	0

13. Bond or Agreement for a loan made upon the deposit of *Title Deeds or* a Note or other Security of the Government of India, Share *or Debenture of any Railway or* Joint Stock Company, Bill of Lading, Warrant for goods deposited in a Bonded or other Warehouse, or Assignment of *any* Goods with or without a deposit of the acceptance or promissory Note of the borrower. Provided that no such Agreement is drawn in the form of a Bond or of a Bill of Exchange or Promissory Note, or in any such way as would render it a negotiable instrument passing by endorsement, for whatever amount, in case *the period of* such loan shall not exceed *one month* .. .. — 1 Rupee.

If such loan is for a period exceeding *one month* and not exceeding two months .. .. — 2 Rupees.

If such loan is for a period exceeding two months and not exceeding three months .. .. — 4 Rupees.

14. Bond or other Obligation concerning respondentia and bottomry .. .. — The same Stamp as for a money Bond for the like amount.

15. Bond or other Obligation given as security for the transfer of any Government Security or Stock of any Public Company, or for the delivery or accounting for any matter or thing capable of being valued .. .. — The same Stamp as for a Bond for the payment of the amount engaged to be paid or accounted for, or of the value of the thing to be delivered or transferred.

16. Bond or other Obligation for an annual or any periodical payment, not being interest upon any principal sum secured by the Bond or other Obligation, whether for a fixed or for an indefinite period .. .. — The same Stamp as for a Bond for the payment of a sum equal to ten times the yearly payment, or of the total sum secured, if less.

17. Bond or other Obligation when the amount of the money to be secured is not specified .. .. — An optional Stamp—See Section *XXVI.* of the Act.

When the amount is limited to a certain sum .. .. — The same Stamp as for a Bond for the payment of such limited sum.

18. Bond or other Obligation for the due execution of an office or work, and any other Bond not otherwise specially provided for .. .. — An optional Stamp—See Section *XXVI.* of the Act.

19. Bond or other obligation taken as collateral security with some Deed or Instrument executed on the Stamp prescribed for a Conveyance or Money Bond, or as security for the performance of any other Contract, Covenant, or Agreement, not being for the payment of money, the transfer of property, or the satisfaction of any pecuniary demand .. — The same Stamp as the Deed, Instrument, Contract, Covenant, or Agreement, if of value not exceeding 8 Rupees; otherwise a Stamp of 8 Rupees.

20. Certificate, that is to say, a document denoting or intended to denote the right or title of the holder thereof, or any person, to *any Share or Shares or Scrip* in any Joint Stock or other Company, or proposed or intended Company; or any Certificate declaring or entitling the holder thereof, or any person, to be or become the proprietor of a Share *or Shares or Scrip* of or in any such Company .. .. .. — 1 Anna.

21. Charter-party, or any Agreement or Contract for the Charter *or hiring* of any sea-going Ship or Vessel .. .. — 2 Rupees.

	Proper Stamps.
22. Composition Deed, or other Instrument of Composition, between a debtor and his creditor	8 Rupees.
23. Conveyance or Deed or Instrument of any kind or description whatsoever, executed for the sale or transfer, for a consideration, of any land, tenement, rent, annuity, or other property, real or personal, movable or immovable, or of any right, title, or claim to or upon, or interest in, any land, house, rent, annuity, or other property, that is to say, for or in respect of the principal or only Deed, Instrument, or Writing whereby the property sold shall be conveyed to, or otherwise vested in the purchaser, or to some other person by his direction—	
When the purchase or consideration money therein expressed or denoted shall not exceed one hundred Rupees	1 Rupee.
Above 100 Rupees and not exceeding 200 Rupees ..	Rs. 2 As. 0
„ 200 „ ditto 400 „ ..	4 0
„ 400 „ ditto 800 „ ..	8 0
„ 800 „ ditto 1,200 „ ..	12 0
„ 1,200 „ ditto 2,000 „ ..	20 0
„ 2,000 „ ditto 3,000 „ ..	30 0
„ 3,000 „ ditto 4,000 „ ..	40 0
„ 4,000 „ ditto 5,000 „ ..	50 0
„ 5,000 „ ditto 7,500 „ ..	75 0
„ 7,500 „ ditto 10,000 „ ..	100 0
„ 10,000 „ ditto 20,000 „ ..	150 0
„ 20,000 „ ditto 40,000 „ ..	200 0
„ 40,000 „ ditto 60,000 „ ..	300 0
„ 60,000 „ ditto 80,000 „ ..	400 0
„ 80,000 „ ditto 1,00,000 „ ..	500 0
And for every further 50,000 „ ..	200 0
Or part thereof ..	100 0
24. Conveyance when the consideration is an annuity ..	The same Stamp as for a Conveyance when the purchase money is equal to ten times the annuity.
25. Conveyance of any kind whatever not otherwise charged, if the value of the property conveyed or of the consideration for the Conveyance be stated or appear on the face of the Conveyance	The same Duty as would be charged if a consideration in money equal to such value were expressed in the Conveyance as the consideration thereof.
If no value appear on the face of the Conveyance ..	50 Rupees.
26. *Conveyance or* Transfer of *a* Share of *a* Banking Corporation or Joint Stock Company *whether by Deed or endorsement, when the market value of the Share transferred* does not exceed 100 Rupees, per Share	4 Annas.
When it exceeds 100 Rupees and does not exceed 200 Rupees	8 Annas.
When it exceeds 200 Rupees and does not exceed 300 Rupees	12 Annas.
When it exceeds 300 Rupees and does not exceed 400 Rupees	1 Rupee.
And for every 100 Rupees a further Duty of 4 Annas, and for the *conveyance or* transfer of every quarter or half of any such Share, a corresponding rate of Duty.	
Exemption.	
All transfers of subscription to any of the Government Loans, or other Government Securities.	
27. Co-partnership.—Deed or other Instrument of ..	8 Rupees.
28. Copy.—Copy or extract of any Deed, Instrument, or Writing attested or certified to be a true copy or extract, and furnished for the purpose of being given in evidence in any Civil or Revenue Proceeding or made for the security or use of any person being a party to, or taking any benefit or interest immediately under such Deed, Instrument, or Writing ..	The same Duty as prescribed for the original Deed, Instrument, or Writing by this Schedule.
Note.—Every copy bearing the proper Stamp which shall at any time be offered in evidence shall be deemed to have been made for that purpose.	
29. Where such copy may be made for the security or use of any person not being a party to, or taking any benefit or interest immediately under the Deed, Instrument, or Writing, per sheet	8 Annas.

	Proper Stamps.
30. Copy, attested or certified to be a true copy or made for the purpose of being given in evidence in any Civil or Revenue Proceeding, of any Will, Testament, or Codicil, or of any Probate or Probate Copy of any Will or Codicil, or of any Letter of Administration, or of any confirmation of any Testament, Testamentary, or Dative, or of any part thereof respectively	1 Rupee.
31. Copy or Extract of any Deed, Instrument, or Writing annexed to any Deed, Instrument, or Writing	The same Stamp as the Deed, Instrument, or Writing from which the copy or extract is made, if of value not exceeding 8 Annas ; otherwise 8 Annas per sheet.
32. Copy, authenticated or certified, of any record, letter, account, statement, report, or other writing, furnished to any individual from any Government Office, per sheet	8 Annas.
For copies of Judicial or Revenue Papers given from Courts of Justice, Revenue Offices, &c.	See Schedule B.
Exemption.	
Copy of any paper which any Public Officer is required to make or furnish, for which a Stamp is not specially required by this Schedule.	
33. Covenant.—Any separate Deed of Covenant made on the sale or mortgage of any immovable property, or of any right or interest therein (the same not being a Deed chargeable with *ad valorem* Duty under the head of Conveyance in this Schedule) for the conveyance, assignment, surrender, or release of such property, right, or interest, or for the title to or quiet enjoyment, freedom from incumbrance, or further assurance of such property, right, or interest, or otherwise by way of indemnity in respect of the same, or for the production of the Title Deeds, or Muniment of Title relating thereto, or for all or any of those purposes.	10 Rupees.
34. Deed of Gift or Dower whether to take effect on the instant, or at a future period, determinate or indeterminate ..	The same Stamp as for a Conveyance.
35. Deed of any kind not otherwise charged or expressly exempted from Stamp Duty by this Schedule	As an Agreement.
36. Duplicate, or counterpart of any Deed, Instrument, or Writing, of any description whatever, chargeable with Duty under this Act	The same Duty as the original when such Duty does not exceed 8 Annas.
If the Duty chargeable on the original exceed 8 Annas, but do not exceed 10 Rupees	1 Rupee.
If the Duty chargeable on the original exceed 10 Rupees, but do not exceed 50 Rupees	2 Rupees.
If the Duty chargeable on the original exceed 50 Rupees..	5 Rupees.
Provided that such duplicate or counterpart Stamp shall be affixed by the Collector of Stamp Revenue of the District upon the production of the original Deed bearing its proper Stamp and not otherwise.	
Exemption.	
Counterpart of a lease executed by a ryot or other actual cultivator of the soil, provided that no fine or premium be paid as part of the same transaction.	
(*For Madras and Bombay.*)	
Counterpart of a lease executed between landlord and tenant relative to lands in the Presidency of Madras or Bombay subject to the payment of Revenue to Government.	
A Counterpart of a lease includes a Kubuleut and the like.	
37. Exchange.—Any Deed, Instrument, or Writing whereby any real property shall be conveyed or surrendered in exchange for other property	The same Stamp as for a Conveyance.
38. Lease.—Any lease made in perpertuity, or for a term of years, or period determinable with one or more lives, or otherwise contingent, in consideration of a sum of money paid in the way of premium, fine, or the like, if without rent ..	The same Stamp as for a Conveyance or Deed of Sale for a sum of the amount of such consideration.

	Proper Stamps.	
	When the lease is for a period not exceeding one year.	When the lease is for a period exceeding one year.
39. Any lease of any land, house, or other real property at a rent, without any payment of any sum of money by way of fine or premium—		
Where the rent calculated for a whole year shall not exceed *in value* 24 Rupees	Rs. As. 0 4	Rs. As. 0 8
Exceeding 24 Rupees but not exceeding 50 Rupees ..	0 8	0 12
„ 50 „ „ 100 „ ..	0 12	1 0
„ 100 „ „ 250 „ ..	1 0	2 0
„ 250 „ „ 500 „ ..	2 0	4 0
„ 500 „ „ 1,000 „ ..	4 0	8 0
„ 1,000 „ „ 2,000 „ ..	8 0	16 0
„ 2,000 „ „ 4,000 „ ..	16 0	32 0
„ 4,000 „ „ 6,000 „ ..	24 0	48 0
„ 6,000 „ „ 10,000 „ ..	40 0	80 0
„ 10,000 „ „ 25,000 „ ..	100 0	200 0
„ 25,000 „ „ 50,000 „ ..	200 0	400 0
and for every additional 25,000, or for any part of every additional 25,000 Rupees..	100 0	200 0
40. Any lease of any land, house, or other real property at a rent for an indefinite term, and without any payment of any sum of money by way of fine or premium..	The same Stamp as for a lease for a period exceeding one year.	
41. Any lease of any land, house, or other real property, stipulating for a rent, granted in consideration of a fine or premium.	A Stamp of value equal to the joint value of the Stamps for a Conveyance in consideration of the fine, and a lease for the rent.	
Exemptions.		
Any lease executed to a ryot or other actual cultivator: provided that no fine or premium be paid as part of the same transaction.		
(*For Madras and Bombay.*)		
Every lease or other engagement executed between landlord and tenant, relative to land, in the Presidency of Madras or Bombay, subject to the payment of Revenue to Government.		
42. Letter, or power of Attorney, not being of the kinds provided for in Schedule B	4 Rupees.	
If the Letter or Power of Attorney be for the performance of one act only and value of the property to be dealt with be expressed in the Letter or Power and do not exceed 500 *Rupees* ..	1 Rupee.	
43. Warrant of Attorney to confess judgment, or Cognovit, unless taken as collateral security for the payment of any sum of money secured by another Instrument stamped with an *ad valorem* Stamp under this Act	The same Stamp as for a Bond.	
If given for securing any sum of money exceeding 500 Rupees, for which the person giving the same shall then be in actual custody under an arrest on mesne process or in execution	*Rupees.* *Annas.* 4 0	
If given as such collateral security as above-mentioned ..	5 0	
Note.—For Wakalutnamahs, Mooktarnamahs, and other powers required to be filed for the conduct of suits, or proceedings of any kind pending before the Courts of Justice or before the Revenue Authorities	See Schedule B.	
44. Letter of licence from a creditor to his debtor ..	*Rupees.* *Annas* 8 0	
45. Mortgage.—Any Deed of Mortgage or Conditional Sale, Assignment, Pledge, or Hypothecation, or of any Acknowledgment in the nature of a Mortgage, Conditional Sale, Pledge, or Hypothecation of or in respect of any immovable property with or without possession given or of any personal property without possession given, intended as a security for money due or to be lent thereupon; also any Deed or Contract accompanied with a deposit of title deeds to any property, where the same may be made as security for payment of money due or lent at the time..	The same Stamp as for a Bond for the payment of the amount due or lent.	

	Proper Stamps.
46. Deed of Mortgage or Conditional Sale, Assignment, Pledge, or Hypothecation, or of any Acknowledgment in the nature of a Mortgage, Conditional Sale, Assignment, Pledge, or Hypothecation given for a loan or advance made on the deposit of any personal property	The same Stamp as for a Promissory Note.
47. Deed of Mortgage or Conditional Sale, Assignment, Pledge, or Hypothecation with or without possession, given of any immovable property, or of any right, title, or interest therein, intended as security for the transfer of a Government Security, or for the payment of an Annuity for a fixed period, or for the delivery at a future date of any matter or thing capable of being valued	The same Stamp as for a Bond for the payment of the total amount assured, or for the *bonâ fide* value.
48. Deed of Mortgage or Conditional Sale, Assignment, Pledge, or Hypothecation, with or without possession, given of any immovable property, or of any right, title, or interest therein given for the security of an Annuity for an indefinite period, such as a Life Annuity	The same Stamp as for ten times the annual payment.
Where it may be stipulated that the amount secured by such Mortgage shall not exceed a certain sum	The same Stamp as for a Deed of Mortgage of such limited sum.
Where the total amount secured by the Mortgage is unlimited	An optional Stamp. See Section *XXVI.* of the Act.
49. Deed of Mortgage where a Bond shall have been already taken for the amount secured, or where from any other cause the Mortgage shall act merely as a collateral security to some other transaction in which an Instrument requiring a Stamp has been executed	The same Stamp as for the Bond or other Instrument, if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.
Note.—Where there are more Deeds than one required to execute the Mortgage in the manner desired by the parties, then for every other Deed than the principal Deed: provided the original Deed has been duly stamped	The same Stamp as for the principal Deed if of value not exceeding eight Rupees; otherwise a Stamp of eight Rupees.
Exemption.	
Letter of Hypothecation accompanying a Bill of Exchange.	
50. Mortgaged Property.—Re-conveyance of	The same Stamp as for an Assignment.
51. Mortgaged Property.—Release of an equity of redemption of	The same Stamp as for a Conveyance.
52. Notarial Act.—Any Notarial Act whatsoever not otherwise charged in this Schedule	*Rupees.* 2 *Annas.* 0
53. Partition by private agreement, or made by a Public Officer of an estate or property, real or personal, or in the nature of separation of brotherhood, as amongst Hindoos, for each share's copy of the Deed of partition—	
When the sharer's portion does not exceed one hundred Rupees in value	0 8
Exceeding 100 Rs. and not exceeding 200 Rs. ..	1 0
„ 200 „ ditto 400 „ ..	2 0
„ 400 „ ditto 600 „ ..	4 0
„ 600 „ ditto 800 „ ..	6 0
„ 800 „ ditto 1,000 „ ..	8 0
And for every additional four hundred Rupees, or part thereof	2 0
When the subject of the partition, consisting either wholly or in part of other property than money, and money not being part of such subject is paid, or agreed to be paid for the purpose of compensating any difference from just proportion in the partition actually made of that subject	A Stamp of value equal to the joint value of the Stamp which would have been required had the subject of partition been actually divided with the just proportion, and of the Stamp for a Conveyance or Deed of Sale for a sum equal to the amount so paid, or agreed to be paid for the purpose of compensating the difference therefrom.
54. Policy of Insurance, or other Instrument, by whatever name the same shall be called, whereby an Insurance shall be made upon any life, or upon any event depending upon any life or against loss or damage by fire upon any building or property, not of the description mentioned in Article 55—	
For every sum of one thousand Rupees, and also for each and every fractional part of one thousand Rupees	*Rupees.* 0 *Annas.* 8
55. Policy of Insurance of any ship, vessel, sloop, lighter-boat, or the like, or of any goods or property on board, or upon the freight of any ship, vessel, sloop, lighter; boat, or the like, or upon any other interest relating thereto, or upon any voyage where the premium shall not exceed two per centum on the sum insured—	

	Proper Stamps.	
	If executed singly.	If executed in sets of two, each to be stamped.
If the whole sum insured shall not exceed one thousand Rupees	Annas. 0 8	Annas. 0 4

If the sum insured exceed one thousand Rupees, for every one thousand Rupees eight Annas if executed singly; and if executed in a set of two, four Annas for each number.

	If executed singly.	If executed in sets of two, each to be stamped.
Where the premium shall exceed two per cent. on the sum insured, if the whole sum shall not exceed one thousand Rupees	Rupees. 1 0	Annas. 0 8

If the sum insured exceed one thousand Rupees, for every one thousand Rupees, and also for any fractional part of one thousand Rupees whereof the same shall consist, one Rupee if executed singly; and if executed in a set of two, eight Annas for each number.

If drawn in a set of more than two, each of the set in excess of two to be stamped as required for each one of a set drawn in a set of two.

Note.—A Letter of cover or engagement to issue a Policy of insurance does not require a Stamp. Provided that, unless such letter or engagement bear the full Stamp prescribed for a Policy of Insurance, no money shall be paid or payable upon it, nor shall it be filed, exhibited, or recorded in any Court in India otherwise than to compel the delivery of a Policy on the prescribed Stamp.

Promissory Note.—See Bill of Exchange.

56. Promissory Note for the payment of any sum by instalments, or for the payment of several sums at different dates, so that the whole of the money to be paid shall be definite and certain .. .. — The same Stamp as for a Bond for the payment of the whole amount.

	Rupees.	*Annas.*
57. Protest of any Bill of Exchange or Promissory Note for any sum of money	2	0
58. Protest of any Commander or Master of a vessel ..	2	0
59. Protest. Notice of intention of—of any Commander or Master of a vessel	0	8
60. Receipt or discharge given for the payment of money or in acquittal of a debt paid in money or otherwise, when the sum received, discharged, or acquitted, exceeds twenty Rupees	0	1

General Exemptions.

Letter sent by post acknowledging the arrival of a *Currency or* Promissory Note, Bill of Exchange, or *any* Security for money.

Receipt or discharge for the rent of land paying Revenue to Government, granted to any ryot or other actual cultivator for the rent of land cultivated by him.

Receipt or discharge written upon any Promissory Note, Bill of Exchange, Draft, or Order for the payment of money, duly stamped.

Receipt or discharge written upon or contained in a Mortgage Deed, or other Security, or a Deed of Conveyance, Settlement, Personal Bond, or other Instrument duly stamped, acknowledging the receipt of the consideration money therein expressed or the receipt of any principal money, interest, or annuity thereby charged.

	Proper Stamps.
Receipt given for money deposited in any Bank, or in the hands of any Banker, to be accounted for, whether with interest or not, provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for. Provided always that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited, for or upon a letter of any allotment of a share, in respect of a call upon any scrip or share of or in any Joint Stock or other Company, or proposed or intended Company, which last-mentioned receipt or acknowledgment, by whomsoever given, shall be liable to the Duty charged upon a receipt.	
61. Release to an Executor or Trustee from his trust ..	*Rupees.* 10 *Annas.* 0
62. Schedule referred to in any Agreement, Lease, Bond, Deed, or other Instrument, per sheet	0 8
63. Settlement, Marriage Settlement, &c., namely, any Deed or Instrument, whereby any sum of money, or any Government Security or other property, real or personal, shall be settled, or agreed to be settled, upon or for the benefit of any person, in any manner whatsoever	The same Stamp as for a Bond for the payment of the amount or value settled or agreed to be settled; or in cases in which the value shall be indeterminate, an optional Stamp—See Section *XXVI.* of the Act.
64. *Shipping order for or relating to the conveyance of any goods on board of any Ship or Vessel*	1 Anna.
65. Warrant.—Bonded Warehouse	8 Annas.

General Exemptions.

Any Deed, Instrument, or Writing of any kind made or executed by or on behalf of the Government by any Government Board, Commission, Court, Officer, *or Agent.*

Note.—The foregoing exemption does not extend to *any Deed, Instrument, or Writing, executed to or by a Court of Wards, Local Agent, or Officer acting under the authority of any such Court or Agent, or to or by any Administrator General or a Receiver appointed by any Court; neither does it extend to a sale made for the recovery of an arrear of revenue or rent, or in satisfaction of a decree or order of Court,*—in *any of* which cases the purchaser shall be required to pay, along with the purchase money, the price of the requisite Stamp, or else provide such Stamp, and shall receive from the Officer conducting the sale a Deed of Sale executed on the proper Stamp.

Renunciation of land executed by a Ryot or other actual cultivator of the land to his landlord.

Will, Testament, and the like, together with a Deed merely declaratory of trust or appointment or apportionment or otherwise in execution of powers, or pursuant to any previous Settlement, Deed, or Will.

Note.—(*a*) Any Deed, Instrument, or Writing required by the foregoing Schedule to be stamped, may be written on one or more Stamps, if the value of the Stamps used amount to the value required by the Schedule.

(*b.*) When of several Deeds, Instruments, or Writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed. In any case, however, where there are more Deeds than one, every other Deed than the principal requires the same Stamp as the principal Deed, if of value not exceeding eight Rupees (which shall be the maximum Stamp for collateral Deeds), and every such collateral Deed shall specify by its contents which other is the principal Deed by which the Conveyance has been effected, certifying that it is executed on the proper Stamp.

	Proper Stamps.

SCHEDULE B.

Referred to in Section *XXIX.* of the Act, containing the Specification of Duties chargeable on Law Papers.

	Proper Stamps.	
	Rupees.	*Annas.*
Application.—See Rezeenamah.		
1. *Application presented to the Collector of Customs at any Presidency Town, and application presented to the Municipal Commissioners, or to any Magistrate, or Justice of the Peace, under Act XIV. of* 1856 *(for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wale's Island, Singapore, and Malacca)*	1 Anna.	
2. Bail or Security Bond, or other Obligation, whether of specified amount or with a penalty of a specific sum of money, or of indefinite amount, when taken by or by order of any Court of Justice, or by any Revenue Authority ..	0	8
Exemption.		
Bail Bonds in Criminal cases, Recognizances to prosecute or give evidence, and personal recognizances for appearance or otherwise.		
3. Certificate granted under Act XXVII. of 1860 (*for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons*), if the debt or other property in respect to which the Certificate is granted is sworn not to exceed 500 Rupees.	4	0
If exceeding 500 Rupees, but not exceeding 1,000 Rupees.	8	0
And for every additional 1,000 Rupees or any part of every additional 1,000 Rupees	4	0
The party to whom such Certificate is granted, or his heir or representative, shall, after the expiration of twelve months from the date of such Certificate, and thereafter whenever the Court which granted such Certificate shall require him so to do, file a statement of all moneys recovered or realized by him under such Certificate, and if the moneys so recovered or realized shall exceed the amount of the debts or other property as sworn to by the person to whom such Certificate is granted, the Court may cancel the Certificate and order such person to take out a fresh Certificate on the Stamp prescribed by this Article for such enhanced amount. In default of furnishing such statement within the time allowed the Court may cancel the Certificate.		
4. Copy of Decree *if* passed in any Court below the Sudder Court, *or in any Revenue Court in any suit* in which the value of the claim amounts to fifty Rupees, or in any regular appeal	1	0
If passed in the Sudder Court in any suit *or appeal* ..	4	0
5. Copy of *a Judgment or* order not being a Decree *if* passed by a Court below the Sudder Court, *or in any Revenue Court*	0	8
If passed by the Sudder Court	1	0
Exemption.		
Copy of any Judgment, Decree, or Order, *if* passed otherwise than on appeal in any Court below the Sudder Court, in any suit, or in relation to any suit, *or in any Revenue Court*, in which the value of the claim does not *amount to* fifty Rupees.		
6. Copy of any Revenue or Judicial Proceeding or Order, or Copy of any Account, Statement, Report, or the like, filed on record and taken out for use or reference, or when left on Proceedings in place of the original withdrawn,—per sheet	0	8
Letters of Administration.—See Probate.		
7. Mooktarnamah, Wakalutnamah, and other powers, filed or presented for the conduct of any case in any Court of Justice, or before any Revenue Authority, or before the Revenue Authorities—		

	Proper Stamps.	
	Rupees.	*Annas.*
When presented to the Sudder Court	2	0
When presented to the Board of Revenue or other Chief Controlling Revenue Authority	2	0
When presented to a Commissioner of Revenue, or to a Commissioner of Customs, not being the Chief Controlling Revenue Authority	1	0
When presented to any Court, Civil or Criminal, other than the Sudder Court, or to any Collector or other Revenue Officer	0	8

EXEMPTIONS.

Mooktarnamahs executed by an Officer or Soldier of the Army.

No Stamp is required where Counsel *is* admitted in any case by any Criminal Court to appear on behalf of a prisoner without a written Mooktarnamah.

8. Petition of appeal not being from an Order rejecting a plaint, or from a Decree or Order having, by any law, the force of a Decree; and petition or application presented to any Civil Court, shall be written upon Stamp Paper of the following value, *viz.*:—

When presented to the Sudder Court	2	0
When presented to any Court below the Sudder Court ..	0	8

SPECIAL RULE FOR BENGAL.

9. Petition of Appeal to the Board of Revenue, or other Chief Controlling Revenue Authority	2	0
Any other petition or application to the Board of Revenue *or other chief Controlling Revenue Authority*..	1	0
Petition or application not falling within any of the other provisions, or of the exemptions of this Schedule, presented to any other Criminal Court, or to any other Revenue Office.	0	8

GENERAL EXEMPTIONS.

Petition or application presented to any Moonsiff's Court or to any Cantonment Joint Magistrate sitting as a Court of Civil Judicature, under Act III. of 1859 (*for conferring Civil jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds*), or to any Court of Small Causes constituted under Act XLII. of 1860 (*for the establishment of Courts of Small Causes beyond the local limits of the Jurisdiction of the Supreme Courts of Judicature established by Royal Charter*), in relation to any suit or case of an amount or value less than fifty Rupees, or to a Collector or Deputy Collector in relation to any suit or case of the same amount or value tried under Act X. of 1859 (*to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.*)

Application for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of any exhibit.

Petition of appeal presented to a Magistrate against the Chowkeedary Assessment.

Communication made to a Magistrate in regard to Police matters not intended for record.

Petition to a Collector or Officer making a settlement, relating to matters connected with the assessment of lands, the ascertainment of rights, or to any other matter affecting the settlement of the Government Revenue on land, if presented pending the formation of such settlement.

Petition to a Board or Commissioner of Revenue relating to the same.

All petitions, applications, charges, and informations respecting crimes and offences. Petitions from prisoners, convicts, persons under examination or otherwise in duress or under restraint of the Court or its Officers.

	Proper Stamps.

EXEMPTION FOR THE PRESIDENCIES OF MADRAS AND BOMBAY.

No petition or application to the Revenue Authorities need be presented on Stamp Paper, except as prescribed in the Special Rule given at the close of this Schedule with respect to cases that fall within Regulation VI. 1828 of the Bombay Code (*for extending in the same manner as in suits before the Courts of Civil Judicature Stamps to suits cognizable by Collectors under the operation of Chapter VIII. Regulation XVII.* 1827, *or any other now in force*).

10. PLAINT.—Petition of, in suits and appeals not otherwise provided for, instituted in any Civil Court not within the local limits of the jurisdiction of the Courts established by Royal Charter, for the recovery of any sum of money, or to obtain possession of any interest, matter, or thing.

SCALE FOR PLAINTS.

	Rupees.	*Annas*
If the amount or value of the property claimed does not exceed 16 Rupees ..	1	0
Above 16 Rupees and not exceeding 32 „ ..	2	0
„ 32 „ „ 64 „ ..	4	0
„ 64 „ „ 150 „ ..	8	0
„ 150 „ „ 300 „ ..	16	0
„ 300 „ „ 800 „ ..	32	0
„ 800 „ „ 1,600 „ ..	50	0
„ 1,600 „ „ 3,000 „ ..	100	0
„ 3,000 „ „ 5,000 „ ..	150	0
„ 5,000 „ „ 10,000 „ ..	250	0
„ 10,000 „ „ 15,000 „ ..	350	0
„ 15,000 „ „ 25,000 „ ..	500	0
„ 25,000 „ „ 50,000 „ ..	700	0
„ 50,000 „ „ 1,00,000 „ ..	1,000	0
„ 1,00,000 „ ..	2,000	0
If the suit be instituted in a Military Court of Requests, or in the Court of a Cantonment Joint Magistrate under Act III. of 1859, and the amount or value claimed do not exceed 8 Rupees	0	4
If it exceed 8 Rupees but do not exceed 16 Rupees ..	0	8
If it exceed 16 Rupees but do not exceed 32 Rupees ..	1	0
If it exceed 32 Rupees	} The same Stamp as for a suit in any other Court.	
In suits for possession instituted under Section XV. Act XIV. of 1859..	} *A Stamp of one-fourth the value prescribed in the foregoing scale.*	

NOTE.—(*a.*) In suits for lands paying revenue to Government, *not situate within the Presidencies of Madras and Bombay*, if forming one entire Mehal, or a specific portion thereof with a defined jumma, *subject to revision*, the value shall be assumed at the amount of the annual jumma payable to Government on account of the Mehal or portion thereof as aforesaid; and where the land has been assessed in perpetuity, at three times the amount of the annual jumma.

(*b.*) Within the Presidency of Madras, in suits for land paying Revenue to Government, the value of the property shall be assumed at the amount of the annual aggregate produce of the land computed as payable by the dependent Talookdars, Under-Farmers, and Ryots on account of the year in which the suit may be preferred.

(*c.*) Within the Presidency of Bombay in suits for land paying revenue to Government, the value of the property sued for shall be calculated at the amount of the annual assessment.

(*d.*) In suits for Lakhiraj, Enam, or Rent-free land, the value shall be calculated at eighteen times the aggregate annual rent payable by the Ryots or other Under-tenants of the land.

(*e.*) In suits instituted for houses, gardens, and other things of value, real or personal, not of the descriptions above specified; as well as for any interest in Malgoozaree land, or for any other right or thing not capable of valuation under the above rules, the amount shall be computed according to the estimated selling price, or when no such estimate can be

	Proper Stamps.
made, at the sum at which the plaintiff shall estimate the value of his suit; and suits for damages or compensation for injury sustained, and the like, shall be valued at the amount claimed by plaintiff.	
(*f.*) If an appeal or plaint, which shall have been rejected by the Lower Court on any of the grounds mentioned in *the Code of Civil* Procedure, shall be ordered to be received, or if a suit shall be remanded in appeal for a second decision by the Lower Court, the Appellate Court shall grant to the Appellant a certificate, authorising him to receive back from the Collector the full amount of Stamp Duty paid on the petition of appeal.	
Special Rule for the Presidency of Bengal.	
(*g.*) In suits instituted in the Courts of Collectors and Deputy Collectors under Act X. of 1859, for the recovery of arrears of rent or of money in the hands of an Agent, the statement of claim shall be written on paper bearing a Stamp of one-fourth the value prescribed for suits instituted in the Civil Courts, and in all other suits instituted in the Courts of Collectors and Deputy Collectors under the said Act, the statement of claim shall be written on paper bearing a Stamp of the value of 8 Annas. Provided that in every such suit in which a decree is passed, the full amount of Stamp Duty prescribed for suits instituted in the Civil Courts, shall be entered in the decree and shall be charged to the party cast or to the parties respectively in such proportions as the Court or Officer deciding the suit shall deem proper, and the sum not covered by the Stamp on the plaint shall be recoverable by the Collector of the District in the same manner and under the same rules as an arrear of revenue or rent.	
11. *Probate and Letters of Administration granted by any Court, or certificate granted under Regulation VIII.* 1827 *of the Bombay Code (to provide for the formal recognition of Heirs, Executors, and Administrators, and for the appointment of Administrators and Managers of property by the Courts) or under Act XL. of* 1858 *(for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal).*	Rupees. 4 — Annas. 0
12. Razeenamah, Rufanamah, Soolunamah, or the like; that is to say—	
Any written application whereby, or according whereunto, a suit pending in a Court of *Civil Judicature* shall be adjusted, or be capable of adjustment, without an award of the presiding Judge or other Officer	To be charged as in Petitions.
Special Rule for the Presidency of Bombay.	
Suits cognizable before Collectors under the operation of Chapter VIII. Regulation XVII. of 1827, *of the Bombay Code (for the territories subordinate to Bombay, prescribing Rules for the assessment and realization of the Land Revenue defining the relative right in the land and its produce of the Government and the subject of the superior holder and the tenant; vesting the Collector with judicial powers in cases regarding land, and its rent and produce, and declaring the circumstances under which exemption from the payment of Land Revenue is to be enjoyed),* as modified by Act XVI. of 1838, shall be subject to the same rules in regard to Stamps as are in force as above for the Courts of Civil Judicature.	
General Rule. If the subject matter of any plaint, written statement, petition, *or copy of a* decree or *order* cannot be conveniently comprised within one Stamp Paper of the value prescribed *by this Schedule,* one or more additional pieces of paper may be used *bearing a Stamp* of the value required for Petitions. *This Rule does not apply to copies of judgments; any additional piece of paper required for such copies, do not require to be stamped.*	

M. Wylie,
Depy. Secy. to the Govt. of India,
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March 1862, and was referred to a Select Committee, who will make a report thereon after the 8th of June next:—

A Bill to amend Chapter XII. of the Indian Penal Code, and to provide for certain offences against the Coin.

Preamble.

Whereas it is expedient to amend Chapter XII. of the Indian Penal Code, and to provide for certain offences against the Coin; It is enacted as follows:—

Addition of Sections 254*a* and 254*b* to Chapter XII. of the Penal Code.

I. The following Sections shall be added to the Indian Penal Code, and shall be read and taken as part of Chapter XII. thereof, and shall be numbered as Sections 254*a* and 254*b* of the said Code:—

Possession of Gold and Silver clippings or filings or Gold and Silver in bullion, solution, or otherwise, produced by impairing the Coin, with the knowledge that it was so produced.

254*a*. Whoever shall, without lawful authority or excuse (the proof whereof shall lie on the person accused), have in his possession or custody any filings or clippings or any Gold or Silver in bullion, dust, solution, or otherwise, which shall have been produced by impairing, diminishing, or lightening any Gold or Silver Coin in use or commonly received as money in British India, whether a legal tender or not, having known at the time when he became possessed thereof that the same was produced or obtained by impairing, diminishing, or lightening any Coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the Coin impaired, diminished, or lightened be the Queen's Coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Possession, without lawful authority or excuse, of any greater number than five pieces of counterfeit Coin, or of Coin diminished in weight otherwise than by lawful wearing.

254*b*. Whoever, without lawful authority or excuse (the proof whereof shall lie on the person accused), shall have in his possession or custody any greater number than five pieces of counterfeit Coin, or of Coin diminished in weight otherwise than by lawful wear, shall be punishable with fine which may extend to forty Rupees, and shall not be less than ten Rupees, for every such piece of Coin which shall be found in the possession or custody of such person, besides forfeiting such Coin.

The above Sections how to be described in proceedings or judgment.

II. In any proceedings or judgments under the said Indian Penal Code, or under the Code of Criminal Procedure, it shall be sufficient to describe the said Sections as Sections 254*a* and 254*b* of the Indian Penal Code.

Punishment of European British subjects.

III. Any person, whether an European British subject or not, who shall be guilty of the offence described in the said Section 254*b* of the Indian Penal Code as hereinbefore set forth, shall be punishable for such offence by any Magistrate of Police in any of the Presidency Towns of Calcutta, Madras, or Bombay, or by any Magistrate, Joint Magistrate, or Subordinate Magistrate or Officer lawfully exercising any of the powers of a Magistrate, within whose jurisdiction the Coin or the person charged may be found.

Proviso.

(2.) Provided that in such case it shall not be competent to a Subordinate Magistrate of the 2nd class to impose a fine exceeding 100 Rupees, or to a Subordinate Magistrate of the 1st class to impose a fine exceeding 500 Rupees. But it shall be competent to the Magistrate, or Joint Magistrate of a District, or to any Officer authorised to exercise the powers of a Magistrate, to impose a fine to the full extent authorised by the said Section 254*b*.

Mode of Punishment by Magistrate of Police.

(3.) Any person hereby punishable by a Magistrate of Police, shall be punishable by summary conviction according to the provisions of Act XIII. of 1856 (*for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*) and Act XLVIII. of 1860 (*to amend Act XIII. of* 1856).

Provisions of the Code of Criminal Procedure when applicable to the said offences.

IV. The offences specified in the said Sections hereinbefore numbered 254*a* and 254*b*, when committed or tried in any place in which the Code of Criminal Procedure is in operation, shall be subject to all the provisions in the said Code of Criminal Procedure contained, except as in Section III. of this Act specified.

Schedule to this Act to be read as part of the Schedule to the Code of Criminal Procedure.

V. The Schedule annexed to this Act shall be added to, and shall be read and taken as part of, the Schedule to the Code of Criminal Procedure.

Preamble.

VI. And whereas the provisions of the Indian Penal Code do not extend to the Settlement of Prince of Wales' Island, Singapore, and Malacca, and it is necessary to make provision for the punishment of the offences specified in the Sections mentioned (Sections 254*a* and 254*b*) respectively, when committed within the said Settlement; It is enacted as follows:—

Punishment for committing any offence under Section 254*a*, within the Straits' Settlement.

Whoever shall, within the Settlement of Prince of Wales' Island, Singapore, and Malacca, commit any offence specified in the Section hereinbefore numbered 254*a*, shall, on conviction, be liable to imprisonment with hard labour for a term not exceeding three years and to fine; and if the Coin impaired, diminished, or lightened, be a Queen's Coin (that is to say, a Coin stamped or issued by authority of the Queen, or of the Government of India, or of the Government of any Presidency, or of any Government in the Queen's Dominions), shall be liable to imprisonment with hard labour for a term not exceeding five years and to fine.

VII. Whoever shall, within the Settlement of Prince of Wales' Island, Singapore, and Malacca, commit any offence specified in the Section hereinbefore numbered 254*b*, shall, on conviction thereof before a Magistrate of Police or a Justice of the Peace of the said Settlement, besides forfeiting the said Coin, be liable to a penalty not exceeding forty Rupees, and not less than ten Rupees, for every piece of Coin of the description mentioned in that Section which shall be found in the possession or custody of such person.

Penalty for committing any offence under Section 254*b* within the Straits' Settlement.

VIII. In case any penalty imposed in the last preceding Section shall not be forthwith paid, it shall be lawful for such Magistrate or Justice of the Peace to commit the offender to gaol, there to be kept to hard labour for the space of three months, or until such penalty shall be sooner paid.

Consequence of non-payment of penalty under the last preceding Section.

1.	2.	3.	4.	5.	6.	7.
Section.	Offence.	Whether the Police may arrest without Warrant or not.	Whether a Warrant or a Summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
254*a*	Possession of Gold and Silver clippings or filings, or Gold or Silver in bullion, solution, or otherwise produced by impairing the Coin, with the knowledge that it was so produced.	May arrest without Warrant.	Warrant.	Not bailable.	Imprisonment of either description for three years, or fine, or both.	Court of Session.
254*b*	Possession without lawful authority or excuse of any greater number than five pieces of counterfeit Coin, or of Coin diminished in weight otherwise than by lawful wearing.	Shall not arrest without Warrant.	Summons.	Bailable.	Fine.	Any Magistrate.

STATEMENT OF OBJECTS AND REASONS.

This Bill provides for two classes of offences against the Coin for which no provision is made by the Penal Code, but which are punishable in England under the English Consolidating Act, and for which the experience of those conversant with the subject in this country, as well as my own so far as it goes, leads me to think that a punishment should be provided here.

The first is the offence of unlawfully having in possession gold or silver filings or clippings, or gold or silver in solution, bullion, or otherwise, produced by diminishing or lightening genuine Coin, with the knowledge that such gold or silver was so produced.

The Penal Code contains provisions dealing with the analogous case of unlawful possession of coining instruments used as dies, &c., and it was possibly thought that the possession of the proceeds of Coin illegally impaired, would be evidence of the offence of having impaired the Coin, or of having abetted such offence, and consequently that it was not necessary to treat it as a substantive offence. Cases, however, may arise in which no moral doubt can exist of the guilt of the person found in possession of such filings or proceeds of Coin, and yet where it might be impossible to convict of any of the offences specified in the Code; and the same reasons which have long existed in England for making the possession with guilty knowledge a substantive offence exist also, perhaps still more strongly, in India. Where there is reason to suppose that the actual lightening of the Coin has been effected by one man who has brought the proceeds in shape of filings or solution to another for sale or deposit, the possession, with guilty knowledge by the defendant, is analogous in regard to the original offence against the Coin to that of the receiver of stolen goods in regard to the original theft. Both are equally principals in crime, and the receiver is treated as a substantive offender, being generally thought a far more dangerous culprit than the man who committed the original offence.

This offence is punishable by the present Bill with imprisonment for three years, or, when the Coin defaced is a Queen's Coin, the offender is, in accordance with the principle of the Penal Code, visited with a heavier punishment extending to five years.

The second class of cases provided for by the present Bill is that of mere possession, without lawful authority or excuse, of more than a certain number of pieces of counterfeit Coin, or Coin unlawfully altered or diminished, which is rendered punishable on summary conviction before a Magistrate by fine not exceeding forty Rupees nor less than ten Rupees for each Coin, besides forfeiture of the Coin. A similar provision is still in force in the Presidency Towns, and upon charges against European British subjects throughout India, in regard to counterfeit Coin, under the 75th Section of the 9 Geo. 4. c. 74, and has been found extremely useful in practice. The punishment being that of fine only, the burden of proving the lawful excuse or authority is thrown upon the defendant; and I have known cases of large seizures of Coin in which it would have been impossible under the ordinary criminal law to bring home an offence to the person in actual possession, but in which, on his failure to prove a justification, forfei-

ture of the Coin and a heavy fine were enforced against him.

A similar provision exists in England in respect to the coinage of any Foreign State; and there is, I apprehend, fully as much reason for retaining the provision in India as applicable to counterfeit Coin generally, as there was in originally introducing it in 1828.

24 and 25 Vic. c. 99, s. 23.

I propose extending this provision to India generally. I also propose extending it not only to counterfeit Coin generally, but to all Coin on which any unlawful operation of impairing or diminishing has been performed. No solid ground of distinction seems to exist between the two classes of cases when once it appears that the impairing of the Coin in the latter case is the result not of fair wear and use, but of a criminal operation performed on it.

(Signed) W. RITCHIE,
The 29th January 1862.

M. WYLIE,
Deputy Secretary to the Government of India,
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March 1862, and was referred to a Select Committee, with instructions to make a report thereon in a fortnight :—

A Bill to protect the personal dignity of His Majesty the King of Oude.

Preamble.

Whereas it is expedient, with a view to protect the personal dignity of the King of Oude in accordance with the promise made to His Majesty on the part of the British Government, that His said Majesty should be partially exempted from the jurisdiction of the Civil, Criminal, and Revenue Courts; It is enacted as follows :—

King of Oude exempted from jurisdiction of Criminal Courts, except for capital offences.

I. His Majesty the King of Oude is hereby declared to be, and is, exempt from the jurisdiction of the Criminal Courts, except in regard to offences punishable with death under the Indian Penal Code. Except for such offences, no Criminal Court or Magistrate shall inquire into any complaint, or issue any summons or warrant against His said Majesty.

Police not to arrest the King without warrant, nor to enter the dwelling-house of the King for the execution of any warrant, except in the presence and with the sanction of the Agent.

II. No Police Officer or other person shall arrest His said Majesty without warrant, and no Police Officer or other person charged with the execution of a warrant either to arrest any person or to search for any thing, shall enter into or remain in any house in which His Majesty may at the time be residing, except in the presence and with the sanction of the Officer appointed to be Agent with His Majesty on the part of the British Government.

Issue of Commission for the trial of other than Capital offences.

III. If any complaint be made or information preferred against His said Majesty for any offence other than the offences excepted in Section I. of this Act, the Officer appointed to be Agent with His said Majesty may inquire into the case and make a report thereon to the Governor General in Council, and the Governor General in Council, on receipt of any such report, may issue a Commission for the trial of such offence, and may vest the said Commission with any of the powers vested in any Court by the Code of Criminal Procedure. Provided that, in case of conviction, the said Commission shall not pass sentence, but shall report its judgment to the Governor General in Council, who may thereupon give such directions in respect to His said Majesty as the exigency of the case may seem to require.

No writ or process of a Civil Court to be issued against the person or property of the King, without the consent of the Governor General in Council.

IV. No writ or process shall at any time be sued forth or prosecuted against the person, goods, or property of His said Majesty, unless such writ or process shall be so sued forth or prosecuted with the consent of the Governor General in Council first had and obtained: such consent to be testified by the signature of a Secretary to the Government of India; and any writ or process which shall at any time be sued forth or prosecuted against the person, or goods, or property of His said Majesty, without such consent as aforesaid, shall be utterly null and void.

The King exempted from appearance in Court as a witness.

V. His said Majesty shall not be required to appear personally as a witness in any Court, or before any Commissioner appointed by any Court, to be examined or make affidavit when his evidence or affidavit is required in any Civil or Criminal suit or proceeding.

Mode of taking the King's evidence.

VI. When the evidence of His Majesty is required in any such Civil or Criminal suit or proceeding, the Court or the party requiring the same shall cause to be prepared interrogatories in writing for the examination of His said Majesty. If the case is one in which any other party in such suit or proceeding would, by law, have a right to cross-examine, such party shall be at liberty to prepare cross-interrogatories. The interrogatories and cross-interrogatories (if any) shall be transmitted to the Officer appointed to be Agent with His said Majesty, who shall exhibit the same to His said Majesty, and take down in writing His Majesty's answers thereto given on solemn affirmation. The interrogatories, with the answers thereto, shall be returned to the Court before whom the suit or proceeding is pending, together with a certificate from the said Officer appointed to be Agent of the answers of His said Majesty having been duly taken.

Mode of taking the King's affidavit.

VII. When any affidavit is required to be sworn by His said Majesty in any Civil or Criminal suit or proceeding, such affidavit shall be taken and sworn before the said Officer appointed to be Agent, who shall return such affidavit with a certificate of its having been duly sworn to the Court or Officer before whom the same is to be used.

Examinations to be taken in private.

VIII. Except with the consent of His said Majesty, no person other than the said Officer appointed to be Agent shall be entitled to be present when His said Majesty is being examined on interrogatories or sworn to any affidavit under the provisions of this Act.

Examination, &c. taken under the Act, admissible in evidence.

IX. The answers to interrogatories or affidavit of His said Majesty taken and sworn under the provisions of this Act shall be admissible in evidence and subject to the same objections as if such answers or affidavit had been taken or sworn in open Court or under a Commission.

STATEMENT OF OBJECTS AND REASONS.

After the King of Oude had refused to accept the Treaty proposed to him in 1856, and had placed himself in entire dependence upon the pleasure of the British Government, a pension of twelve lakhs of

Rupees a year was offered to His Majesty. This offer was coupled with certain other conditions, among which were these, that His Majesty should not be deprived of any of the titles or dignities which he had enjoyed; that he should be permitted to enjoy them during his life; and that all deference and respect and every royal honour should be paid to the King as long as he might live.

It was also proposed to His Majesty that the peculiar jurisdiction within certain limits, which had been reserved to His Majesty in the Treaty, should be reserved to His Majesty undiminished during his lifetime.

But the King having come to Calcutta, and taken up his residence at Garden Reach, and having sent a deputation to England to endeavour to obtain restitution of the Kingdom which he had forfeited, did not then accept the offer made to him, or come to any arrangement with the Government.

When the Mutiny broke out, it was found necessary, as a measure of precaution, to place the King under arrest, and to keep him in confinement as a State Prisoner in Fort William. He was released as soon as his personal liberty was thought consistent with the public safety, and he then addressed the Government, begging that his dignity and authority might be restored to him, and that he might be relieved from his pecuniary difficulties.

The following extracts from the letter of the Secretary to Government, dated the 6th September 1859, contain all that is important in the orders of Government passed upon the King's application :—

"3. You will also inform His Majesty, with respect to his wish for the restoration of his dignity and authority, that the Governor General in Council earnestly advises His Majesty to cast from his mind all expectation whatever, that the authority of the British Government over the Province of Oude will ever be relaxed. The decision of the Government of England has been declared upon this point, and it is final.

"4. But as concerns the personal dignity of the King, you will assure His Majesty that it will not cease to be respected and protected by the Governor General in Council, and that no suitable mark of the honour due to his rank will be wanting.

"5. On one point, however, the Governor General in Council must depart from the former purpose of the Government as expressed to His Majesty in 1856. It was then contemplated that His Majesty should continue to exercise jurisdiction and to administer justice within the limits of his residence in which he might take up his abode. This privilege can now no longer be conceded to any person, however high his position, who is resident within British Territory. It is necessary that in every part of the British dominions the law should be paramount, and although the King may be certain that the administration of this law shall never be allowed to trench upon the respect which the Governor General in Council desires to show to His Majesty personally, and to His Majesty's family, His Excellency can no longer sanction the exercise by His Majesty of an independent jurisdiction within the precincts of His Majesty's residence, or the immunity of any of his Officers and attendants from the ordinary operation of the law. Provision, however, will be made for serving legal process within the precincts of His Majesty's residence, through the Officer who may be appointed Agent with His Majesty on the part of the British Government.

* * * *

"9. The King is aware that an income of twelve lakhs of Rupees a year was tendered to him by the British Government in 1856, and that it is in no way owing to that Government that His Majesty did not at once come into the receipt of that sum. Recent events have made no difference in the desire of the British Government that His Majesty's expenses should be amply and liberally met. Therefore the provision of twelve lakhs a year is still open for the King's acceptance, and payment of it will commence from the day on which that acceptance shall be signified."

The King accepted these proposals. It will be observed that all that was offered to the King in 1856 was offered again to His Majesty in 1859, with the one single exception of an independent jurisdiction. His Majesty is therefore entitled, under the promise of the British Government, to the continuance during life of his titles and dignities, of all deference and respect, and of every royal honour; and His Majesty has been expressly assured that though in every part of the British dominions the law must be paramount, though he therefore cannot be allowed to exercise an independent jurisdiction, and though his Officers and attendants can have no immunity from the ordinary operation of the law, the administration of this law shall never be allowed to trench upon the respect which the Governor General in Council desires to show to His Majesty personally, and to His Majesty's family.

The only step yet taken to fulfil this assurance has been to provide by Act XIV. of 1860 for the service of Civil and Criminal process within the limits of the King's residence, through the instrumentality of the Officer appointed to be Agent with His Majesty on the part of the British Government. But this Act gives no special immunity to the King, and makes his legal position precisely the same as that of the members of his family, and of his dependants. A case has recently arisen in which His Majesty having become defendant in a suit brought against him in the Civil Court, was required by the Court to answer certain interrogatories in the presence of the plaintiff and his Attorney. Such a requisition is undoubtedly legal, but it subjects the King to an indignity from which he ought to be protected. It is also reported that the King may be required to attend in person before the Judges of the Supreme Court to give evidence in a case pending in the Court of Common Pleas, a position altogether incompatible with royalty and with the respect due to His Majesty.

These circumstances have led the Governor General in Council to consider what legislative measure is necessary, in order fully to carry out the intention with which the orders of the 6th September 1859 were conveyed to His Majesty, and to place His Majesty in a position to which his birth, his actual tenure of Sovereignty during a long period, and his misfortunes, give him a strong claim, and which has been guaranteed to him by the express terms of a promise.

This Bill is the result. It exempts the King from the jurisdiction of the ordinary Criminal Courts and from the action of the Police, in all cases except those of treason or murder; but it provides for the creation of a special tribunal to try offences of a less heinous description if His Majesty should be charged with any such offence, and in the event of conviction, empowers the Government to deal with His Majesty as it may think proper.

It protects the person and property of the King from any process of the Civil Court issued without the consent of the Government, and places him in this respect on the same footing as that which has been conferred by law on the Nawab of the Carnatic. It exempts His Majesty also from attendance in the Courts as a witness, and prescribes the mode in which his evidence is to be taken.

It leaves untouched the members of the King's family, who, it is thought, are sufficiently protected by the existing law, and gives no exemption to his dependants beyond that which they now enjoy while residing in the premises belonging to his Majesty.

(Signed) CECIL BEADON.

The 12th February 1862.

M. WYLIE,
Deputy Secy. to the Govt. of India,
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th March 1862, and was referred to a Select Committee who will make a report thereon after the 8th of June next:—

A Bill for the better protection of the Public against bad Coin.

Preamble.

Whereas it is expedient to provide for the prevention of the circulation of bad Coin, and for the protection of the public in respect of such Coin: It is enacted as follows:—

Interpretation.

I. The following words and expressions in this Act shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

"Coin."

The word "Coin" denotes a metal used as money, stamped and issued by the authority of some Government in order to be so used.

"Queen's Coin."

The words "Queen's Coin" denote Coin stamped and issued by the authority of the Queen, or of the Government of India, or of the Government of any Presidency, or of any Government in the Queen's Dominions.

"Counterfeit Coin."

The words "Counterfeit Coin" include any false Coin and any genuine Coin which shall have been gilt, silvered, washed, colored, or cast over or altered, so as to resemble or be apparently intended to resemble or pass for any Coin of a higher denomination, and any metal or piece of mixed metals, which shall have been caused to resemble Coin with the intent to imitate the same, whether the imitation shall be exact or not.

"British India."

The words "British India" denote the Territories that are or shall become vested in Her Majesty by the Statute 21 and 22 Vic. c. 106, entitled "An Act for the better Government of India."

"Government."

The word "Government" denotes the person or persons authorized by law to administer the executive Government in any part of British India.

"Magistrate."

The word "Magistrate" includes all persons exercising all or any of the powers of a Magistrate, by whatever designation they may be called. In the Presidency Towns or in the Stations of Prince of Wales' Island, Singapore, and Malacca, it shall include a Magistrate of Police and the Commissioner of Police. In any case in which a European British subject is found in, or is charged with, the possession of Coin or of any other article, the possession of which is referred to in this Act, it shall include a Justice of the Peace.

"Person."

The word "person" includes any Company, Association, or body of person whether incorporated or not.

Having any matter in the possession of any person.

Where the having any matter in the possession of any person is mentioned in this Act, it shall include the having of it in his personal custody or charge; and also the knowingly or wilfully having it in the custody or possession of such person's wife, clerk, or servant, or of any person authorised by such person temporarily or on a particular occasion, on account of such person in any dwelling-house or building, lodging, field, or other place open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or benefit, or for that of any other person.

Gender.

Words importing males include females.

Number.

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

Forfeiture of instruments or materials used to counterfeit Coin, &c.

II. Every instrument or material used or intended to be used for the purpose of counterfeiting Coin or for performing any operation on any Coin which diminishes the weight or alters the composition of that Coin, and all filings or clippings of gold or silver, or gold or silver in bullion, dust, solution, or otherwise, which shall have been produced or obtained by diminishing or lightening any Coin, shall be forfeited.

In what cases counterfeit Coin shall be forfeited.

III. Every counterfeit Coin and every Coin on which any operation shall have been performed, which alters its composition or diminishes its weight, shall be forfeited, whenever the person in possession of the same shall have committed any offence in respect of such Coin, or shall have the same in his possession without lawful authority or excuse, or shall not have paid or given for the same the full value which the Coin, if it purport to be a Queen's Coin current in British India, imports or was apparently intended to import, or the full market value of the Coin at the place where he received the same, if the Coin do not purport to be a Queen's Coin current in British India: or shall when he received the same, have had notice or reason to suspect that the same was not genuine, or was not of full weight, or had been in any way impaired or illegally dealt with.

In what cases diminished Coin shall be returned to the person in possession.

IV. When the person in possession of any Coin which shall have been diminished in weight shall not have committed any offence in respect thereof, and shall have the same in his possession with lawful authority or excuse, and shall have paid or given for the same the full value which the Coin, if a Queen's Coin current in British India, and if genuine and of full weight, imports or was apparently intended to import, or the full market value of the Coin at the place where he received the same, if the Coin be not a Queen's Coin current in British India, and shall have received the same without any notice or reason to suspect that the same was not genuine or was not of full weight, or had been in any way impaired or illegally dealt with, such Coin, when the same shall no longer be required in evidence, shall, after being so cut, broken, bent, or defaced, as provided by Sections VI. X. and XI. respectively of this Act, be returned to such person.

Burden of proof in cases under Sections III. and IV. to be on person in possession.

V. Provided that in every case mentioned in Sections III. and IV. of this Act, the burden of proving that the Coin was in his possession with lawful authority or excuse, and of proving that he had paid or given full value for the same, as hereinbefore described, and that he had received the same without any such notice as aforesaid, shall lie on the person in possession of the said Coin. On failure of such proof to the satisfaction of any Magistrate before whom the said Coin may be brought, or on failure of any person to appear and claim any Coin as aforesaid when seized and brought before a Magistrate, such Magistrate shall declare the said Coin to be forfeited.

On failure of proof, &c. Magistrate to declare Coin forfeited.

Person to whom Coin is delivered or offered, if he suspect the same to be counterfeit, &c. may break up the Coin.

VI. When any Coin shall be delivered or offered to any person who shall suspect the same to be counterfeit, or to have been altered in composition, or to have been diminished in weight otherwise than by lawful wearing, or when any Queen's Coin which would, if of due weight, be a legal tender in British India, shall be delivered or offered to any person who shall suspect the same to have been so diminished in weight, whether by lawful wearing or not, as not to be a legal tender, it shall be lawful for such person to cut, break, bend, or deface such Coin.

VII. If in such case it shall appear that the said Coin is counterfeit, or has been altered in composition, or has been diminished in weight otherwise than by lawful wearing, or in the case of a Queen's Coin, which would, if of due weight be a legal tender in British India, has been so diminished in weight, whether by lawful wearing or not, as not to be a legal tender, the person delivering or offering the same shall bear the loss thereof.

If in such case the Coin proves to be counterfeit, &c. the person delivering or offering it shall bear the loss.

VIII. If the said Coin shall be genuine Coin of the denomination of which it purports to be, and shall not have been altered in composition, and shall not have been diminished otherwise than by lawful wearing, and shall (in the case of a Queen's Coin which would, if of due weight, be a legal tender in British India), be of due weight as a legal tender, the person cutting, breaking, bending, or defacing such Coin shall receive the same as a Coin of the denomination of which it purports to be.

If otherwise, the person breaking up the Coin shall receive it.

IX. If in such case any dispute shall arise whether such Coin be Counterfeit or whether it has been so altered or so diminished as aforesaid, it shall be heard and finally determined in a summary manner by a Magistrate, who is hereby empowered to examine upon oath or solemn affirmation as well the parties as any other person, in order to the decision of such dispute.

Disputes in such cases to be summarily determined by a Magistrate.

X. In case of such dispute as aforesaid, it shall not be necessary that the Coin in dispute shall be cut, broken, bent, or defaced before the said dispute shall be heard and determined by the Magistrate, but the said Coin shall, in all cases, be produced before the Magistrate, and if he shall determine that the same is counterfeit, or has been altered or diminished as aforesaid, he shall either cause the same to be cut, broken, bent, or defaced in his presence; or, if he shall think that the same may be required to be adduced in evidence in any criminal proceedings relating thereto, may impound and detain the same for that purpose.

Coin in dispute not necessary to be broken up before dispute is determined, but Magistrate may break up the Coin after he determines it to be counterfeit, or may impound and detain it.

XI. Every Officer of the Government to whom any Coin is delivered or offered in payment of any of the revenues of, or any sum due to, the Government, or otherwise, on account of Government, which Coin he shall suspect to be counterfeit, or to have been so altered or diminished as in the 6th Section of this Act mentioned, is hereby required to cut, break, or deface such Coin: subject to the provisions in the 7th, 8th, 9th, and 10th Sections contained.

Officers of Government, suspecting Coin delivered or offered in payment of Government dues to be counterfeit, shall break up the same subject to Sections VII. to X.

XII. If any person shall find in any place whatever, or in the custody or possession of any person having the same, without lawful authority or excuse, (*1st*) any counterfeit Coin or metal; or (*2nd*) any Coin on which any operation shall have been performed, whereby it has been altered in composition, or diminished in weight, or so altered in appearance as to resemble Coin of a different description or of higher value; or (*3rd*) any instrument or material whatever adapted or intended for the counterfeiting of Coin; or (*4th*) any filings or clippings, or any gold or silver in bullion, in dust, or solution, which shall have been produced or obtained by diminishing or lightening any gold or silver Coin, it shall be lawful for the person so finding or discovering to seize the Coin, instrument, material, filings, or clippings, or gold or silver, and carry the same forthwith before some Magistrate.

Person finding counterfeit Coin, &c. to size and carry the same forthwith before a Magistrate.

XIII. Whenever any such instrument or material as aforesaid, or any such clippings or filings, or gold or silver in bullion, dust, solution, or otherwise as aforesaid, or any such counterfeit Coin or Coins as are hereinbefore declared to be forfeited, shall have been brought before any Magistrate, whether under the provisions of this Act, or under a search-warrant or other process issued under the Code of Criminal Procedure, or Act XIII. of 1856 (*for regulating the police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*), or any other Act, or other wise, the same, after they shall have been produced in evidence, or when they shall have been produced before a Magistrate, and shall not be required to be given in evidence before any other Court, shall forthwith be delivered up as forfeited to the Government or to any person authorised by the Government to receive the same.

Disposal of Coin declared to be forfeited.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to provide for the mode of dealing with counterfeit Coin, and with Coin originally genuine, which has been tampered with or reduced in weight.

The Statutes and Acts in force in India previously to the passing of the Penal Code, had provided for the punishment of certain offences against the Coin. These provisions were in many respects imperfect, and have been now superseded by the Indian Penal Code, the enactments of which provide in a most salutary manner for nearly every offence connected with the Coin for which it is desirable to provide a special punishment. But no enactment has hitherto been passed in India defining the rights or duties of the public, or of the Officers of the Government, in respect of false Coin and damaged Coin; and much uncertainty has hitherto existed on the subject, especially as to the right of private individuals to break up, in order to withdraw from circulation, Coin which has been offered to them, and which they see to be counterfeit or diminished in weight, and as to the extent to which such Coin, if broken up, and the materials are forfeited to the Government, or can be reclaimed by the persons who offered them. The present Bill seeks to define and to place on a just and convenient footing the rights and duties, both of the Government and its Officers and of the public generally, in respect to such Coin.

The first question to determine in such a case is, to whom the materials of the false or deteriorated Coin belong, and how far such Coins are to be considered as forfeited to the State.

In the recent consolidation of the Statute Law relating to offences against the Coin in England, as well as in the Acts thereby consolidated, it seems to be assumed, though it is not positively enacted, that all false and counterfeit Coin shall be absolutely forfeited to the Government. For it is provided that, whenever any such Coin shall be brought before a Justice of the Peace, whether any offender be charged before him or not, they shall, when they have been produced in evidence or upon seizure, if they shall not be required to be produced in evidence, be delivered up to the Officers of Her Majesty's Mint, or to the Solicitors of the Treasury.

24 and 25 Vic. c. 99. Section 27.

No such provision is made in regard to Coin originally genuine, which has been impaired or diminished by guilty means, although, where any offence has been established in respect to such Coin, there can be little doubt that it would, in England, be treated as forfeited.

There is, however, a marked distinction in practice between offences in relation to the Coin in England and in India. In England, whether from the superior skill of the false coiner, or the greater carelessness of those upon whom false Coins are passed, it is rare

that a counterfeit Coin is of much intrinsic value. The metal or preparation which is made to do duty for the standard metal is there altogether base; whereas, in India, instances have occurred of coinage to a large extent of Coins of a metal comparatively but little inferior in value to that of the pure standard, so as to leave the coiner's profit but a small percentage of the actual value of the Coin passed off. The hardship therefore resulting to an innocent party who receives a false Coin, or it may be a number of false Coins, for full value, from an absolute forfeiture of the Coin to the Crown, would be greater in this country than in England. The metal used is more calculated to deceive even the vigilant, and the intrinsic value of the Coin received by him after it has been broken up is much greater.

It is proposed in the present Bill to declare all Coin which is either counterfeit or has been criminally tampered with, forfeited in the hands of any person who has committed any offence in respect of it, or who has the same in possession without lawful authority or excuse, or who has not given full value for it, or who has taken it with notice of some flaw in it.

But where the holder of the Coin has committed no offence, and has lawful authority or excuse for its possession, and has given full value for it without notice of any flaw, he will be entitled to receive it back after it has been broken up, so as no longer to be capable of being circulated as Coin. The burden of proving *both* lawful authority or excuse, and payment of full value without notice, is thrown upon the person in possession of the Coin, failing which proof, the Coin will be absolutely forfeited to the Government.

It seems obviously necessary to require proof *both* of lawful authority or excuse, and of the giving of value without notice, as a condition to the restoration of the Coin. If proof of lawful authority or excuse alone were required, a policeman or informer, who had taken possession of a false Coin, in order to bring it before a Magistrate, or the finder of such a Coin in a hidden place of deposit, might keep it. If proof of value only were required, a person who had taken the Coin in payment of goods delivered by him with a knowledge that there was something wrong about the Coin, might keep it. In all such cases the Coin ought obviously to be forfeited, whatever its value may be, and it is only in cases of complete good faith and fair vigilance that the Coin should be restored.

All dies and instruments used for the purpose of counterfeiting the Coin or for unlawful coining operations generally, and all silver filings and clippings, and other kinds of Coin illegally operated on, are declared absolutely forfeited.

The Bill provides that, where a Coin is tendered to any person who suspects it to be counterfeit or to have been altered in composition or diminished otherwise than by lawful wear (which three operations are treated as crimes by the Penal Code), he shall be at liberty to break it up or deface it, so as to prevent its further circulation. If the suspicion prove well founded, the person offering the Coin must bear the loss. If the suspicion prove unfounded, the person breaking or defacing the Coin must receive it as a Coin of full value. Where the person offering the Coin asserts its genuineness, the dispute may be settled at once summarily by any Magistrate, who will, if the Coin prove bad, see that it is broken up. These provisions agree in substance with those which have been for many years in force in England, and which have been lately re-enacted in the Consolidation Act of last Session. I propose, however, to extend this prevision to one case which is not provided for by the English Statute, that of the Queen's Coin current and a legal tender in British India, which has been so diminished, whether by lawful wear and tear, or by unlawful means, as not to be a legal tender. The reason for causing such Coin to be defaced so as to withdraw it from circulation, appears to be as strong as that applicable to Coin diminished by the process commonly called sweating, for the chemical means of diminishing the weight of the Coin, without leaving any apparent trace on the Coin itself of any operation having been performed, are now so potent and so subtle, that if the person to whom Coin is tendered which he sees to be short of weight be justified in breaking it up, or in taking the person offering it before a Magistrate only in case of its turning out that some unlawful operation has been performed upon it, there will be every inducement to avoid the trouble and risk attended on such a course.

These provisions are, under the present Bill, optional with regard to the public generally, as they appear to be in England. To impose a positive obligation on all to whom a suspicious Coin may be tendered in the course of business, and in good faith, will be burdensome on the individual, however useful it might be for the protection of the circulation. But they are rendered compulsory on all Revenue Officers, and all Officers receiving payment on account of the Government. It clearly ought to be the duty of such Officers to do their utmost to prevent the circulation of false or dishonest Coin, not merely by refusing it, but by seeing that steps are taken to punish the offender, where there is proof of an offence, and by causing the withdrawal of the Coin from circulation. In fact, the practice now proposed to be enacted has been followed at the General Treasury for some years, as will be seen by the correspondence which took place in 1859; but the absence of any simple mode of determining dispute by going before a Magistrate, exposes such a course of proceeding in doubtful cases to some difficulty.

The powers conferred by the English Consolidation Act, on individuals or Police Officers to search for or bring before a Magistrate without warrant, false Coin or Coin altered in composition or unlawfully diminished in weight, or gold or silver filings, bullion, or solution, the proceeds of Coin tampered with, are conferred by this Bill.

(Signed) W. Ritchie.

The 22nd January 1862.

From the Sub-Treasurer, Fort William, to the Secretary to the Government of India, Financial Department, No. 308, dated the 21st January 1859.

Sir,— I have the honour to state that much inconvenience and risk is experienced at this Office from the constant tender of plugged and counterfeit Rupees in payment of money by the public into the General Treasury, and that as the practice of allowing such Rupees, after they have been tendered, to be returned to the holders, leads to the same base Coins being brought to the Treasury over and over again, I have the honour to solicit that you will be so good as to obtain the orders of Government, should Government consider with me that such orders are necessary, empowering the Sub-Treasurer to mutilate and divide into two all plugged and counterfeit Rupees that may be tendered in the General Treasury, in the same manner as the Collectors of Land Revenue are empowered, under the Circular of the Accountant, Revenue Department, No. 431, dated 14th July 1832, issued in compliance with the orders of the Sudder Board of Revenue, to mutilate all base Coins found in remittances from one Government Treasury to another.

2. In connection with the above subject, I have the honour to state for the consideration of Government that a large number of light weight Rupees are in circulation in Calcutta, and which are frequently tendered by the public for payment into the General Treasury. These Coins have been either clipped or filed and silver taken from them, or from the recent system of electro-plating, a considerable quantity of silver is extracted from Rupees by means of chemical process without this being so apparent as to admit of ready detection. Under the above circumstances, I would submit that it is desirable that the matter should receive the consideration of Government with a view to very stringent rules being enacted for the preservation of the integrity of the Coin, and the safety of the public.

No. 906, Financial Department, Fort William, the 12th February 1859.

Forwarded to the Government Solicitor, with a request that he will obtain the opinion of the Advocate General as to what powers the law confers upon the Government in dealing with the Coins referred to by the Sub-Treasurer, and with the parties who tender them at the General Treasury.

Extract from the Opinion of the Advocate General, dated 19th February 1859.

I think the law now in force in India with reference to false Coins is defective, and that application should be made to the Legislature to pass an Act corresponding in substance with the Statute 2 and 3 Wm. 4, c. 34, which has never been introduced into this country, and which provides for several cases wholly omitted by the 9 Geo. 4, c. 74, Sections 73, 74, and 75, and Act XXXI. of 1839, the Acts now in force here with respect to offences against the Mint.

2. The Act 2 and 3 Wm. 4, c. 34, (Section 13) provides expressly for the course to be adopted with reference to Coin counterfeit, or diminished otherwise than by reasonable wearing, in the possession of innocent persons, and authorises the Teller of Her Majesty's Exchequer and Receiver of Revenue, as well as other persons, to break and deface such Coins. Such provision, as well as that contained in Section 14, authorising the seizure of counterfeit Coin in the mode therein pointed out, would be extremely useful in this country.

* * * * * *

6. The powers of the Revenue or other Officers of Government to break up or destroy genuine Coins, which have been unlawfully tampered with, but which are presented by innocent holders, are very ill defined at common law, and special provisions for breaking up counterfeit Coin or Coin unlawfully diminished have been so often introduced by Statute,* that an inference arises that some statutory authority is necessary in order to afford a complete protection to the Officers so dealing with Coins.

* *See* 6 & 7 Wm. 3, c. 17 & 18. 8 & 9 Wm. 3, c. 26, s. 5. 56 Geo. 3, c. 68, s. 17. 9 Geo. 4, c. 74 & 75. 2 & 3 Wm. 4, c. 34, s. 13 & 14.

7. My own opinion certainly is that any Officer of Government to whom *counterfeit* Coin is tendered, even by an innocent holder, is fully justified, without any legislative authority, in cutting or breaking in two such Coin, returning the pieces to the holder, if no suspicion attach to him, or to any one who can be traced through him.

8. But the question is more difficult as to genuine Coin which has been unlawfully tampered with. I am inclined to think, however, that if such Coin has been actually "fraudulently clipped, filed, drilled, defaced, or debased," within the meaning of Act. XXXI. of 1839 (which would include the cases of plugging referred to by Mr. Harvey), the Government Officers would be safe in cutting or breaking in two such Coins, returning the pieces (without loss of any of the particles) to the innocent holder. I cannot see that the latter could sustain any damage that the law would recognise by the act, as he could not himself make use of the Coin as a genuine Coin after being apprised of its having been unlawfully dealt with, without a crime, and the value of the Coin for any lawful purpose would not be diminished by its being broken in two.

9. Whether the course be strictly justifiable in the present state of the law or not which is very doubtful, I strongly advise its immediate adoption at the Treasury and by all Revenue Officers, as a protection to the public against the circulation of Coin illegally depreciated, which there is a strong moral obligation on the Government to afford.

10. When the Coin has been diminished or impaired otherwise than by any of the five modes specified in Act XXXI. of 1839, for example by sweating through a chemical process, which does not deface or debase the standard, much greater difficulty will exist. Where it is quite certain that the diminution is owing to some chemical or unlawful process wilfully applied, I am inclined to think the Government Officers breaking it in two will be practically safe. For any subsequent uttering such Coin with knowledge of its character would, in any view, be a misdemeanor at common law, though not a statutable offence, and therefore it is difficult to see what legal damage the innocent holder in receiving back the pieces could sustain. But extreme caution will be necessary in dealing with such cases, because if the lightening or diminution of the Coin can be attributed to fair wear and tear, or to lawful means (the burden of negativing which would be on the Officer breaking it), I think it clear that he would be exposed to an action by the innocent holder.

(Signed) W. Ritchie.

M. Wylie,
Depy. Secy. to the Govt. of India,
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 12th March 1862, and was referred to a Select Committee with instructions to make their Report thereon in one month:—

A Bill to repeal certain Regulations and Acts relating to Criminal Law and Procedure.

Preamble.

Whereas by Act XLV. of 1860 a Penal Code has been prescribed for British India, and the said Code came into operation on the 1st day of January 1862; and whereas by Act XXV. of 1861 a Code of Procedure is provided for the Courts of Criminal Judicature not established by Royal Charter, and the said Code likewise came into operation on the 1st day of January 1862 in the Territories subject to the general Regulations of the Presidencies of Bengal, Madras, and Bombay; and whereas it is expedient to repeal, in the manner hereinafter provided, certain Regulations and Acts, and parts of Regulations and Acts, relating to Criminal Law and Procedure; it is enacted as follows:—

Repeal of Laws.

I. In the Presidencies of Bengal, Madras, and Bombay, and in any other part of the British Territories in India in which the Indian Penal Code and the Code of Criminal Procedure came into operation on the 1st January 1862, the several Regulations and Acts, and parts of Regulations and Acts, set forth in the Schedule hereto, except in so far as they repeal the whole or any part of any other Regulation or Act, and except as to any offence committed before the said first day of January 1862, shall, to the extent expressed in the said Schedule, be repealed from the said 1st January 1862, and so far as such Regulations and Acts relate to any part of the said Territories to which the said Code of Criminal Procedure was not extended before the said 1st day of January 1862, such Regulations and Acts shall be repealed, except in so far as they repeal the whole or any part of any other Regulation or Act, from the time when the said Code of Criminal Procedure shall be extended to such part by a Notification in the *Gazette* by the Governor General of India in Council, or by the local Government to which such Territory is subordinate, except as to any offence committed before the time when the said Code shall be extended as aforesaid. Provided that nothing in this Act shall interfere with the exercise, for the purpose of the trial or punishment of any of the offences hereinbefore excepted, of any jurisdiction or powers conferred upon any Court or Magistrate or other Officer exercising any of the powers of a Magistrate by any Regulation or Act repealed by this Act.

II. No conviction shall be quashed or set aside by reason only of the Procedure at the trial of any offence committed before the 1st day of January 1862, or if the Code of Criminal Procedure shall not have taken effect in any part of India on such 1st day of January, at the trial of any offence committed in such part of India before the time when such Code shall have taken effect therein, having wholly or in part been the Procedure under the said Code of Criminal Procedure. Provided that no person tried for any such offence as aforesaid shall be deprived of any right of appeal or reference to a Sudder Court which he would have enjoyed, had the trial been held under any of the Regulations or Acts hereby repealed.

Saving of certain convictions.

SCHEDULE OF REGULATIONS AND ACTS REPEALED.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act XIII. of 1835 ..	.. ..	The whole Act.
Act XV. of 1835 ..	.. ..	The whole Act.
Act XVIII. of 1835 ..	.. ..	The whole Act.
Act XX. of 1835 ..	.. ..	The whole Act.
Act XI. of 1836 ..	.. ..	The whole Act.
Act XXX. of 1836 ..	.. ..	The whole Act.
Act XVIII. of 1837 ..	.. ..	The whole Act.
Act XXI. of 1837 ..	.. ..	Section IV.
Act XXIII. of 1837 ..	.. ..	The whole Act.
Act XXVII. of 1837 ..	.. ..	Section XII.
Act XXX. of 1837 ..	.. ..	The whole Act.
Act XXXIII. of 1837 ..	.. ..	The whole Act.
Act XXXV. of 1837 ..	.. ..	The whole Act.
Act III. of 1838 ..	.. ..	The whole Act.
Act IV. of 1838 ..	.. ..	The whole Act.
Act IX. of 1838 ..	.. ..	The whole Act.
Act XXVI. of 1838 ..	.. ..	The whole Act.
Act II. of 1839 ..	.. ..	The whole Act.
Act XVIII. of 1839 ..	.. ..	The whole Act.
Act XIX. of 1839 ..	.. ..	The whole Act.
Act I. of 1840 ..	An Act for regulating the procedure on trials referred to the Court of Foujdaree Adawlut at Madras. ,	The whole Act.
Act IV. of 1840 ..	An Act for preventing affrays concerning the possession of land, and for providing relief in cases of forcible dispossession, within the Presidency of Fort William in Bengal.	The whole Act.
Act V. of 1840 .	An Act concerning the oaths and declarations of Hindoos and Mahomedans.	Sections II. and III.
Act XI. of 1840 ..	An Act for the Presidency of Bombay, amending the law concerning prisoners sentenced to labour or solitude.	Sections II. and III.
Act XVII. of 1841 ..	An Act for amending the proceedings in appeals before the Courts of Sudder Dewany and Nizamut Adawlut in the Presidency of Fort William in Bengal.	Section II. so much as was not repealed by Act X. of 1861.
Act XXI. of 1841 ..	An Act for the better prevention of local nuisances ..	The whole Act.
Act XXX. of 1841 ..	An Act for repressing obstructions to justice in certain Courts of the East India Company.	In so far as it relates to Courts of Justice.
Act XXXI. of 1841 ..	An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of sentences and orders of Criminal Courts.	The whole Act.
Act VIII. 1842 ..	An Act for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies.	The whole Act.
Act XVIII. of 1842 ..	An Act for facilitating preliminary investigations of Criminal cases connected with the collection of the revenue within the Presidency of Bombay.	The whole Act.
Act IV. of 1843 ..	An Act for amending the law concerning appeals from Justices of the Peace and from Magistrates acting under the Statute 53 Geo. III. c. 155.	The whole Act.
Act VII. of 1843 ..	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II., and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the Civil jurisdiction of such Courts.	Sections XXVII. XXIX. XXX. XXXI. XXXII. XXXIII. XXXIV. XXXVI. XXXVII. XLI. XLII. XLIII. LI. LIV. LV. and LVI.
Act XV. of 1843 ..	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.	In so far as it relates to the powers of Deputy Magistrates or Judicial Officers.
Act XXIV. of 1843 ..	An Act for better prevention of the crime of Dacoity ..	The whole Act.
Act XI. of 1844 ..	An Act for legalizing the infliction of corporal punishment in cases of petty larceny generally, and when committed by offenders of tender age.	The whole Act.
Act XIV. of 1844 ..	An Act for regulating the proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay, and at Agra, in regard to sentences of transportation for life.	The whole Act.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act II. of 1845 ..	An Act for regulating the punishment of adultery in the Courts of the East India Company in the Territories subject to the Presidency of Bombay.	The whole Act.
Act X. of 1845 ..	An Act for empowering Courts to issue warrants in cases of failure to serve summons.	The whole Act.
Act XVIII. of 1845 ..	An Act for the punishment of offences committed by convicts sentenced to imprisonment for life.	The whole Act.
Act XXVII. of 1845 ..	An Act for enabling Assistant Magistrates vested with special powers to decide cases under the provisions of of Act IV. of 1840.	The whole Act.
Act XXX. of 1845 ..	An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties.	The whole Act.
Act VII. of 1846 ..	An Act regarding the deposit of diet-money for witnesses in petty cases.	The whole Act.
Act X. of 1847 ..	An Act for amending Act XXX. of 1836.	The whole Act.
Act XX. of 1847 ..	An Act for the encouragement of learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called copy-right therein.	Section IV.
Act I. of 1848 ..	An Act to regulate the proceedings in certain cases of forgery.	The whole Act.
Act III. of 1848 ..	An Act for removing doubts as to the meaning of the words "thug" and "thuggee" and the expression "murder by thuggee," when used in the Acts of the Council of India.	The whole Act.
Act V. of 1848 ..	An Act to amend the law regarding the taking of Mochulkas or Penal recognizances.	The whole Act.
Act XI. of 1848. ..	An Act for the punishment of wandering gangs of thieves and robbers.	The whole Act.
Act XIX. of 1848 ..	An Act for better defining the law as to revision of the sentences of subordinate Criminal Courts in the Presidencies of Bengal and Madras.	The whole Act.
Act IV. of 1849 ..	An Act for the safe custody of Criminal lunatics.	The whole Act.
Act XIV. of 1849 ..	An Act to punish tampering with the Army or Navy. ..	The whole Act.
Act VII. of 1850 ..	An Act for better defining the law as to the removal of prisoners.	The whole Act.
Act XIII. of 1850 ..	An Act for punishing breaches of trust.	The whole Act.
Act XVI. of 1850 ..	An Act for the restitution of the value of stolen property.	The whole Act.
Act XXXVIII. of 1850. .	An Act to allow Counsel to all persons on the trial of offences.	The whole Act.
Act IV. of 1851 ..	An Act for the appointment of Uncovenanted Deputy Magistrates, and for defining the duties of Deputy and Assistant Magistrates in Bombay.	The whole Act.
Act XVI. of 1851 ..	An Act for the trial of receivers of stolen property.	The whole Act.
Act XXXII. of 1852 ..	An Act to facilitate the prosecution of certain Ministerial and Police Officers for certain Criminal acts.	The whole Act.
Act I. of 1853 ..	An Act for providing in the Presidencies of Fort St. George and Bombay for the punishment of males of tender age for petty thefts.	The whole Act.
Act X. of 1854 ..	An Act for regulating the powers of Assistants to Magistrates and of Deputy Magistrates appointed under Act XV. of 1843.	So much of Section I. as recites that the order passed by any Assistant or Deputy Magistrate shall be subject to appeal, and Sections II. and III.
Act XII. of 1854 ..	An Act for conferring Criminal jurisdiction upon District Moonsiffs in the Presidency of Madras.	The whole Act.
Act XV. of 1855 ..	An Act to amend Regulation III. of 1833 of the Bombay Regulations.	The whole Act.
Act XVI. of 1855 ..	An Act to amend the law in force in the Presidency of Bombay concerning the use of badges.	The whole Act.
Act XIX. of 1855 ..	An Act to amend the law relating to District Moonsiffs in the Presidency of Fort St. George.	Section V.
Act I. of 1856 ..	An Act to prevent the sale or exposure of obscene books and pictures.	The whole Act.
Act II. of 1856 ..	An Act to enable Magistrates and certain other Officers to take cognizance of certain offences without requiring a written complaint.	The whole Act.
Act IV. of 1856 ..	An Act to prevent the malicious or wanton destruction of Cattle.	The whole Act.
Act XVII. of 1856 ..	An Act to provide for the execution of Criminal process in places out of the jurisdiction of the authority issuing the same.	The whole Act.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act VII. of 1857 ..	An Act for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George.	Section IV.
Act XI. of 1857 ..	An Act for the prevention, trial, and punishment of offences against the State.	Sections I. and II.
Act XXIV. of 1859 ..	An Act for the better regulation of the Police withinthe territories subject to the Presidency of Fort St. George.	Sections XXII. XXIII. XXIV. XXV. XXVI. XXVII. XXVIII. XXIX. XXX. XXXI. XXXII. XXXIII. XXXIV. XXXV. XXXVI. XXXVII. XXXVIII. XXXIX. XL. XLI. XLII. and XLIII. and so much of the Schedule as repeals Clause I. Section XI. of Regulation XI. of 1816.
Act III. of 1860 ..	An Act to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court.	The whole Act.
Act XVII. of 1860 ..	An Act to repeal Act V. of 1858 (for the punishment of certain offenders who have escaped from gaol, and of persons who shall knowingly harbour such offenders, and to make certain provisions in lieu thereof).	Section XI.
Act XXXV. of 1860 ..	An Act relating to the transportation of convicts.	The whole Act.
Act XXII. of 1861 ..	An Act to amend Act III. of 1857 (relating to trespasses by Cattle)	Sections I. II. III. IV. and V.
	BENGAL.	
Regulation IX. 1793 ..	A Regulation for re-enacting, with alterations and modifications, the Regulations passed by the Governor General in Council, on the 3rd December 1790, and subsequent dates, for the apprehension and trial of persons charged with crimes or misdemeanors.	Sections IV. V. VI. VII. VIII. IX. X. XI. XII. XIV. XV. XVI. XVII. XVIII. XXIII. XXVI. XXVII. XXIX. XLVII. XLVIII. XLIX. L. LI. LIII. LIV. LVI. LVII. LVIII. LXI. LXIV. LXV. LXX. LXXIV. LXXVII. and LXXVIII.
Regulation XIII. 1793 ..	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective duties.	Sections IX. and XI.
Regulation XXII. 1793.	A Regulation for re-enacting with alterations and amendments, the Regulations passed by the Governor General in Council on the 7th December 1792, for the establishment of an efficient Police throughout the country.	Sections X. XVI. XXII. XXXI. XXXII. XXXIII. XXXIV, and XXXVIII.
Regulation VII. 1794 ..	A Regulation for enabling one Judge of Circuit to hold the Courts for the half-yearly and monthly gaol deliveries; and for empowering one of the Judges of the Provincial Court of Appeal in each Division to remain at the Sudder Station to transact certain parts of the business of the Court, whilst the other Judges are making the Circuits; and for providing against the absence or indisposition of the Judges or their Law Officers, and against vacancies in the Judicial and Law appointments.	The whole Regulation.
Regulation XVI. 1795 ..	A Regulation for the apprehension and trial of persons charged with crimes or misdemeanors in the Province of Benares; for enabling one of the Judges, in his capacity of Judge of the Provincial Court of Appeal, to transact certain parts of the business of that Court whilst the other two Judges as Judges of Circuit are making the Circuits; and for providing against the absence or indisposition of any of the Judges or their Law Officers, and against vacancies in the Judicial or Law appointments.	Section IV. Clause 1, in so far as it extends the provisions of Regulation IX. of 1793, which are repealed by this Act, and Clauses 2, 4, and 5, and the following Sections of the Regulation.
Regulation XVII. 1795 ..	A Regulation for the establishment of an efficient Police in the Province of Benares.	Section X. XX. XXIX. XXX. XXXI. XXXII. and XXXV.
Regulation XXI. 1795 ..	A Regulation for preventing Brahmins in the Province of Benares establishing koorhs, wounding or killing their female relations or children or sitting dhurna; and for preventing the tribe of Ranjecoomars in that province killing their female children.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation II. 1796 ..	A Regulation for the guidance of the Zillah and City Magistrates in the Provinces of Bengal, Behar, Orissa, and Benares, in apprehending and bringing to trial European British subjects charged with acts which may render them liable to a Criminal prosecution.	The whole Regulation.
Regulation IX. 1796 ..	A Regulation for the more certain ascertainment of the witnesses whom prisoners, committed for trial before the Courts of Circuit, may be desirous to have examined in their defence and of the causes of the non-attendance of any witnesses named by prisoners, or prosecutors to give evidence before the Courts of Circuit.	The whole Regulation.
Regulation XI. 1796 ..	A Regulation for providing against resistance to the processes of the Zillah and City Courts and Police Officers, as well as for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued against them.	The whole Regulation.
Regulation II. 1797 ..	A Regulation for defining more specifically the responsiblity of the landholders and farmers of land in the Province of Benares, under the charge of the Police vested in them conformably to their engagements by Regulation XVII. 1795.	Section III.
Regulation IV. 1797 ..	A Regulation for making sundry alterations in, and additions to Regulation IX. 1793.	The whole Regulation.
Regulation XIII. 1797 ..	A Regulation for the occasional exercise of Judicial powers by the Assistants to the Zillah and City Magistrates in the Provinces of Bengal, Behar, Orissa, and Benares.	The whole Regulation.
Regulation XIV. 1797 ..	A Regulation for empowering the Court of Nizamut Adawlut to extend relief to certain prisoners sentenced to deyut and pecuniary fines, or to restore stolen property, or the value of it, and to remain in confinement until the completion of their sentences, also for preventing sentences of the same nature in future; and for drawing the distinction between the Courts of Civil and Criminal Jurisdiction more clearly and obviously.	The whole Regulation.
Regulation III. 1798 ..	A Regulation for establishing annual vacations of the Civil Courts of Justice; for postponing the commencement of the half-yearly gaol deliveries during such vacations; and for establishing a fixed order of succession in the gaol deliveries of the several Zillahs and Cities throughout the Provinces of Bengal, Behar Orissa, and Benares.	The whole Regulation.
Regulation II. 1799 ..	A Regulation for monthly gaol deliveries in the Cities of Dacca, Moorshedabad, and Patna; and for declaring convicts who may escape from confinement during their sentences liable to transportation.	The whole Regulation.
Regulation IV. 1799 ..	A Regulation for the trial of persons charged with crimes against the State.	The whole Regulation.
Regulation VIII. 1799 ..	A Regulation for certain modifications of the Mahomedan law in cases of murder; and to explain parts of Regulation XXI. of 1795 and Regulation V. of 1797, in cases of dhurna.	The whole Regulation.
Regulation X. 1799 ..	A Regulation to prevent delay in the transmission of the records of trials referred to the Court of Nizamut Adawlut.	The whole Regulation.
Regulation III. 1801 ..	A Regulation for putting a stop to the practice which prevails in many parts of the Company's Provinces, of parties in Civil suits preferring unfounded accusations of perjury against the witnesses in such suits and unfounded charges of subornation of perjury against the adverse parties in such suits.	The whole Regulation.
Regulation VIII. 1801 ..	A Regulation for modifying the Mahomedan law in certain cases of kutl khota, or accidental homicide, and in other cases of the like nature.	The whole Regulation.
Regulation VI. 1802 ..	A Regulation for preventing the sacrifice of Children at Saugor and other places.	The whole Regulation.
Regulation VI. 1803 ..	A Regulation for the guidance of the Magistrates of the several Zillahs in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, in apprehending persons charged with crimes or offences, and bringing them to trial.	The whole Regulation, with exception to Sections III. and XXXIV.
Regulation VII. 1803 ..	A Regulation for the establishment of a Court of Circuit for the trial of persons charged with crimes in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	From Section V. to Section XLI. both inclusive.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VIII. 1803 ..	A Regulation for extending the jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	The whole Regulation, with exception to Sections VI. XXIV. and XXVI.
Regulation XII. 1803 ..	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	Sections XII. and XIV.
Regulation XX. 1803 ..	A Regulation for the trial of persons charged with crimes against the State, in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	The whole Regulation.
Regulation XXXV. 1803.	A Regulation for the establishment of an efficient system of Police in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	Section III., Clauses 3, 4, and 5, and Section X.
Regulation L. 1803 ..	A Regulation for extending, with modifications, to the Criminal Courts, rules prescribed in Regulation IV. 1793, for procuring the attendance of witnesses and requiring oaths or solemn declaration from witnesses in the Civil Courts, and for explaining those rules in their application to particular forms of oath by the Courts Civil and Criminal.	The whole Regulation.
Regulation LIII. 1803 ..	A Regulation for determining the punishment to be adjudged by the Criminal Courts of Judicature, in cases wherein a discretion is left by the Mahomedan law; for defining the crime and punishment of robbery by open violence; and for declaring what convicts shall be hereafter liable to transportation, or to banishment, as well as the punishment of such as may return from transportation or escape from confinement, during the periods of their sentences.	The whole Regulation.
Regulation III. 1804 ..	A Regulation for providing against resistance to the processes of the Zillah Criminal Courts and Police Officers, as well as for compelling the appearance of persons charged with acts of a criminal nature, who may abscond, or otherwise evade the process issued against them; for rendering prosecutions instituted for the recovery of losses sustained by theft and robbery, cognizable in the Courts of Civil Judicature; and for ascertaining the responsibility in such cases of Tehsceldars of places held khaum, for amending certain parts of Regulation VI. 1803, for preventing the offence of dhurna, and for preventing the tribe of Raj Koomars killing or causing the death of their female children in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company.	The whole Regulation.
Regulation IV. 1804 ..	A Regulation for the administration of justice in Criminal cases in the Zillah of Cuttack.	Proviso in Section VII.
Regulation IX. 1804 ..	A Regulation for altering the denomination of the Court of Circuit and the Provincial Court of Appeal for the divison of the ceded Provinces; for the administration of Justice in Criminal cases, in the conquered Provinces in the Dooab, and on the right bank of the river Jumna, and in the Territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwa.	So much of the Regulation as extends the whole or any part of Regulations VI. VII. VIII. XX. XXXV. and LIII. of 1803 which are repealed by this Act, to the Districts mentioned in Sections III. and IV.; Sections V.; and VI; and the proviso in Section XI.
Regulation III. 1805 ..	A Regulation to make further provision for the exemplary punishment of robbery by open violence.	The whole Regulation.
Regulation VIII. 1805 ..	A Regulation for extending to the conquered Provinces situated within the Dooab and on the right bank of the river Jumna, and to the Territory ceded to the Honorable the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, as have not been already extended to those territories, and for revising and amending certain parts of the said Laws and Regulations.	Section XIV.
Regulation I. 1806 ..	A Regulation for abolishing the jurisdiction of Zillah Moorshedabad, and annexing the Mehals composing it to the jurisdictions of the City of Moorshedabad, and Zillah Bheerbhoom; for altering the jurisdiction of the Courts of Circuit and Provincial Courts of Appeal of the Divisions of Calcutta and Moorshedabad; for fixing the order of holding the half-yearly gaol deliveries in those Divisions, and in the Divisions of Benares and	Sections VI. VII. VIII. and IX.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	Bareilly; for rescinding such parts of the existing Regulations as restrict the senior Judges of the Courts of Circuit from proceeding upon the Circuit in their respective Divisions, and for extending the authority of the Courts of Nizamut Adawlut and Sudder Dewany Adawlut in certain cases.	
Regulation XII. 1806 ..	A Regulation for annexing the Pergunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the river Jumna, to the jurisdiction of the Zillah of Agra, and for extending to those Pergunnahs the Laws and Regulations established for the internal Government of the ceded and conquered Provinces.	Section III. in so far as it extends the parts of Regulation IX. of 1804, and Regulation VIII. of 1805, and the other Regulations therein referred to, which are repealed by this Act.
Regulation XV. 1806 ..	A Regulation for the amendment of certain parts of the provisions contained in Clauses 2 and 3, Section II., Regulation II. 1796, and Clauses 2 and 3, and Section XIX., Regulation VI. 1803, and of the rule contained in Section VII., Regulation V. 1799.	Sections II. III. IV. and V.
Regulation II. 1807 ..	A Regulation to provide more effectually for the punishment of perjury, subornation of perjury, and forgery.	The whole Regulation.
Regulation IX. 1807 ..	A Regulation for explaining and amending the existing rules of Criminal process, and for defining in certain cases the powers and duties of the Police Officers, of the Zillah and City Magistrates and of their Assistants, of the Courts of Circuit, and of the Court of Nizamut Adawlut.	The whole Regulation.
Regulation XIV. 1807 ..	A Regulation for amending the system of Police established in the Province of Benares, and in the ceded and conquered Provinces within the Divisions of Bareilly and Benares; also for extending to those Provinces the provisions contained in Regulation XII. 1807, for the appointment of Ameens of Police.	Section XI., Clauses 7, 8, 9, 10, 11, and 12, Section XX. and Section XXI.
Regulation VIII. 1808 ..	A Regulation for the more exemplary punishment of robbery by open violence; and for modifying the rules in force respecting trials referred to the Court of Nizamut Adawlut.	The whole Regulation.
Regulation I. 1810 ..	A Regulation for occasionally dispensing with the attendance and futwa of the Law Officers of the Courts of Circuit.	The whole Regulation.
Regulation VI. 1810 ..	A Regulation for defining the penalties to which Zemindars and others shall be subject for neglecting to give due information of robberies, and for harbouring robbers.	Sections III. IV. and V.
Regulation XIV. 1810 ..	A Regulation for defining the powers of the Court of Nizamut Adawlut in cases of pardon and mitigation of punishment; and for declaring the competency of the Courts of Circuit to admit prisoners to bail, in certain cases, during a reference of their trials to the Nizamut Adawlut.	The whole Regulation.
Regulation I. 1811 ..	A Regulation for making more adequate provision for the punishment of persons found guilty of the offence of breaking into houses, tents, or boats; for subjecting to exemplary punishment persons receiving or purchasing plundered or stolen property; and for granting licenses to gold or silversmiths, braziers or coppersmiths, ironsmiths, pawnbrokers, retail venders of brass or copperwares, and pykars or itinerant dealers in second-hand articles.	The whole Regulation, except so much of Section X. as declares Landholders and others accountable for the early communication to the Magistrate of information respecting receivers of stolen goods.
Regulation VII. 1811 ..	A Regulation for limiting and better defining the powers of the Police Darogahs, and of Zemindars invested with the charge of the Police, with respect to persons charged with or suspected of the commission of public crimes and offences.	The whole Regulation.
Regulation X. 1811 ..	A Regulation for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the Presidency of Fort William.	Section III.
Regulation XIV. 1811 ..	A Regulation for amending the provisions of the existing Regulations respecting the punishment of Ciminals by transportation, and for modifying the rules in force regarding the Offices of Judge and Magistrate of the twenty-four Pergunnahs.	The whole Regulation.
Regulation III. 1812 ..	A Regulation for amending some of the Rules at present in force in regard to the conduct of inquiries into charges of a Criminal nature, and for establishing additional provisions with a view to the more effectual apprehension of Criminals.	Sections II. and III., so much of Section IV. as provides a punishment for the offence mentioned in the Section. Section VI. and Section XII.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VII. 1813 ..	A Regulation for extending to the ceded and conquered Provinces the provisions contained in Regulation III. 1801, and in Section XIII. Regulation VIII. 1794, and for rescinding parts of Sections XI. and XV. Regulation I. 1803.	Section III.
Regulation IX. 1813 ..	A Regulation for restoring the punishment of transportation.	The whole Regulation.
Regulation VIII. 1814 ..	A Regulation for extending the provision contained in Clause 2, Section IV., Regulation III. 1812, to cases of murder, arson, and theft.	So much of Section II., as provides punishment for the offence mentioned in the Section.
Regulation XI. 1814 ..	A Regulation to make further provision for the punishment of persons convicted of breaking into, or attempting to break into houses, tents, boats, or other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal.	The whole Regulation.
Regulation XV. 1814 ..	A Regulation to define the punishment to which persons convicted of two or more offences shall, in certain cases, be subject.	The whole Regulation.
Regulation XIV. 1816 .	A Regulation to provide more effectually for the management of the Public gaols; and to enable the Magistrates to maintain good order and discipline in those gaols; as well as among the prisoners employed on the public roads or other public works. Also to place the gaol at Alipore in the vicinity of Calcutta under the inspection and control of the Court of Nizamut Adawlut; and to provide for the transportation of convicts to the Island of Mauritius or its immediate dependencies.	Sections IX. and XV.
Regulation XVII. 1816..	A Regulation for the occasional revision of the regular Police and gaol establishments, for the due support and regulation of the establishments of Chowkeedars, for amending the Rules in force for the appointment and removal of Police Officers, for modifying the constitution of the Offices of the Superintendents of Police, and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizamut Adawlut.	Section VIII., Clauses. 3 and 4.
Regulation XXII. 1816..	A Regulation for re-enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of Chowkeedars of Police.	Sections XIX. and XX.
Regulation XVII. 1817..	A Regulation to provide for the more effectual administration of Criminal Justice in certain cases.	The whole Regulation.
Regulation XX. 1817 ..	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of Darogahs and other subordinate Officers of Police; for modifying the existing rules concerning the resistance or evasion of Criminal process, and for requiring further aid to the Police in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of Villages.	Clauses 3 and 4 of Section VI., Clauses 5, 6, and 7 of Section VIII. Sections IX. XII. XIII. XIV. XV. XVI. XVII. XVIII. XIX. XX. XXII. XXIII. XXIV. XXV. and XXVI.
Regulation VI. 1818 ..	A Regulation for providing against the protracted confinement of persons charged with Criminal offences, during the examination of such charges before the Magistrates; and for defining the powers of the Courts of Circuit at the Sudder Stations of those Courts with respect to persons committed or held to bail by the Magistrates for trial at the periodical Sessions of gaol delivery.	The whole Regulation.
Regulation VIII. 1818 ..	A Regulation for rescinding part of Clause 6, Section II. Regulation LIII. 1803, for modifying some of the existing rules relating to the requisition of security for good behaviour; and for providing for a revision of the cases of certain classes of prisoners detained in confinement, on failure to furnish security for their good behaviour and appearance.	The whole Regulation.
Regulation XII. 1818 ..	A Regulation for extending the powers of the Magistrates and Joint Magistrates in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal; or charged with theft or with buying or receiving stolen property, knowing the same to have been stolen, or charged with escape from gaol or other place of confinement.	The whole Regulation.
Regulation III. 1819 ..	A Regulation for extending the provisions of Section X. Regulation VIII. 1818, to robbers not being dacoits or gang robbers.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VII. 1819 ..	A Regulation for declaring certain misdemeanors punishable by the Magistrates, and for defining the punishment to be adjudged in such cases.	The whole Regulation.
Regulation IV. 1820 ..	A Regulation for declaring the power of the Magistrates to give effect to Military sentences in certain cases; for providing for the more efficient exercise of the control of the Courts of Circuit over the sentences of the Magistrates in certain cases and for amending Clause 2, Section III., Regulation XII. 1818.	The whole Regulation.
Regulation VII. 1820 ..	A Regulation for altering the punishment and form of trial in cases, of dhurna.	The whole Regulation.
Regulation III. 1821 ..	A Regulation for extending, in special cases, the powers of Assistants to the Magistrates, for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameens to try and determine petty thefts and other Criminal cases of a trivial nature, when referred to them by a Magistrate; for limiting the period of appeal in Foujdaree cases; for rescinding parts of Section XII. and Section XVII., Regulation XXII. 1816; for modifying some of the rules in force relative to the rate and collection of the assessment levied for the maintenance of Chowkeedars of Police; and for vesting the Magistrates with certain powers in regard to persons travelling through, or assembling within their jurisdictions under suspicious circumstances.	The whole Regulation.
Regulation I. 1822 ..	A Regulation for amending Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809.	The whole Regulation.
Regulation IV. 1822 ..	A Regulation to provide for the more effectual administration of Criminal Justice in certain cases.	The whole Regulation.
Regulation VIII. 1822 ..	A Regulation to declare that persons charged with crimes and misdemeanors must ordinarily be brought to trial at the Foujdaree Court or Sessions of the District in which such crimes or misdemeanors may be perpetrated; and to vest the Governor General in Council and the Nizamut Adawlut with a discretionary power as to the place of trial.	The whole Regulation.
Regulation II. 1823 ..	A Regulation for the more effectual suppression of affrays.	The whole Regulation.
Regulation IV. 1823 ..	A Regulation for declaring the intent of Section XIV., Regulation VII. 1794, and for prohibiting the Judges of Circuit, holding the gaol deliveries, from trying any case in which the prisoner or prisoners may have been committed for trial by themselves in the capacity of Superintendent of Police, Magistrate, Joint Magistrate, or Assistant Magistrate, for modifying the third and fourth Clauses of Section II., Regulation XIV. 1811, and for rescinding Sections IV. and V., Regulation XXIV. 1814, and Sections II. and IV., Regulation XXV. 1814.	The whole Regulation.
Regulation VI. 1824 ..	A Regulation for defining the course of proceeding to be pursued by the Magistrates with respect to individuals charged before them with two or more offences in certain cases; for modifying Clause 2, Section II., and for amending certain other provisions of Regulation XII. 1818.	The whole Regulation.
Regulation X. 1824 ..	A Regulation for modifying and amending the rules at present in force in regard to the pardon of persons charged with or suspected of Criminal offences.	The whole Regulation.
Regulation I. 1825 ..	A Regulation for declaring the Judicial Officers competent to superintend the execution of their own process in certain cases; and for extending to Officers entrusted with the execution of a Magistrate's warrant, or other Criminal process the powers vested in Police Officers by certain provisions in Regulation XX. 1817.	The whole Regulation.
Regulation IV. 1825 ..	A Regulation for declaring the Magistrates and Criminal Courts empowered to require recognizances and security for keeping the peace in certain cases; and for explaining some of the provisions contained in Regulation VIII. 1818, relative to security for good behaviour.	The whole Regulation.
Regulation XII. 1825 ..	A Regulation for defining the powers of the Courts of Circuit and of the Nizamut Adawlut in certain cases; for the uniform punishment of contempts of Court in any of the Courts of Judicature, Civil or Criminal; for exempting females from corporal punishment by stripes; and for discontinuing the corah as an instrument of punishment in all cases.	The whole Regulation.
Regulation XVI. 1825 ..	A Regulation to make further provision for empowering the Courts of Circuit to pass sentence in certain cases of	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VI. 1822 ..	A Regulation for extending the powers of the Criminal Judges and of the Courts of Circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses, or other places used for the custody of property, with an intent to steal, or charged with theft, or with buying or receiving stolen property, knowing the same to have been stolen, or charged with escape from gaol or other place of confinement.	The whole Regulation.
Regulation I. 1824 ..	A Regulation for extending to the Criminal Courts the rules prescribed in Section VII., Regulation III. 1802, for procuring the attendance and evidence of witnesses.	The whole Regulation.
Regulation I. 1825 ..	A Regulation to rescind Regulation I. 1822, and to alter certain other provisions of the Regulation in force, and to provide for the more prompt and effectual administration of Criminal justice in certain cases.	The whole Regulation.
Regulation III. 1826 ..	A Regulation for the more easy conviction of the crime of perjury in certain cases.	The whole Regulation.
Regulation II. 1827 ..	A Regulation for constituting the Assistant Judges appointed under Regulation I. 1827, Joint Criminal Judges of the Zillahs in which they may be stationed, and for defining the extent to which the powers of Magistrate shall be exercised by subordinate Collectors.	Section III.
Regulation III. 1827 ..	A Regulation for empowering the Governor in Council in certain cases to direct that persons charged with crimes or misdemeanors shall be sent for trial or committal to another Court than that within the jurisdiction of which the offences charged were committed.	The whole Regulation.
Regulation VI. 1827 ..	A Regulation for explaining the provisions of Clause 1, Section V. Regulation XV. 1803, and Clause 4, Section III., Regulation VI. 1822, for making further provisions against the offence of counterfeiting the Coin; for declaring Magistrates empowered to take recognizances and and security for keeping the peace in certain cases; for enlarging the power granted to Magistrates by Clause I., Section III., Regulation II. 1822; for modifying and amending the rules in force relating to the requisition of security for good behaviour; and for subjecting to compulsory labour persons unable to find the security required.	The whole Regulation.
Regulation VIII. 1827...	A Regulation for granting to Native Judges jurisdiction in Criminal cases.	So much of Section IV. as provides for Native Judges being guided by Regulation X. 1816, Sections V. VII. VIII. X. XI. XII. XIII. and Clauses 3 and 4 of Section XIV.
Regulation X. 1827. ..	A Regulation for the gradual introduction of trial by Jury into the Criminal Judicature of the Territories subject to the Presidency of Fort St. George.	The whole Regulation.
Regulation VIII. 1828...	A Regulation for abolishing the use of the rattan as an instrument of punishment, and for substituting in lieu thereof, the cat-o'-nine-tails.	The whole Regulation.
Regulation IX. 1828. ..	A Regulation for rescinding such parts of the existing Regulations as prescribe forms for Periodical Reports, Calendars, Registers, or other Statements to be furnished by the Civil or Criminal Courts, and require the same to be forwarded at periods specified.	The whole Regulation.
Regulation VI. 1829. ..	A Regulation for modifying the enactments contained in Section VIII., Regulation I. 1825.	The whole Regulation.
Regulation VIII. 1829 ..	A Regulation for the punishment of the fraudulent appropriation or the unlawful and malicious obliteration or destruction of Judicial Records, and for defining the course of proceeding to be observed in bringing to trial persons charged with perjury or subornation of perjury before certain tribunals.	The whole Regulation.
Regulation II. 1830 ..	A Regulation for abolishing the use of the corah as an instrument of punishment, and substituting in lieu thereof, the cat-o'-nine-tails.	The whole Regulation.
Regulation II. 1831 ..	A Regulation for modifying the provisions contained in Regulation VIII. 1827, which require that persons committed for trial before the Court of Circuit by a Native Criminal Judge, shall be sent to the Criminal Judge or the Joint Criminal Judge of the Zillah, in order to their being tried by the Court of Circuit.	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation III. 1831 ..	A Regulation to provide for the more effectual administration of justice in certain cases.	The whole Regulation.
Regulation VIII. 1831 ..	A Regulation for vesting in single Judges of the Courts of Sudder and Foujdary Adawlut, and in single Judges of the Provincial Courts of Appeal, under certain restrictions, the power now exercised by two or more Judges of those Courts respectively.	Section V.
Regulation VIII. 1832 ..	A Regulation for rescinding Clause 2, Section VII. and Section VIII., Regulation IV. 1821.	The whole Regulation.
Regulation IX. 1832 ..	A Regulation for the punishment of false accusations preferred to a Head of District Police, or Police Officer vested with the powers of a Head of District Police.	The whole Regulation.
Regulation XIII. 1832 ..	A Regulation to provide for the more effectual administration of Criminal justice in certain cases.	The whole Regulation.
Regulation II. 1833 ..	A Regulation for exempting females from corporal punishment by stripes.	The whole Regulation.
Regulation III. 1833 ..	A Regulation for conferring upon Sudder Ameens jurisdiction in Criminal cases, and for extending the Civil jurisdiction of Registers, Sudder Ameens, and District Moonsiffs.	Section II.
Regulation I. 1834 ..	A Regulation for the punishment of persons convicted of treason or rebellion.	The whole Regulation.
	BOMBAY.	
Regulation II. 1827 ..	A Regulation for defining the constitution of Courts of Civil Justice and the powers and duties of the Judges and Officers thereof.	Section XXXVI.
Regulation IV. 1827 ..	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil suits and appeals and rules for the trial of the same.	Clause 4, Section XXXIV. also Section LII., and Sections LIV. and LV.
Regulation XI. 1827 ..	A Regulation for defining the persons subject to the operation of the Regulations on Criminal Judicature, under what circumstances foreigners may be given up to the Government to which they belong, and under what what circumstances Government may exercise a control over the residence and persons of emigrants and their descendants.	The whole Regulation.
Regulation XII. 1827 ..	A Regulation for the establishment of a system of Police throughout the Zillahs subordinate to Bombay, for providing rules for its administration, and for defining the duties and powers of all Police Authorities and servants.	The whole Regulation with the following exceptions: Section I. in as far as it applies to the Zillah Magistrate; Clause I. of Section III. in as far as it relates to the Police functions of the Zillah Magistrate; Clause 2 of Section III.; Clause 5 of the same Section in as far as it extends to the Zillah Magistrate; Section IV. in as far as it extends to Assistant Collectors in charge; Section VI.; Clause 4 of Section X.; Clause I. of Section XIII. in as far as it regulates the endorsement and record of warrants issued by Magistrate; Clauses 1, 6, 7, and 8 of Section XIX.; Section XX.; Clauses 1 of Section XXII. in as far as it relates to the superintendence of village Police; Clause 2 of Section XXVII.; Clause 4 of Section XXXI.; Section XXXVII.; and Chapter VI.
Regulation XIII. 1827 ..	A Regulation for defining the constitution of Courts of Criminal Justice, and the functions and proceedings thereof.	Sections IV. V. VI. X. XI. XII., and XIII.; Chapters III. and IV.; Sections XXIX. and XXX., Clauses 1 and 2; Section XXXI., and the whole of Chapter VI., except Clause 3 of Section

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
		XXXIV. in as far as it authorises the occasional substitution of a letter for a summons, and Clause 9 of the same Section.
Regulation XIV. 1827 ..	A Regulation for defining crimes and offences, and specifying the punishments to be inflicted for the same.	The whole Regulation, except Clause 2 of Section III., and Sections XX. and XXIII.
Regulation XXIII. 1827.	A Regulation imposing certain restrictions on money transactions between persons filling certain Civil Offices and others, and on the employment of individuals with whom they may have such transactions by the said Officers in official capacities ; on the possession of landed property by Europeans and Americans, and on the general use of Uniforms and Badges.	Section V.
Regulation XXX. 1827..	A Regulation enacting certain modifications of Regulations XII. XIII. XIV. and XV. of 1827, with reference to the Zillahs of Poona and Ahmednuggur.	The whole Regulation.
Regulation XVII. 1828..	A Regulation to provide for the punishment of the crime of conspiracy.	The whole Regulation.
Regulation III. 1830 ..	A Regulation rescinding Regulations VIII. and XII. of 1828, and vesting the Criminal Judges with the powers and functions of Session Judges.	The whole Regulation, except Sections II. IV. VI. and VII.
Regulation IV. 1830 ..	A Regulation rescinding such parts of Regulation XII. of 1827, as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants.	The whole Regulation, except Clause I. of Section I., and Section II.
Regulation XVI. 1830 ..	A Regulation to rescind that part of Clause 2, Section XXVI., Regulation XIV. 1827, which exempts persons assisting at rites of self-immolation from the penalty of murder ; and declaring the punishments to which persons shall be liable who may assist or use force or violence in the commission of such acts.	The whole Regulation.
Regulation XIX. 1830 ..	A Regulation providing for the appointment of a Joint Session Judge within the Zillah of Poona.	The whole Regulation.
Regulation V. 1831 ..	A Regulation for making persons effecting an escape from custody, unaccompanied by force, liable to the penalties prescribed in Regulation XIV., Section XXIV. 1837.	The whole Regulation.
Regulation VIII. 1831 ..	A Regulation for modifying the jurisdiction of Session Judges and Judicial Commissioners.	The whole Regulation, except Section I.
Regulation IX. 1831 ..	A Regulation for modifying the rules under which Landholders may be invested with Police jurisdiction.	The whole Regulation.
Regulation III. 1833 ..	A Regulation for the more efficient administration of Police in certain large Towns situated in the Zillahs subordinate to Bombay.	The whole Regulation.
Regulation VII. 1833 ..	A Regulation for modifying the provisions in force for the trial and punishment of persons exceeding twelve in number assembling for riotous or rebellious purposes, not amounting to treason ; and for defining the tribunal before which persons committing offences under the designation of unlawful attempts to alter the established laws, or disturbing the peace of Foreign States, may be tried.	The whole Regulation.
Regulation VIII. 1833 ..	A Regulation for modifying Section IX., of Regulation III. 1830, and introducing a more suitable arrangement for the performance of the annual Circuit by the Judicial Commissioners.	The whole Regulation.

STATEMENT OF OBJECTS AND REASONS.

The Regulations and Acts which it is the object of this Bill to repeal, are chiefly those which have been superseded, and are virtually rescinded by the Indian Penal Code and the Code of Criminal Procedure, both of which Codes are now in operation. The opportunity is also taken to repeal several Regulations which have long been obsolete or superseded, but which have never yet been formally repealed.

The total number of Regulations and Acts in the three Presidencies, which will be repealed by this Act and removed from the Statute Book, is between two and three hundred.

The 22nd January 1862.

(Signed) H. B. HARINGTON.

M. WYLIE,
Deputy Secy. to the Govt. of India,
Home Department.

The following Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1862:—

HOME DEPARTMENT.—LEGISLATIVE.

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to whom the Bill to protect the personal dignity of His Majesty the King of Oude was referred, have the honour to report that we have considered the Bill, and that we recommend that it be passed with the following amendments:—

1. The omission of the words "Civil, Criminal, and Revenue Courts" in line 8 of the Preamble, and the substitution for them of the words "Civil Revenue, and Criminal Courts."

2. The omission of the words "summons or warrant" in line 10 of Section I., and the substitution for them of the word "process."

3. The omission of the words "charged with the execution of a warrant either to arrest any person or to search for anything, shall" in lines 5 to 8 of Section II., and the substitution for them of the words "whether charged with the execution of a warrant or not, shall, for the purpose of arresting any person or searching for anything."

4. The omission of the words "may thereupon give such directions in respect to His said Majesty" in lines 18 to 20 of Section III., and the substitution for them of the words "shall thereupon give such directions in respect to the custody of the person of His said Majesty or the disposal of His property."

5. The insertion of the words "out of any Civil, Revenue, or Criminal Court" after the word "prosecuted" in lines 2 and 3 of Section IV.

6. The insertion of the word "Revenue" after the word "Civil" in line 7 of Section V.

7. The omission of the words "Civil or Criminal" in line 3 of Section VI.

8. The insertion of the words "and cross-interrogatories (if any)" after the word "interrogatories" in line 18 of the same Section.

9. The omission of the words "Civil or Criminal" in lines 3 and 4 of Section VII.

10. The addition of the following new Section as Section X. of the Bill:—

"This Act shall not continue in force after the death of His said Majesty."

(Signed) C. BEADON.
„ W. RITCHIE.
„ H. FORBES.
„ C. J. ERSKINE.

The 15th March 1862.

M. WYLIE,
Depy. Secy. to the Govt. of India,
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 19th March 1862, and was referred to a Select Committee who will make a report thereon after the 22nd June next:—

A Bill to consolidate and amend the Law relating to the partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal.

Preamble.

Whereas it is expedient to consolidate and amend the Law relating to the partition of Estates paying Revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal; it is enacted as follows;—

Laws repealed.

I. From the date of the passing of this Act Regulation IX. 1811 of the Bengal Code (*for facilitating the division of landed property, and for securing the rights of joint sharers in joint undivided Estates*), Regulation XI. 1811 of the same Code (*for extending the period fixed by the existing Regulations for revising the jumma on lands ordered to be divided into two or more Estates*), Regulation XIX. 1814 of the same Code (*for reducing to one Regulation, with alterations and additions, certain Regulations respecting the partition of Estates paying Revenue to Government*), Act XX. of 1836, and Act XI. of 1838, except in so far as the said Regulations and Acts repeal any Regulation or Act or any part of any Regulation or Act, and except as to the partition of any estate which shall be pending at the time of the passing of this Act, shall cease to have effect in the North-Western Provinces of the Presidency of Fort William in Bengal. Unless as hereinafter provided, the partition of any estate which shall be pending at the time of the passing of this Act shall be proceeded with and completed in the same manner as if this Act had not been passed.

Future partitions to be made under the provisions of this Act.

II. Except as directed in the last preceding Section, all partitions of estates, which shall be ordered to be made by the Officers of Government after the passing of this Act, shall be made under the provisions of this Act, whatever may be the tenure of the estate ordered to be divided.

Who are entitled to partition under this Act.

III. The following persons are entitled to the partition of estates, paying Revenue to Government, under this Act, namely:—

Class 1.—Proprietors of estates in which all the sharers have a common right and interest in the whole of the estate, without any separate title to distinct lands forming part of the estate, and the rents of which, by whomsoever paid, are thrown into a common stock with all other profits arising from the estate, and, after deduction of expenses of management and payment of the public revenue assessed upon the estate, the balance is divided amongst the proprietors according to their several shares.

Class 2.—Proprietors of estates, whose interests consist of certain portions of the rents of the estate, and who pay their respective quotas of the public revenue assessed upon the whole estate either jointly or separately to Government.

Class 3.—Proprietors of estates, in which the whole of the lands forming the estate are divided and held in severalty by the different proprietors, but the entire estate is responsible for the amount of the public revenue assessed thereupon.

Class 4.—Proprietors of estates, in which part of the lands forming the estate are held by the proprietors in common, and part in severalty.

Class 5.—Proprietors of estates, in which some portion of the lands forming the estate is held in common, but the proprietors pay their respective quotas of the public revenue assessed upon the entire estate in proportion to their several shares of the estate, under engagements separately taken from them and entered in the Government rent-roll.

Class 6.—Proprietors of specific lands forming part of an estate, but held in common as a separate property, such lands remaining liable with the body of the estate for the Government revenue assessed thereon.

No separation of specific lands under Class 6 of preceding Section, unless assessed with a separate revenue according to law.

IV. It shall not be lawful for any one or more of the proprietors of specific lands falling under Class 6 of the last preceding Section to obtain a separation of his or their shares of such lands until at the instance of the whole of the proprietors thereof, the lands have been separated from the estate and assessed in the manner prescribed by law with their proportion of the public revenue upon the entire estate.

Written application to the Collector for a partition.

V. If any one or more of the recorded proprietors of a joint undivided estate, whether held in common tenancy or otherwise, who may be entitled to partition under the provisions contained in Section III. of this Act, shall desire to have his or their shares of the estate separated, in order that he or they may hold separate possession of the same, such proprietor or proprietors shall make a written application for the purpose to the Collector of the District. Any two or more proprietors may apply to have their shares separated and to hold the same as a joint estate.

What particulars to be contained in the application.

VI. The application shall be signed by the party or parties applying for the partition, and shall specify the nature of the tenure of the estate sought to be divided. The names of all the co-sharers in the estate, the nature and extent of their respective shares, so far as the same may be known to the applicant or applicants, or can be ascertained by him or them, and the mode of partition desired shall also be stated. If the application does not contain the particulars abovementioned, the Collector may reject it.

Rejection of application by Collector, if particulars not contained.

Publication of Notification on receipt of application.

VII. The Collector, on the receipt of an application for partition, shall, if the application be in order and not open to objection on the face of it, publish a Notification of the same at his Office and at some conspicuous place on the estate to which the application relates, and shall invite any party in possession, who may not have joined in the application and who may object to the partition applied for, to appear before him either in person or by a duly constituted Agent, on a day to be specified in the Notification, not being less than fifteen or more than thirty days from the date of the Notification, and state his objection. If the application for partition shall not have been made by all the recorded proprietors of the estate, notice of the application shall be served, in the manner usual in the District for serving notices of the Revenue Officers, on each of the recorded proprietors of the estate who shall not have joined in the application.

Service of notice on recorded proprietors who have not joined in the application.

VIII. If any objection be made to the partition by any party in possession within the time allowed, and the Collector, on a consideration of such objection, be of opinion that for any cause the partition applied for is not practicable at that particular time, or if, in the opinion of the Collector, there be any good and sufficient reason, not inconsistent with the provisions of this Act, why the partition should be absolutely disallowed, he may refuse the application, recording the grounds of his refusal.

Refusal of application by Collector on objection taken or for reasons to be recorded.

Procedure if objection raise any question of title or of proprietary right.

IX. If the objection raise any question of title or of proprietary right, which shall not appear to have been already determined by a Court of competent jurisdiction, the Collector may either decline to grant the application until the question in dispute shall have been determined by a competent Court, or he may proceed to inquire into the merits of the objection. In the latter case the Collector, after making the necessary inquiry and taking such evidence as may be adduced, shall record a proceeding declaring the nature and extent of the interests in the actual possession of the party or parties applying for the partition, and any other party or parties who may be effected thereby. The procedure to be observed by the Collector in trying such cases shall be that laid down in Act VIII. of 1859 (*for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter*) for the trial of original suits.

Decisions of the Collector under the preceding Section to be held to be decisions of a Civil Court, and to be open to appeal.

X. All orders and decisions passed by the Collector under the last preceding Section, for declaring the rights of parties, shall be held to be decisions of a Court of Civil Judicature of first instance, and shall be open to appeal to the District or Sudder Court, according to the value of the claim, under the rules applicable to regular appeals to those Courts. Upon such appeal being made, the District or Sudder Court, as the case may be, may issue a precept to the Collector desiring him to stay the partition pending the decision of the appeal.

Special appeal to the Sudder Court from decisions of Zillah Court under preceding Section.

XI. From every decision passed under the last preceding Section by a District Court, a special appeal shall lie to the Sudder Court under the rules for the time being in force relating to special appeals to that Court.

Civil Court not to entertain suits for partition except on appeal from decision of Collector as above.

XII. It shall not be competent to the Civil Court to entertain a suit or application for the partition of an estate, except on appeal from the decision of the Collector as hereinbefore provided, anything contained in Section 225 Act VIII. of 1859 (*for simplifying the procedure of the Courts of Civil Judicature not established by Royal Charter*) to the contrary notwithstanding.

Publication of Notification when Collector shall order a partition to be made.

XIII. When the Collector, after disposing of the objections (if any) taken to the partition, shall order a partition to be made, he shall cause a Notification to be pub-

lished in his own Office, in the District Court, and at some conspicuous place on the estate which is to be divided, intimating his intention to proceed with the partition after thirty days from the date of the Notification.

Partition by whom to be made.

XIV. The partition shall be made by the Collector in whose District the estate is situate, or, if the estate be situate in two or more Districts, then by the Collector of any one of such Districts, who may be specially ordered by the Commissioner of the Division to superintend the partition.

Cost of partition how to be fixed and by whom to be paid.

XV. The expense of making the partition and the allowances of the establishment necessary for the measurement and survey of the lands, the preparation of papers, and any other charges, shall be fixed by the Collector. The amount shall be charged rateably to all the proprietors, according to the extent of their respective interests in the estate, unless for any special reason the Collector shall be of opinion that the amount should be otherwise distributed amongst the proprietors. The amount shall be paid under such rules as may from time to time be laid down by the Board of Revenue with the sanction of the local Government, and, in default of payment, may be realized under the rules applicable to the recovery of arrears of rent or revenue.

Order for partition may be stayed and proceedings quashed on discovery of objection.

XVI. At any stage of the proceedings after a partition shall have been ordered, if it shall appear from information which was not before the Collector at the time the partition was ordered or otherwise, that any reason, not inconsistent with the provisions of this Act, exists why the partition should not be proceeded with, it shall be competent to the Commissioner, on the report of the Collector, and subject to any orders that the Board of Revenue may pass in the case, to stay the partition and to order the proceedings to be quashed. The decision of the Revenue authorities under this Section shall not be open to revision by the Civil Court.

Papers to be filed by proprietors on requisition of Collector.

XVII. After the expiration of the period mentioned in the Notification referred to in Section XIII. of this Act, the Collector shall, if necessary, direct the Officer appointed to make the partition to cause a measurement of all the lands comprised in the estate to be made, and a rent-roll of the same to be prepared. The village papers which are required to be prepared and periodically deposited in the Office of the Collector under the provisions of Sections XII. and XIII., Regulation IX. 1833 *to modify certain portions of Regulation VII.* 1822 *and Regulation IV.* 1828; *to provide for the more speedy and satisfactory decision of judicial questions cognizable by Officers of Revenue employed in making settlements under the above Regulations, for enforcing the production of the village accounts for the more extensive employment of Native Agency in the Revenue Department; and to declare the intent of Section V. Regulation VII.* 1822, *touching claims to Malikana*) may be used for the purposes of this Act. Provided that any of the proprietors shall be permitted to file a rent-roll of the estate which shall be accepted if acknowledged to be correct by all the proprietors.

Examination of the parties and their papers.

XVIII. The Collector may examine the parties on solemn affirmation in regard to the papers produced before him whether by the Officer appointed to make the partition, the proprietors, or otherwise. He shall also allow any shareholder to examine the papers so produced and to take a copy of the same, and after such examination he shall hear any objections which any of the shareholders may make in respect to such papers. The Collector may direct any Deputy Collector or other Officer subordinate to him to examine the papers produced before him and to make a report upon the same.

Partition may be made by private agreement, or by arbitrators subject to confirmation by Collector, &c.

XIX. The Collector on the completion of the inquiry allowed by the last preceding Section shall allow the parties the option of making a private partition of the estate and allotment of the public revenue amongst themselves within such time as he may fix, or, if the parties shall not consent to make a private partition of the estate, or shall fail to make such partition within the time fixed by the Collector, the Collector shall call upon them to state whether they are willing to refer the partition of the estate and the apportionment of the public revenue to an arbitrator or arbitrators to be appointed by them. The Collector may also offer the parties the option of referring any point arising in the course of a partition to arbitration. The partition and allotment of the public revenue made by the parties or by arbitrators appointed by them shall be subject to the confirmation of the Collector and the orders of the superior Revenue authorities.

Appointment of arbitrators by Collector, if parties cannot agree.

XX. If the parties consent to refer the partition of the estate and the allotment of the public revenue or any point arising in the course of the partition to arbitration, but they cannot agree amongst themselves as to the arbitrator or arbitrators to be appointed, the Collector may appoint two or more persons to be arbitrators in the case. If the arbitrators are equally divided in opinion the Collector shall act as umpire, and the partition made by the arbitrator or arbitrators with whom the Collector shall concur shall be the partition in the case. The same rule shall apply in respect of any point arising in the course of a partition which shall be referred to arbitration.

In case of equality of votes, Collector to act as umpire.

Appointment of fresh arbitrator in case of refusal or inability of any of the arbitrators to act.

XXI. If any person, on being appointed an arbitrator, shall refuse to act, or, after accepting the appointment, shall die or become incapable of acting, another person shall be appointed arbitrator in his stead, in the same manner in which the first person was appointed.

Powers of Collector with regard to the arbitrators.

XXII. After the arbitrators shall have accepted the appointment, the Collector shall transmit the whole of the papers to them, and it shall be competent to the Collector to exercise towards the arbitrators the same powers and authority for securing their attendance and

the due completion of their award, which he is competent to exercise towards witnesses summoned before him when acting judicially for the purpose of compelling them to attend and give evidence. The Collector shall also fix a time within which the arbitrator or arbitrators shall deliver the paper of partition. On sufficient cause shown, the Collector may extend such period.

Paper of partition what to contain.

XXIII. The arbitrators shall deliver a full and complete paper of partition, specifying the separate estates into which they propose that the estates shall be divided, the names of the parties to whom the several estates are proposed to be allotted, and the amount of public revenue to be assessed on each of such estates.

Remuneration of arbitrators.

XXIV. The arbitrators, on delivering the paper of partition as aforesaid, shall be entitled to reasonable fees for their services, the amount to be fixed by the Collector.

Collector may refer the partition to other arbitrators, if the paper of partition be not delivered within the time fixed.

XXV. If the paper of partition be not delivered within the time fixed by the Collector, or within any further period to which the time may have been extended, the Collector may order that the partition shall be referred to another arbitrator or arbitrators to be chosen in the same manner and subject to the same rules as the first.

Partition to be made by Deputy Collector if it cannot be made by the parties themselves or by the arbitrators.

XXVI. If the partition of the estate cannot be made by the parties themselves or by arbitration under the foregoing rules, the Collector shall appoint an Officer to make the partition, and shall forward the whole of the papers to such Officer, and shall direct him to proceed to the estate and to make the partition within a time to be fixed by the Collector.

Proclamation by Deputy Collector for attendance of the parties in person or by Agent.

XXVII. The Officer appointed to make the partition shall issue a proclamation at the Mal-Cutcherry of the estate or other conspicuous place thereon, or at the village Chouree or Choupal, requiring the several proprietors of the estate to attend upon him in person or by Agent during the time that the partition is being made.

Estate may be attached and brought under Khas management under superintendence of Deputy Collector.

XXVIII. The Collector may direct the Officers appointed to make the partition at the commencement of the revenue year current in the District, to attach the estate and to bring it under Khas management under the personal superintendence of such Officer. The collections of the estate, after defraying the expenses of management and any other expenses with which the estate is chargeable, shall be applied to the payment of the Government revenue, and the residue shall be divided amongst the proprietors in proportion to their respective shares at such periods as the Collector may see fit.

Rule as to arrears of revenue accruing during the course of the partition of an estate.

XXIX. If an arrear of public revenue shall accrue on an estate ordered to be divided, while the partition of the estate is being made, any one or more of the proprietors may tender to the Collector his or their quota of the balance, and the Collector shall receive the same and credit the amount to the share or shares of such proprietor or proprietors. If a sale of any part of the estate shall ultimately become necessary for the liquidation of any part of such arrear which may remain due, only the share or shares of the proprietor or proprietors who shall not have contributed their quota of the balance shall be sold in the first instance, and the partition shall go on and be completed in the same manner as if no arrear of public revenue had accrued. The purchaser or purchasers of the share or shares sold shall be entitled to separate possession of the estate or estates which under the partition would have been allotted to the defaulting proprietor or proprietors. Provided always that in all cases of a partition the entire estate shall be considered responsible for the public revenue assessed upon it until the partition shall have been completed, and the several proprietors shall have been put into possession of the separate estates into which the estate may be ordered to be divided according as the same may be allotted to them.

Detailed measurement, and map may be made.

XXX. If the Officer appointed to make the partition shall consider it necessary to assist him in making the same, to cause a detailed measurement to be made of all the lands comprised in the estate, or a map of the estate to be prepared, he shall exercise the same powers for making such measurement and map as are vested in the Collector by any law for the time being in force.

Division of lands held in common.

XXXI. When some of the lands forming the estate are held in common, the Collector shall declare, by a proceeding to be held under the provisions of this Act, the principle and rule under which, in accordance with the village custom, such lands shall be divided; and he shall cause the partition of such lands to be made in conformity to the provisions of this Act. The portion of the common land falling by such partition to the shares of the several co-sharers shall be added to the lands held by them in severalty, and the several estates thus formed shall be assessed and declared separate estates. Provided that it shall be in the discretion of the Collector to cause any transfer of lands agreed to by the parties, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

Proviso.

Collector may refuse partition in certain cases.

XXXII. The Collector may refuse to declare any lands held in severalty and not liable to redistribution according to special village custom a separate mehal, if the lands be so intermixed with other properties as to render the formation of a compact estate impossible, and if the parties affected by the partition decline to permit of the transfers necessary for curing such defect.

Where there are no lands held in common, lands in severalty may be declared a separate estate.

XXXIII. Where there may be no lands held in common, the lands in severalty, held by the applicant for partition, or assigned to him by the Collector under the provisions of this Act, shall be assessed and declared a separate estate. Provided that it shall be in the

Proviso as to transfers.

discretion of the Collector to cause any transfer of lands agreed to, or directed by his order under this and the foregoing Section, to be made previous to such declaration, and the new estate shall be declared subject to the transfer so made.

Consequence of non-attendance of party before Deputy Collector after proclamation.

XXXIV. If any sharer, after the issue of the proclamation mentioned in Section XXVII. of this Act, shall fail to attend the Officer appointed to make the partition during the time the partition is being made, no objection taken by such sharer to the partition, shall be heard, unless such sharer can show that his absence was not wilful, or unless for any good and sufficient reason it shall appear just and proper to allow him to be heard against the partition.

Partition may be stayed if parties are not desirous that it should proceed.

Recovery of costs.

XXXV. If, at any time after an order shall have been passed for making a partition, it shall appear, either from the report of the Officer appointed to make the partition, or from any other information, that the parties are not desirous that the partition should proceed, it shall be competent to the Collector, with the sanction of the Commissioner, to stop the partition, and to strike the case off the file, recovering from the sharers all costs and expenses incurred up to that time.

Partition of estates to be as compact as possible.

XXXVI. It shall be the duty of the Officer appointed to make the partition, so far as circumstances will admit, to take care that the estates into which the estate is divided shall consist of contiguous mehals or villages. Provided that if the estate ordered to be divided shall not consist of a sufficient number of villages to admit of one or more entire village or villages being included in each estate, the partition of the village or villages of which the estate shall consist shall be made so as to render each estate as compact as possible.

Revenue to be assessed on each divided estates.

XXXVII. The public revenue shall be assessed on each estate into which the property shall be ordered to be divided, in conformity to the rules contained in any law for the time being in force.

Circumstances to be taken into consideration in making partitions.

XXXVIII. In selecting the villages or lands to be included in each separate estate the advantages or disadvantages arising from situation, the vicinity of roads, railways, navigable rivers, or canals, the nature and quality of the soil and produce, the quantity of culturable and unculturable waste land, the depth at which water may be procurable, the number of tanks and wells, the state of the embankments and water-courses, and any other local circumstances affecting the present or likely to influence the future value of the lands, shall be duly considered, and the villages or lands to be included in each estate shall be fairly and impartially selected. So far as may be practicable and consistent with compactness of partition, lands held in severalty shall be left in the possession of the parties holding the same.

Rule when dwelling-house belonging to one sharer is situate on ground to be allotted to another sharer.

XXXIX. If a dwelling-house belonging to one sharer shall be situate on any land or in any village which it may be necessary to include in the share of another sharer, the proprietor of such house shall be at liberty to retain it, with the offices, buildings, and grounds immediately attached thereto, upon agreeing to pay to the proprietor of the land or village in which the same is situate an equitable rent for the ground. The limits of the ground and the rent to be paid for it shall be fixed by the Officer making the partition, and shall be stated in the paper of partition.

Rule as to tanks, wells, water-courses, and embankments.

XL. Tanks, wells, water-courses, and embankments shall be considered as attached to the land for the benefit of which they were originally made. In cases in which, from the extent, situation, or construction of such works, it shall be found necessary to continue them the joint property of the proprietors of two or more of the estates into which the estate may be divided, the paper of partition shall specify, as far as circumstances may admit, the extent to which the proprietors of each of such estates may make use of the same and of the proportion of the charges for repairs to be borne by them respectively.

Rule as to places of worship.

XLI. Places of worship which shall have been held in common previous to the partition of an estate shall continue to to be so held, unless the parties shall otherwise agree amongst themselves, in which case they shall state in writing the agreement into which they have entered, and the Officer making the partition shall enter a note of the agreement in the paper of partition.

Powers of Deputy Collector carrying out the partition of an estate.

XLII. The Officer appointed to make the partition of an estate, shall exercise in such estate all the powers described in Act X of 1859 (*to amend the law relating to the recovery of Rent in the Presidency of Bengal*), and determine all suits and differences triable under that law between landlord and tenant; and any cases relating to the estate which may be depending before any Collector or Deputy Collector during the time the partition is in progress may be transferred to such Officer for disposal.

Particulars to be contained in the paper of partition to be submitted by the Deputy Collector.

XLIII. When the Officer appointed to make the partition shall have completed the partition and allotted the public Revenue on each of the estates into which it is proposed that the estate shall be divided, he shall prepare and submit to the Collector a paper of partition showing how he proposes to divide the estate and to apportion the public revenue. This paper shall specify the names of the mehals or villages included in each separate estate, the gross produce of each mehal and village for the three years immediately preceding the year in which the partition is ordered to be made, the names of the parties to whom the several estates are allotted, and the proportion of the public revenue proposed to be assessed on each of such estates, with any remarks regarding the mode observed in selecting the lands included in each estate, and the accounts

upon which the apportionment of the public revenue assessed thereon shall have been based, as may be necessary for the information of the Collector. The paper shall further contain a detail of the adjustments, if any, which shall have been made in respect to any tanks, places of worship, or other matters, as specified in the preceding Sections. The Officer appointed to make the partition shall also submit a map showing the several estates into which the estate is proposed to be divided.

A map of the partition to be also submitted.

XLIV. The Collector shall take into consideration the partition proposed by the Officer appointed to make the partition, and, after calling for any further information which he shall deem necessary, and disposing of any objections which shall be taken to the partition and allotment of public revenue as proposed by such Officer, he shall submit a report to the Commissioner together with such of the papers of the case as shall appear to him essential. He shall also forward a list of the papers not sent. The Collector shall record his opinion whether the proposed partition should be confirmed or modified, and in the latter case he shall state the nature of the modification which in his opinion should be made.

Report to be submitted by Collector to the Commissioner.

XLV. The Commissioner shall either uphold the partition proposed by the Collector or modify the same. The decision of the Commissioner shall not be open to revision by the Civil Court, but shall be subject to appeal to the Board of Revenue. The Commissioner, before coming to a decision, may call for any additional papers, or direct any further inquiry that he shall consider necessary.

Confirmation or modification of partition by Commissioner subject to appeal to the Board of Revenue.

XLVI. On the receipt of the order of the Commissioner, or, if an appeal be preferred to the Board of Revenue, then of the order passed on the appeal, the Collector shall cause the same to be published in his Office and in some conspicuous place in each of the estates separately consituted by such order. The Collector shall at the same time specify the date from which each of the estates shall be held to be a separate estate, and shall enter the several estates into which the estate has been divided in the Register of Estates paying revenue to Government. The Collector shall give the several proprietors possession of the estates allotted to them, and, if necessary, may avail himself of the assistance of the Magistrate in giving possession.

Procedure by Collector on receipt of order of Commissioner or of Board of Revenue on appeal.

XLVII. In order to prevent collusion or error in the distribution of the public revenue assessed upon an estate which may be ordered to be divided into two or more distinct estates, if it shall be proved to the satisfaction of the Government within twelve years from and after the date of confirmation of the partition, that the public revenue was fraudulently or erroneously apportioned at the time of the partition, the Government shall have power to order a new allotment of the public revenue upon the several estates into which such estate may have been divided conformably to the principles prescribed in this Act, on an estimate of the gross produce of each estate at the time of the partition, to be made agreeably to the best evidence and information which may be procurable respecting the same. Such order shall not be liable to be contested in the Civil Court. The parties whose estates may be declared to have been under-assessed shall be required to pay to the proprietors of the estates which shall have been over-assessed the sum in which they shall be found to have been over-assessed, and in default of payment the amount shall be leviable by the process prescribed for the recovery of arrears of rent or revenue.

Procedure in cases of fraudulent or erroneous apportionment of the public revenue.

XLVIII. If, during the time an estate is under attachment with a view to the partition of the same, any party shall neglect or omit to claim by a suit any right or title he may then have to the ownership or occupancy at a fixed rent of any land situated in such estate or any other interest therein, such neglect or omission shall be a valid plea in bar of any suit relating to such right, title, or interest, unless the party can satisfy the Court that there was good and sufficient reason for his neglect or omission to institute the suit at or before such time. Provided that this Section shall not bar any action for arrears of rent or the enhancement or alteration of rent.

Neglect or omission to bring a suit, to contest the right, title, &c., to any land while an estate is under attachment, to be a valid plea in bar of suit subsequently instituted.

XLIX. Whenever any Court of Civil Judicature shall pass a decree awarding to any person the proprietary right in a portion of an estate paying revenue to Government, whether the portion so awarded shall consist of a fractional share in the whole or a part of the estate, or of specific lands, the decree-holder may apply to the Collector for a partition of the estate; and on the receipt of such application, the Collector shall proceed thereupon under the provisions of this Act, which are hereby declared applicable to such applications.

Application for partition after decree of Court awarding proprietary right in a portion of an estate.

L. If two or more estates, which may have originally formed portions of the same estate, shall come into the possession of one person, such person shall be entitled to have such estates united and to hold them as a single estate; or if two or more persons shall have separate possession of their respective shares of an estate which was originally held as a joint undivided estate, such persons may apply to have their shares united and to hold them as one estate.

Union and separation of estates or of portions of estates in certain cases.

LI. The application for the union of the estates or of the shares of the estate, as the case may be, shall be made in writing to the Collector of the District in which the estate or shares of the estate are situate, and the Collector (provided he see no objection) shall comply with the application and cause the necessary entries to be made in the records of his Office, reporting the case to the superior Revenue Authorities.

Application to be in writing, and Collector to comply with it if he sees no objection.

LII. The provisions of this Act, so far as they relate to the completion and confirmation or to the staying or quashing of the partition of an estate, may be applied at the discretion of the Collector in all cases of the partition of estates pending at the time of the passing of this Act.

Certain portions of this Act made applicable to pending cases.

LIII. The provisions of this Act may, in so far as the same are applicable, be applied by order of the local Government to the partition of any estate held free from the payment of Government revenue.

Provisions of this Act may, as far as applicable, be applied to partition of estates held free from the payment of revenue.

LIV. In the performance of his duties under this Act, the Collector shall be subject to the general direction and control of the Commissioner of the Division and the Board of Revenue.

Collector under this Act to be subject to the direction and control of the Commissioner and Board of Revenue.

LV. All orders passed by a Collector under this Act, unless otherwise provided, not being orders or decisions within the meaning of Section X., shall be open to revision by the superior Revenue Authorities.

Orders of Collector except in certain cases, to be open to revision by the superior Revenue Authorities.

LVI. The powers vested in a Collector by this Act may be exercised by a Deputy Collector or other Officer vested with the full powers of a Collector, subject to the control of the Collector of the District.

Powers of Collector under this Act may be exercised by a Deputy Collector or other Officer vested with the full powers of a Collector.

LVII. In carrying out the provisions of this Act the Collector shall exercise the powers described in Regulation II. 1819, Regulation VII. 1822, and Regulations IX. and XIV. 1825. Any Officer appointed to make a partition under this Act may also exercise the powers described in the foregoing Regulations, so far as the same may be applicable.

Powers of Collector under this Act.

LVIII. If, in any case in which a Collector or other Officer shall exercise jurisdiction under this Act, any person is guilty of the offence of giving or fabricating false evidence or of forgery as defined in the Indian Penal Code or of abetting any of those offences, such Collector or other Officer shall have the same powers in respect of such offence and of the person charged with committing the same as are vested by the Code of Criminal Procedure in a Civil Court when any such offence is committed before or against such Court, or when a document charged to be a forgery is given in evidence in any proceedings in such Court.

Powers of Collector or other Officer under this Act, with regard to false evidence or forgery.

LIX. In the execution of the duties vested in the Board of Revenue by this Act, the Board shall be guided by such orders or instructions as they may from time to time receive from the local Government, to whom they shall apply in all cases which shall appear to the Board not to have been provided for by the existing law.

Board of Revenue to be guided by instructions of the local Government.

LX. 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.

Interpretation.

LXI. This Act shall extend only to such parts of the North-Western Provinces of the Presidency of Fort William in Bengal as are subject to the general Regulations of that Presidency; but the Act may be extended by order of the local Government, either wholly or in part, to any Non-Regulation Province under such Government.

Territorial scope of Act.

STATEMENT OF OBJECTS AND REASONS.

The present law under which the partition of estates, held in joint tenancy, is made by the Revenue Officers of Government in the Presidency of Fort William in Bengal, has been found defective in respect to a very numerous class of estates in the North-Western Provinces of that Presidency, that is to say, estates the property of two or more persons the lands comprised in which are held partly in severalty and partly in common. The wording of the present law* precludes the application of its provisions to estates of this description, and even the lands in such estates which are held in common are considered not to be divisible under it.

* *Vide* Section 30 Regulation XIX. 1814 of the Bengal Code.

But a more serious objection to the existing law is to be found in the extremely dilatory character of the procedure which it lays down for the partition of a joint undivided estate. The nature of this procedure is such that it admits of constant impediments being thrown in the way of a partition by any person who has an object or an interest in obstructing or retarding the partition, and the consequence is, in the great majority of cases, almost intolerable delay.

The objects chiefly aimed at in the present Bill are the removal of the defect in the present law, already noticed, and the introduction of a more simple and summary procedure which shall admit of the partition of an estate held in common tenancy being ordinarily effected within a comparatively short period, instead of being as is not unfrequently the case at present, the work of several years, if not of a long life.

It is a question whether the partition of very small estates should be allowed, the objection to the partition of such estates being the difficulty experienced in collecting the Revenue of Government from a number of small properties. But a Regulation was passed upwards of half a century ago (Regulation V. 1810) which seems to have recognised the right of every co-sharer in a joint undivided estate, whatever its extent, to have his share of the estate separated from the rest and to hold the same in severalty; and the right being conceded, it is only just and proper that the law should afford means for the enforcement of the right without difficulty, with reasonable expedition and at a moderate cost. It is hoped that the present Bill will provide such means.

A table showing the arrangement and subject of the Sections of which the Bill consists is affixed to the Bill. To this table I beg to refer for the detailed provisions of the Bill.

It will be seen that Section LIII. proposes to allow the provisions of the Bill to be applied, at the discretion of the local Government, to the partition of estates held free from the payment of Government revenue. The present law is restricted in its application to estates paying revenue to Government. The extension of the law, under certain circumstances in the manner proposed to rent-free estates, is considered desirable in reference to some of the grants of estates or share of estates which were made for services rendered during the eventful years of 1857 and 1858.

The Bill, as now framed, has been seen by the Members of the Sudder Board of Revenue at Allahabad, and is approved of by them. I believe I may say it has also the approval of the Honorable the Lieutenant-Governor of the North-Western Provinces, at whose instance the Bill is brought in.

In preparing the Bill, I received great assistance from Baboo Prosunno Coomar Tagore, the learned Clerk Assistant of the late Legislative Council.

The Bill, as it was originally drawn by me, was intended to apply to all the Regulation Districts of the Presidency of Fort William in Bengal; but on hearing that a separate Legislative Council was to be constituted for the Lower Provinces of Bengal, I at once determined to restrict the application of the Bill to the North-Western Provinces of that Presidency, and the Bill is now framed accordingly. I believe I have sufficient ground for saying that the alterations which the Bill proposes to make in the existing law as regards the North-Western Provinces are, for the most part, equally required for the Lower Provinces of Bengal; but the introduction of a Bill for Bengal obviously falls more properly within the province of the local Legislature than of the Council of the Governor General of India.

(Signed) H. B. HARINGTON.

The 29th January 1862.

M. WYLIE,

Depy. Secy. to the Govt. of India,

Home Department

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