



# Bombay Government Gazette.

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THURSDAY, 27th JANUARY 1848.

[Four annas per copy.]

**NOTIFICATION.**

Bombay Castle, 4th August 1831.

GENERAL DEPARTMENT.

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

Bombay Castle, 18th January 1832.

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

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

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

**NOTIFICATION.**

No. 100 of 1848.

**TERRITORIAL DEPARTMENT,**

**FINANCE.**

Notice is hereby given, that the following Sets of Bills of exchange drawn by the Government of Bombay on the Government of Bengal, Calcutta, at thirty days sight, will be disposed of on Monday the 31st instant, by public sale at the General Treasury, at 1 o'clock P. M. namely.

25 Sets of Bills for Co's. Rs.	1,000 each Co's. Rs.	25,000
10 .. Ditto .. .. .	2,000 do. .. ..	20,000
10 .. Ditto .. .. .	3,000 do. .. ..	30,000
20 .. Ditto .. .. .	5,000 do. .. ..	100,000
10 .. Ditto .. .. .	10,000 do. .. ..	100,000
5 .. Ditto .. .. .	20,000 do. .. ..	100,000
5 .. Ditto .. .. .	25,000 do. .. ..	125,000

85 Sets. Co's. Rs. 500,000

The bills are to be paid for at the General Treasury on or before Thursday the 3rd proximo, and such as may remain unappropriated in consequence of the non-payment of the purchase money on the close of the Treasury on that day, will be re-sold on Friday the following week, at the risk of the first purchaser, who will forfeit any advantages that may result from such resale, and will be required to make good to Government any loss arising from the difference of price between that obtained at the resale and the amount at which the Bills were originally purchased.

2nd. The Sub-Treasurer will as usual, grant a certificate for the sum of money paid at the General Treasury on account of each set of bills purchased at this sale, or he will consolidate the amount of two or more sets of bills in one certificate, at the option of the purchaser, provided the sets of bills to be so consolidated have been all bought at one and the same rate of exchange.

3rd On the above-mentioned Treasury certificates being presented at the Accountant General's Office, the bills in question will be prepared as soon after as possible, and will be delivered to the parties entitled to them on their passing a receipt for the same on the back of the Treasury certificates.

G. J. BLANE,

Acting Accountant General.

Bombay Castle, }  
Accountant Gen'l's Office, }  
26th January 1848. }

**NOTIFICATION,**

**TERRITORIAL DEPARTMENT.**

**REVENUE.**

In conformity with the provisions of Section III of Act XX of 1839, Notice is hereby given, that on Act XIX of 1844 becoming law, the levy was prohibited of all Hucks, Fees and Shares of every description derivable from the items of Revenue thereby abolished.

By order of the Hon'ble the Governor in Council,

H. E. GOLDSMID,

Bombay Castle, }  
22nd Jany. 1848. }

Secy. to Govt.

**Notice**

Is hereby given, that sealed tenders will be received at this office on Monday the 31st instant, at 1 o'clock P. M for the supply of seven Chests, each of 140 lbs. net weight, of 1st sort Malwa Opium.

No reason will be assigned for rejecting a tender.

H. YOUNG,

Opium Agent.

Bombay Opium Agent's. }  
office, 26th January 1848. }



**Notice**

Is hereby given, that verbal tenders will be received at this office at noon, on Friday the 18th proximo, for supplying any quantity of good cleaned gram, that may be required for the Commissariat department for the Mounted Corps and other departmental purposes, at Poona and Kirkee, from the 1st March 1848 to the 28th February 1849.

The gram to be of unexceptionable quality of the description usually furnished to this department, and to be delivered free of all expense beyond the stipulated price, into the stores, at Poona or Kirkee, as may be ordered; if the grain tendered is considered objectionable by the Executive Commissariat officer, and is not immediately replaced by the contractor with approved grain, the required quantity will be purchased wherever procurable, at his risk and loss, and in every such instance he will be liable to be fined (50) fifty Rupees, or 30 per cent on the amount of the expenses so incurred, at the option of the Executive Commissariat officer; but the contractor will be at liberty to claim to have the rejected grain examined by a committee of officers, whose decision thereon shall be final.

A supply of not less than one month's consumption during the fair season, and of three months during the monsoon, is to be constantly kept in the Commissariat stores.

To prevent disputes hereafter, it is to be distinctly understood, that the provisions of the contract are only intended to extend to demands made at Poona and Kirkee, but in the event of any of the Cavalry, or public camels moving, it will be optional with the Executive, Commissariat officer to take not more than one month's grain for their use on the march.

The biddings for the contract will be in the Company's Rupee, and no person will be permitted to bid who has not previously deposited in this office Rupees (3,500) Three thousand five hundred, which sum will be forfeited in the event of delay, evasion or refusal on the part of any bidder to execute the necessary deed of contract when required to do so, in the event of his offer being accepted; in which case he must also be prepared to furnish bonded security to the further amount of Company's Rupees (14,000) fourteen thousand, which together with the abovementioned deposit, will be held as a guarantee for due fulfilment of every part of the contract.

Sums retrenched by the Military Board will be recovered from the first bill subsequently presented for payment by the contractor, if such retrenchments are subsequently remitted, the amount so recovered will be refunded.

The annual outlay on account of the above contract is estimated at Rupees (70,000) seventy thousand or thereabouts.

No reason will be assigned for the rejection of any offer.

Further particulars will be made known on application at this office, any day from 10 to 5 o'clock, Sunday's excepted.

G. POPE, Capt.

Assist. Commy. Genl. P. D. A.

Poona Commissariat office, }  
20th January 1848. }

**Notice**

To be sold by public outcry at the Bombay Dock Yard and new Ground on Monday the 31st instant, at 12 o'clock in the forenoon, a quantity of refuse timber and chips collected from works carried on in the Dock Yard.

TERMS OF SALE.

The lots to be paid for on the spot when knocked down, and to be cleared away within three days.

G. ROBINSON,

Acting Indian Naval Storekeeper.

Bombay, I. N. Storekeeper's }  
office, 26th January 1848. }

**Notice.**

Verbal tenders will be received at this office at 2 o'clock on Tuesday next the 1st proximo, for the supply of the undermentioned articles, and such others as may be called for during the intermediate period, viz.

- 1 Press Teakwood, with brass lock hinges complete with Shelves &c. height 6 feet, depth 1½ feet, breadth 4 feet.
- 6 Brushes Comb, camel hair, Europe.
- 1 Theodolite, with stand of 5 inches.
- 1 Tracing glass, complete, large size.
- 6 Tents necessary, complete.
- 4 Holy Bibles, as per muster.

An immediate deposit of ten per cent will be required to be made by the lowest bidders upon the amount of their offers, which sum will be forfeited in the event of refusal or delay in making the supply within the limited time; all further particulars may be learnt on application at this office from 10 till 5 o'clock daily.

E. WHICHELO, Capt.

Depty. Commissary General.

Bombay, }

Deputy Comy. General's }  
Office, 26th Jan. 1848. }

**Notice**

Is hereby given, that sealed tenders will be received at this office until 2 P. M. on Friday next the 4th proximo, for the conveyance of 400 Tons of Coal for the Service of the Steam Vessels of the Indus Flotilla in Scind.

All persons desirous of tendering will be required to specify both in words and figures the rate per candy at which they are willing to undertake the above supply.

Every person submitting a tender will be required to lodge with it a sum of Co's. Rupees (300) three hundred in cash, which will be forfeited in the event of delay, evasion or refusal to execute the necessary deed of contract; should his offer be accepted he must be prepared to add thereto a further sum of Rs. 300 three hundred in cash, making in all Rupees 600 six hundred.

The vessels must be surveyed before they are loaded, to judge of their fitness for the service, and all rejected are to be immediately replaced by others in failure thereof, such vessels as may be required will be hired at the sole risk and cost of the contractor.

Half freight will be paid here and the remainder after the production of the receiving officer's receipt of a correct delivery of the coals.

The tenders will be opened at the time specified in presence of the parties concerned or of such as may be in attendance, and no reason will be assigned for the rejection of any offer nor will any be recorded that are not accompanied with the required deposits.

Further particulars may be obtained on application at this office daily from 10 A. M. to 5 P. M. Sunday's excepted.

E. WHICHELO, Capt.

Deputy Commy. Genl.

Bombay, }

Depty. Commy. Genl's }  
Office, 26th Jan. 1848. }

**Notice**

Is hereby given, that persons desirous of entering into a contract for the supply of Drugs, Country Medicines &c. to this department, for all purposes, for the term of one year, from the 15th day of February next, may on application at this office from 10 A. M. till 5 P. M. daily (Sundays excepted) obtain a list of prices and such other information relating thereto as they may require.



Verbal offers for the contract will be received at this office at 2 o'clock on Monday the 31st instant, when persons will be required to bid a per centage above or below the prices exhibited in the above mentioned list, on the understanding, that the articles to be supplied under the contract are to be of unexceptionable quality or of the exact sort or kind demanded, and delivered to the indenting departments in good condition, free of all further expences, in such number or quantity as may from time to time be required, and that the same will be liable to examination, and rejection by a committee of officers appointed on the part of government.

The contractor will be required to sign and seal a contract, stipulating to the above effect, and that he will comply immediately with all emergent demands for the articles included in the list above adverted to, and others of less urgency within the period stated in the requisitions made upon him, and that in failure whereof, the articles or such others as may be required in lieu, will be purchased at his risk and loss, and that in all such cases an advance of Rupees (30) thirty per cent, upon the amount of expences incurred, or a fine of Rupees (50) at the option of the Executive officer may be levied as liquidated damages for each and every such breach of contract, as often as the same may occur, and that the contract may also in all such cases be put an end to on the part of the East India Company.

No person will be allowed to bid for the contract unless he previously deposits in this office the sum of Rupees (400) four hundred in cash, which will be forfeited in the event of delay, evasion, or refusal to execute the necessary deed of contract; should his offer be accepted, he must be prepared to add thereto a further sum of Rupees (216) two hundred and sixteen in cash, making in all Rupees (616) six hundred and sixteen; and unexceptionable bonded security to the extent of Rupees (2471) two thousand four hundred and seventy one, to be held by government as security for the due performance of his contract.

The amount of retrenchments made by the Military Board on the contractor's bills, will be recovered from the first bills preferred for payment by the contractor, but in the event of such retrenchments being subsequently removed the amount thereof will be refunded to him.

The annual outlay of the above contract is estimated at Rupees (12,329) or thereabouts. All further particulars will be communicated at the time of bidding, and no reason will be assigned for rejection of any offer.

E. WHICHELO, Capt.  
Deputy Commissary General.

Bombay,  
Deputy Commy. General's }  
Office, 12th Jany. 1848. }

### Notice

Is hereby given, that persons desirous of entering into a contract, for the supply of Naval Stores, to this department, for the term of one year from the 10th day of February next, may, on application at this office, from 10 A. M. to 5 P. M. daily, (Sundays excepted) obtain a list of the prices, and such other information, relating thereto, as they may require.

Verbal offers for the contract will be received at this office, on Friday the 28th instant, when persons will be required to bid a per centage above or below the prices specified in the list above adverted to, on the understanding, that the articles to be supplied under this contract, are to be of the very best description and quality, and must correspond with the musters which may be seen in this office, or be of the exact kind or sort demanded, free of all expences, in such quantities as may from time to time be required, and that the same will be liable to examination and rejection, if disapproved, by a Committee of officers appointed on the part of Government.

The contractor will be required to sign and seal a contract to the above effect, and to comply immediately with all demands extraordinary or emergent for the articles included in the list above adverted to; and others of less urgency, within the periods stated in the requisitions made upon him, in failure whereof the articles in such quantities as may be required in lieu, will be purchased at his risk and loss, and that in all such cases an advance of (30) thirty per cent upon the amount of expences incurred, or a fine of Rupees (50) fifty at the option of the Executive officer, may be levied as liquidated damages for each and every such breach of contract, as often as the same may occur; also the contract may in all such cases be put an end to on the part of the East India Company.

No person will be allowed to bid for the contract unless he previously deposits the sum of Rupees (1000) one thousand in cash, which will be forfeited in the event of delay, evasion or refusal to execute the necessary deed of contract; should his offer be excepted, he must be prepared to add thereto a further sum of Rupees (2,655) two thousand six hundred and fifty-five in cash, making in all Rupees (3,655) three thousand six hundred and fifty-five, and unexceptionable bonded security to the extent of Rupees (14,620) fourteen thousand six hundred and twenty, to be held by Government as security for the due performance of his contract.

The amount of retrenchments made by the Military Board on the contractor's bills, will be recovered from the first bills preferred for payment by the contractor, but in the event of such retrenchments being subsequently removed, the amount thereof will be refunded to him.

The annual outlay of the above contract is estimated at Rupees 73,101, or thereabouts. All further particulars will be communicated at the time of bidding, and no reason will be assigned for the rejection of any offer.

E. WHICHELO, Capt.

Deputy Commy. General.

Bombay, Deputy Commy, Genl's }  
Office, 10th January 1848. }

### Notice

Is hereby given, that persons desirous of entering into contract for performing the packing and dammering duties of this department for the term of one year, from the 10th day of February next, may, on application at this office from 10 A. M. till 5 P. M. daily (Sundays excepted) obtain a list of the prices, and such other information relating thereto, as they may require.

Verbal offers for the contract will be received at this office, at 2 o'clock on Saturday the 29th in-



stant, when persons will be required to bid a per centage above or below the prices exhibited in the list above adverted to, at which they will undertake to perform the whole of the work embraced therein, in a satisfactory manner.

The contractor will be required to sign and seal a contract stipulating to the above effect, and that he will comply immediately with all emergent orders for packing stores, covering and dammering packages, and that other similar duties of less urgency shall be completed within the periods stated in the orders, and that on the failure whereof, the work may be performed at his risk and loss, and that in all such cases an advance of Rupees (30) thirty per cent upon the amount of expences incurred, or a fine of Rupees (50) fifty, at the option of the executive officer, may be levied as liquidated damages for each, and every such breach of contract, as often as the same may occur; and the contract may in all such cases be put an end to on the part of the East India Company.

No person will be allowed to bid for the contract unless he previously deposits in this office, the sum of Rupees (20) twenty in cash, which will be forfeited in the event of delay, evasion or refusal to execute the necessary deed of contract, should his offer be accepted, he must be prepared to give unexceptionable bonded security to the extent of Rupees (77) seventy-seven, for the due performance of his contract.

The amount of retrenchments made by the Military Board on the contractor's bills will be recovered from the first bills preferred for payment by the contractors, but in the event of such retrenchments being subsequently removed, the amount thereof will be re-fundred to them.

The annual outlay on account of the above contract, is estimated at Rupees (382) or thereabouts, all further particulars will be communicated at the time of bidding, and no reason will be assigned, for the rejection of any offer.

E. WHICHELO, Capt.  
Deputy Comy. Genl.

Bombay,  
Deputy Comy. Genl's. Office, }  
11th January 1848.

**Notice**

Is hereby given, that the Superintendent of the Indian Navy will receive sealed tenders on Saturday next the 22nd instant at noon, for the conveyance of Invalids as per margin (more or less) with their baggage to England.

The tenders must specify the rate per head in English currency for adults, and half for children, and the date when the ship will be ready to receive the detachment.

The ship is to furnish provisions of the best quality with medical comforts, medicines, water and fuel equal in quantity to twenty weeks consumption. A scale of provisioning will be furnished on application at the office of the Agent for Transports, to which must be added (3) three ounces of patent preserved potatoes per man, twice a week.

The ship must provide Hammock battens, and for suspending the Knapsacks between decks, also wind-sails for the ventilation of between decks, convenience for the sick, and a separate necessary for the women, and to be fitted with lightning conductors. A cabin to be provided for the officer

accompanying the invalids, and who is to be accommodated at the commander's table at the usual rate allowed by Government.

The ship will be surveyed by the officers of Government, and the space allotted to the troops as well as the provisions, will be inspected by a Committee; two-thirds of the passage money will be paid in India at the exchange of two shillings the Company's Rupee, and the remaining one-third in England after the arrival of the ship and the landing of the troops at their destination.

The form of tender will be supplied on application to the Agent for Transports, also any other information required.

No reason will be assigned for rejecting any tender, nor will any be received unless made out and filled in according to the form prescribed, and commanders of ships tendering will previously apply for a committee to survey and report on the capabilities of the ship that no delay may arise after the tenders are sent in. All tenders are to be sealed and superscribed "Tenders for the conveyance of Invalids of Honorable Company's service to England."

N. B.— Separate tenders will also be received at the same time for the conveyance of (18) eighteen Stokers, and one 1 Purser's Steward and 2 two unfit Seamen of the Indian Navy to England.

By order of the Commodore Supt.

H. B. LYNCH, Capt.

Assistant Superintendent.

Superintendent's Office, }  
Bombay, 19th Jany. 1848. }

**Notice**

Is hereby given, that the Superintendent of the Indian Navy will receive sealed tenders on Saturday next the 22nd instant, for the conveyance of European and Native convicts from Bombay to Singapore, and Van Dieman's Land with the necessary guard.

The tenders must specify the sum for which the vessel will be chartered to Government for the trip from Bombay to Singapore and Van Dieman's Land including the provisioning of the guard and convicts and building the necessary prison.

The tenders must express the rate for which the ship will be chartered providing the tenderers are allowed to ship a certain portion of cargo in the space unoccupied by the convicts and guard their provisions and water, also the rate provided the whole ship is given up to government.

By order of the Commodore Supt.

H. B. LYNCH, Capt.

Assist. Supt. I. N.

Supt's. Office Bombay, }  
19th Jany. 1848. }

**Bank of Bombay,**

DISCOUNT.

On government bills.... 6 per cent.  
On private bills at or within 2 } 8 ditto.  
months..... }  
Ditto, ditto, at or within 3 } 9 ditto.  
months..... }

INTEREST.

On fixed loans on government } 7 ditto.  
notes..... }  
On cash credit accounts on go- } 8 ditto.  
vernment notes..... }

The rate of advance on deposit of 5 per cent Government Notes is 95 per cent, and on 4 per cent Government Notes 80 per cent.

By order of the Board of Directors,

J. STUART, Secy. & Treasurer.

Bombay, 16th December 1847.



# General Orders.

BY THE HON'BLE THE GOVERNOR IN COUNCIL.

MILITARY DEPARTMENT.

BOMBAY, CASTLE 20TH JANUARY 1848.

No. 34 of 1848.—Ensign E. L. Bennett, of the 29th regiment native infantry is allowed a furlough to Europe for three years, on medical certificate.

No. 35 of 1848.—The Hon'ble the Governor in Council is pleased to permit Captain W. S. Jacob of the Engineer corps, to resign the Hon'ble Company's service.

No. 36 of 1848.—Lieutenant G. V. Price, of the 1st grenadier regiment native infantry, is allowed leave of absence from the 15th instant to the 15th June next, to proceed to the Neilgherries on private affairs.

No. 37 of 1848.—Lieutenant N. Newnham, Assistant Superintendent of Bazars and Police at Poona, is allowed leave of absence for one month from the 12th instant to proceed to the Presidency.

No. 38 of 1848.—The undermentioned officers have returned to their duty without prejudice to their rank by permission of the Hon'ble the Court of Directors.

*Date of Arrival at Bombay.*

Brevet Major G. Hutt, c. b. of the regiment of artillery ..... 6th January 1848.

Lieutenant C. Halkett, of the 9th regiment N. I. .... 14th December 1847.

No. 39 of 1848.—The following orders are confirmed.

An order by Major General D. Barr, dated the 7th December 1847, directing Surgeon Montifiore of the 1st regiment light cavalry (Lancers) to act as Superintending Surgeon North West Division of Guzerat, consequent on the promotion and the departure of Superintending Surgeon Wight from the division.

An order by Captain B. R. Powell, dated the 4th November 1847, appointing Lieutenant A. Y. Sinclair, to act as Adjutant to the left wing of the 26th regiment native infantry, during its separation from head quarters.

A detachment order by Captain Robertson, dated the 12th December 1847, appointing Ensign Batty, to act as Adjutant to the right wing of the 25th regiment native infantry at Dhoolia, vice Bourdillon.

No. 40 of 1848.—Conformably to the rule obtaining on the Bengal Establishment, General officers nominated to the staff of this army, are to be allowed their staff allowance from date of appointment, without forfeiture of any portion thereof, while proceeding to join their stations.

*Bombay Castle, 21st January 1848.*

No. 41 of 1848.—2nd Lieutenant G. Chapman, is appointed an assistant to the Executive Engineer at Poona, as a temporary measure.

*Bombay Castle, 22nd January 1848.*

No. 42 of 1848.—The following promotions are made.

*Ordinance department.*

*Date of appointment.*

Conductor P. Cowley to be Deputy Assistant Commissary, Acting conductor C. Berry to be Conductor, and Acting Sub-Conductor R. Nash to be Sub-Conductor in succession to Archer deceased.....	} 5th January 1848.
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No. 43 of 1848.—The Hon'ble the Governor in Council is pleased to direct, that public treasure be kept only in Tumbrils, or in Chests so weighty, or so secured, as not to be removable otherwise than by the combined means of many persons, and to declare that officers, neglecting this precaution, will always be held responsible for any losses that may in consequence occur.

No. 44. of 1848.—In assimilation with the Bengal regulations, the following proportions of sick carriage are fixed for native troops.

Every regiment of the line whether Cavalry or Infantry, each battalion of Golundauze and the Head Quarters of the corps of Sappers and Miners, will be allowed one dooley with five bearers in cantonments.

On ordinary occasions of march from one station to another, one dooly with six bearers will be allowed to every five hundred (500) native commissioned and non commissioned rank and file of regular troops.

When native troops are equipped for field service, doolies will be sanctioned in the proportion of one, with six bearers for every one hundred (100) commissioned and non commissioned rank and file of regular troops.

Whenever there are more than half the number of men entitled to doolies by the foregoing rules, a dooley is to be furnished.

It is to be understood, that no additional doolies will be allowed, when carts are procurable for the conveyance of the sick.

Such portion of Article 84 Section X, of Jameson's Code as relates to native troops, and the whole of articles 213 @ 215 of Section XXIII are hereby cancelled.

The existing orders requiring all extra carriage to be sanctioned by His Excellency the Commander in Chief and Government remain in full force.

No. 45 of 1848.—Lieutenant C. P. Rigby, of the 16th regiment native infantry, has been appointed to act as Bheel Agent in Khandeish (in the Kunkur Agency) and 3rd in command of the Khandeish Bheel Corps, during the absence of Captain Auld.

No. 46 of 1848.—The date of rank assigned to the native officers of the Sappers and Miners in G. G. O. of the 18th ultimo, No. 721, is altered from the 1st November 1847 to the 1st January 1848.

No. 47 of 1848.—The Hon'ble the Court of Directors have appointed agreeably to the 33rd George the 3rd, Cap. 52, Section 60, Mr. Arthur George St. John Mildmay, now abroad in Her Majesty's 86th Foot, a cadet of infantry upon the Bombay Establishment, subject to the usual conditions.

2nd. Mr. Mildmay's order of rank will be transmitted in due course.



No. 48 of 1848.—The Hon'ble the Court of Directors have appointed Mr. James Gammell Stewart, now abroad, an Assistant Surgeon upon this establishment, subject to the usual conditions.

*Bombay Castle, 25th January 1848.*

No. 49 of 1848.—Captain H. Jacob, Acting Executive Engineer at Ahmednuggur, is permitted to proceed to the Presidency with leave of absence from the 1st proximo to the 1st of March next, his duties being performed during his absence by Captain Gaisford, on Captain Jacob's responsibility.

*Bombay Castle, 26th January 1848.*

No. 51 of 1848.—Lieutenant H. D. Campbell, Her Majesty's 78th Highlanders, and 2nd Lieutenant J. L. E. Baynes, H. M's. 1st battalion 60th rifles, are appointed, the former to the charge, and the latter as 2nd in command of the European units of the season belonging to the Honorable Company's service proceeding to England.

No. 52 of 1848.—Major E. Stanton, of the regiment of artillery, is allowed a furlough to Europe for three years on medical certificate.

The Honorable the Governor in Council takes this occasion publicly to acknowledge the valuable services rendered to the Government by Major Stanton, who has conducted the Gun Carriage Agency at this Presidency for eight years; and during this period has labored most zealously and successfully to promote the efficiency and economy of the important department committed to his care.

Major J. Grant is confirmed in the appointment of Agent for Gun Carriages from the date of Major Stanton's departure from India.

No. 53 of 1848.—Captain J. Tyndall, resigned the appointment of Commissariat Agent at Dapoolee, from the 1st October last.

No. 54 of 1848.—Assistant Surgeon Nuttall, is allowed a furlough to Europe for three years, on medical certificate.

*By order of the Hon'ble the Governor in Council,*  
P. M. MELVILL, Lieut. Col. Secy. to Govt.

### MARINE DEPARTMENT.

*Bombay Castle, 22nd January 1848.*

No. 8 of 1848.—The Hon'ble the Court of Directors have permitted Mr. Edward Delpratt, to return to his duty as a Midshipman in the Indian Navy, by the Overland route on the 20th December 1847.

Lieutenant Edward Charles Zouch of the Indian Navy, has been allowed by the Hon'ble the Court of Directors an extension of leave for the period of six months, for the recovery of his health.

*By order of the Hon'ble the Governor in Council,*  
P. M. MELVILL Lieut. Col. Secy. to Govt.

### PACKETS.

It is hereby notified for general information, that Packets are open at this office, for the reception of letters for despatch by the following vessels:—

NAMES OF VESSELS.	AGENTS.	DATE OF INTENDED DEPARTURE.	TO WHAT PORT.	TOUCHING WHRE.
Steamer Atalanta.....	Superintendent Indian Navy.....	1st Proximo.....	Suez.....	Aden.
A Steamer.....	Ditto.....ditto.....	15th ditto.....	Aden.....	
Steamer Pekin.....	P. & O. Steam Navigation Company.....	19th ditto.....	China.....	
Ditto Surat.....	Bombay Steam Navigation Company.....	29th Instant.....	Kurrachee.....	
Fatty Allum.....	Thomas Jefferson Esquire.....	30th ditto.....	Calcutta.....	Colombo.
Owen Glendower.....	Messrs. Ritchie Stewart and Co.....	1st proximo.....	London.....	Cape.
Abouker.....	" Forbes and Co.....	Ditto.....	Ditto.....	
Neptune.....	" Ditto.....	Despatch.....	Ditto.....	
Sapphiras.....	" Leckie and Co.....	Ditto.....	Liverpool.....	
Diana.....	" Grey and Co.....	Ditto.....	China.....	
Pakenham.....	" Martin Young & Co.....	Ditto.....	Liverpool.....	
Goodwin.....	" Ditto.....	Ditto.....	Calcutta.....	
Hindustan.....	" Dirom Hunter and Co.....	Ditto.....	China.....	

As a general rule, the Packets for sailing vessels will be closed on the evening before the dates of departure.

A. W. RAVENSCROFT,

*Post Master General.*

*Bombay, General Post Office, 26th January 1848.*







**BOMBAY PRICE CURRENT**

OF BUTCHERS, MEAT, POULTRY, BREAD, FLOUR, ROLONG, MILK, BUTTER, FRUITS, OIL, CANDLES, SOAP, FIREWOOD, SUGAR, GHEE, GRAIN, &c. &c.—QUOTED BY THE DEALERS.

ARTICLES.		PRICES.	ARTICLES.		PRICES.	ARTICLES.		PRICES.
<b>BEEF.</b>			<b>PORK FRESH AND SALT.</b>			<b>OIL, CANDLES, &amp; SOAP, (continued).</b>		
Prime pieces.....	1st sort 10 lbs.	1	Pork.....	10 lbs.	1	Candle, Gen.....	per md. of 28 lbs.	19
Ditto.....	2nd do. 12 do.	1	Ditto head, do.....	each.	1	Ditto Coclin.....	ditto .. do.	20
Ditto.....	3rd do. 14 do.	1	Ditto ditto small do.....	do.	1	Soap Country.....	ditto .. do.	1
Brisket and round.....	1st do. 12 do.	1	Pigs head.....	20 lbs.	1	<b>SUGAR OF SORTS.</b>		
Ditto.....	2nd do. 14 do.	1	Sausages.....	4 do.	1	Pina sugar.....	per md. of 28 lbs.	7
Ditto.....	3rd do. 16 do.	1	Trotters, large.....	per four.	1	Sugar candy, 1st sort.....	ditto .. do.	5
Beef for Soup.....	16 do.	1	Ditto .. small.....	do.	1	Ditto do. 2d do.....	ditto .. do.	5
Shin.....	1st sort, each.	3	Pigs Liver & heart.....	do.	2	Ditto do. 3d do.....	ditto .. do.	5
Ditto.....	2nd do. do.	3	Salt Pork, country.....	10 lbs.	1	Soft sugar, 1st do.....	ditto .. do.	4
Ox Tails.....	do.	4	<b>POULTRY.</b>			Ditto do. 2d do.....	ditto .. do.	3
Tongue.....	Large.....	3	<b>Geese.....</b>			Brown.....	ditto .. do.	3
Ditto.....	small.....	2	Turkey cock, Bombay.....	each.	3	Jaggew.....	ditto .. do.	1
Ditto.....	do.	2	Ditto head, do.....	do.	3	<b>GHEE OF SORTS.</b>		
Marrow-Bone.....	do.	6	Ditto cock, Goa.....	do.	2	Ghee Carrachey .. per md. of 28 lbs.	do.	6
Ox Palates.....	do.	4	Ditto hen, do.....	do.	1	Ditto Surat.....	ditto .. do.	6
Feet, four.....	per pound.	4	Ditto large, Surat.....	do.	2	Ditto Bhownuggur.....	ditto .. do.	6
Suet.....	do.	4	Ditto small do.....	do.	1	Ditto Balghanty.....	ditto .. do.	5
<b>VEAL SMALL.</b>			<b>DUCKS.....</b>			Ditto Rajapoor.....	ditto .. do.	5
Hind Quarter.....	1st sort 3 lbs.	1	Fowls, large, Surat.....	do.	2	Ditto Ghanty.....	ditto .. do.	5
Ditto.....	2nd do. 3 1/2 do.	1	Ditto small do.....	do.	1	Ditto Jaffhabad.....	ditto .. do.	6
Ditto.....	3rd do. 4 do.	1	Ditto large, Sindy.....	do.	8	<b>GRAIN OF SORTS.</b>		
Fore Quarter.....	1st do. 3 1/2 do.	1	Ditto small do.....	do.	8	Wheat, Hansia,.....	pr. Cdy. of 8 pharas.	21
Ditto.....	2nd do. 4 do.	1	Ditto large, Bombay.....	do.	8	Ditto Janbooscer 1st sort.....	do. do.	18
Ditto.....	3rd do. 4 1/2 do.	1	Ditto small do.....	do.	6	Ditto ditto 2d do.....	do. do.	17
<b>VEAL LARGE.</b>			<b>CHICKENS.....</b>			Ditto Bhownuggur 1st do.....	do. do.	14
Hind Quarter.....	1st sort 4 lbs.	1	Chickens, large.....	per dozen.	2	Ditto ditto 2d do.....	do. do.	13
Ditto.....	2nd do. 5 do.	1	Ditto small.....	do.	1	Ditto Sindy.....	do. do.	15
Ditto.....	3rd do. 5 1/2 do.	1	Ducks large.....	each.	8	Gram, Jamboscer.....	do. do.	13
Fore Quarter.....	1st do. 5 do.	1	Ditto small.....	do.	6	Ditto Rajapoor.....	do. do.	17
Ditto.....	2nd do. 5 1/2 do.	1	Hens' eggs.....	do.	3	Ditto Ghogaree, 1st sort.....	do. do.	14
Ditto.....	3rd do. 6 do.	1	Ducks do.....	do.	3	Ditto ditto 2d do.....	do. do.	15
Head.....	1st do. each.	12	<b>FRUITS OF SORTS.</b>			Ditto Ghanty.....	1st do. do. do.	15
Ditto.....	2d do. do.	10	Pine apples, Bombay.....	1st sort each.	1	Ditto ditto 2d do.....	do. do.	15
Ditto.....	3d do. do.	8	Ditto ditto ditto.....	2d do. do.	1	Ditto Ghanty.....	2d do. do. do.	15
Feet, four.....	1st sort.....	3	Ditto ditto Goa.....	1st do. do.	6	Ditto ditto.....	1st do. do. do.	15
Ditto.....	2d do. do.	3	Ditto ditto do.....	2d do. do.	4	Wooded Ghanty.....	do. do.	13
Ditto.....	3d do. do.	3	Pomelos.....	1st do. do.	1	Ditto Cutchey.....	do. do.	15
Liver & heart.....	1st do. each.	1	Ditto.....	2d do. do.	12	Ditto Malabar.....	do. do.	16
Ditto.....	2d do. do.	1	Guanas.....	1st do. do.	1	Ditto Ghogaree.....	do. do.	14
Ditto.....	3d do. do.	1	Ditto.....	2d do. do.	1	Mutt ditto.....	do. do.	13
<b>MUTTON FOR EUROPEANS.</b>			<b>ORANGES.....</b>			Ditto Ghantee.....	do. do.	12
Saddle.....	1st sort per lb.	3	Oranges.....	1st do. do.	10	Ditto Cutchey.....	do. do.	13
Leg, Loins, Shoulder & Neck.....	1st do. ditto.	2	Black Grapes.....	per seer	8	Bazaree Ghanty.....	do. do.	9
Breast.....	1st do. ditto.	1	Green.....	do.	2	Ditto Bhownuggur 1st sort.....	do. do.	16
Saddle.....	2d do. ditto.	2	Water melons large.....	each.	4	Ditto ditto.....	2d do. do. do.	14
Leg, Loins, Shoulder & Neck.....	2d do. ditto.	1	Ditto ditto small.....	do.	3	Ditto Rajalpoor.....	do. do.	11
Breast.....	2d do. ditto.	1	Musk ditto large.....	do.	1	Barley.....	1st sort. do. do.	14
Saddle.....	3d do. ditto.	1	Ditto ditto small.....	do.	1	Ditto.....	2d do. do. do.	13
Leg, Loins, Shoulder & Neck.....	3d do. ditto.	1	Plantains red large.....	do.	8	Toor.....	1st do. do. do.	18
Breast.....	3d do. ditto.	1	Ditto.....	do. small.	6	Ditto.....	2d do. do. do.	16
Tongue.....	each.	6	Ditto yellow large.....	do.	4	Jowee.....	do. do.	7
Brains.....	do.	4	Ditto ditto small.....	do.	3	Nacheny.....	do. do.	7
Head.....	do.	1	Sweet limes large.....	do.	5	Vattana.....	do. do.	15
Feet, four.....	do.	3	Ditto ditto small.....	do.	6	Chowley.....	per phara.	2
Liver and heart.....	do.	1	Limes.....	do.	1	Dall Broach.....	ditto .. do.	3
Kidneys.....	do.	4	Potatoes Neigherry large.....	per seer.	9	Ditto Surat.....	ditto .. do.	4
Suet.....	per pound.	4	Ditto ditto small.....	ditto	6	<b>UNBOILED RICE OF SORTS.</b>		
<b>MUTTON FOR NATIVES.</b>			<b>POTATOES.....</b>			Rice Putney.....	per phara.	2
First sort.....	12 pounds.	1	Ditto ditto small.....	ditto	6	Ditto Sindy red.....	ditto .. do.	1
Second do.....	14 ditto.	1	Ditto Mahableshwur large.....	ditto	9	Ditto Raw.....	ditto .. do.	1
Third do.....	16 ditto.	1	Ditto ditto small.....	ditto	6	Ditto Red.....	ditto .. do.	1
Head, feet, liver & heart.....	each.	3	Ditto.....	do. small.	6	<b>BEATEN RICE OF SORTS.</b>		
Brains.....	each.	4	Ditto Poona large.....	ditto	6	Rice Jemsaul 1st sort.....	per phara.	3
<b>KID SMALL.</b>			Ditto ditto small.....	ditto	3	Ditto ditto 2d do.....	ditto .. do.	3
Hind Quarter.....	1st sort 4 lbs.	1	Onions.....	ditto	2	Ditto Vergole 1st do.....	ditto .. do.	12
Ditto.....	2d do. 4 1/2 do.	1	<b>DRY FRUITS OF SORTS.</b>			Ditto ditto 2d do.....	ditto .. do.	2
Ditto.....	3d do. 5 do.	1	Plumms fine.....	per seer weight.	3	Ditto Sindy ratra.....	ditto .. do.	2
Fore Quarter.....	1st do. 4 1/2 do.	1	Ditto coarse.....	do.	2	Ditto ditto Segundee.....	ditto .. do.	4
Ditto.....	2d do. 5 do.	1	Currents fine.....	do.	3	Ditto Putney.....	ditto .. do.	2
Ditto.....	3d do. 5 1/2 do.	1	Currents coarse.....	do.	6	Ditto Raw.....	ditto .. do.	2
<b>KID LARGE.</b>			Prunes new.....	do.	1	<b>MANGALORE RICE OF SORTS.</b>		
Hind Quarter.....	1st sort 4 1/2 lbs.	1	Ditto old.....	do.	1	Rice Unboiled 1st sort.....	per robin.	2
Ditto.....	2d do. 5 do.	1	Almonds 1st sort.....	do.	1	Ditto ditto 2d do.....	ditto .. do.	2
Ditto.....	3d do. 6 do.	1	Ditto.....	2d do. do.	1	Ditto Balled 1st do.....	ditto .. do.	2
Fore Quarter.....	1st do. 5 do.	1	<b>BREAD, FLOUR, ROLONG, &amp;c.</b>			Ditto ditto 2d do.....	ditto .. do.	1
Ditto.....	2d do. 6 do.	1	A loaf of 1st. poiz. 13 oz. each.	do.	1	<b>BENGAL RICE OF SORTS.</b>		
Ditto.....	3d do. 7 do.	1	Ditto of 2d do. do. 13 do.	do.	1	Rice Unboiled 1st sort.....	per bag of 108 lbs.	5
Head, feet, liver & heart.....	do.	3	Ditto brown do. do. 32 do.	do.	2	Ditto ditto 2d do.....	do. do.	5
<b>LAMB SMALL.</b>			Ditto do. do. do. 16 do.	do.	1	Ditto Balled 1st do.....	do. do.	4
Hind Quarter.....	1st sort 5 1/2 lbs.	1	Flour wheat.....	per seer measure.	3	Ditto ditto 2d do.....	do. do.	4
Ditto.....	2d do. 6 do.	1	Rolong.....	ditto do.	4	<b>BATTY.</b>		
Ditto.....	3d do. 7 do.	1	Sagoo fine.....	ditto weight.	1	Batty Putney per moora of 25 pharas	do.	21
Fore Quarter.....	1st do. 6 do.	1	Ditto coarse.....	do.	3	Ditto Raw.....	ditto .. do.	21
Ditto.....	2d do. 6 do.	1	Ditto Arrowroot.....	do.	1	Ditto Red.....	ditto .. do.	18
Ditto.....	3d do. 7 do.	1	Ditto Coarse.....	do.	6	<b>SUNDRIES.</b>		
Head, feet, liver & heart.....	do.	3	<b>MILK AND BUTTER.</b>			Saltpetre Europe.....	per md. of 28 lbs.	2
<b>LAMB LARGE.</b>			Cows milk.....	per seer measure.	1	Ditto Bengal.....	ditto ditto	3
Hind Quarter.....	1st sort 6 1/2 lbs.	1	Ditto butter.....	per cup of 2 oz.	1	Ditto Rajapoor.....	ditto ditto	1
Ditto.....	2d do. 7 do.	1	Buffaloe milk.....	per seer measure.	3	Pepper black 1st sort.....	per seer.	3
Ditto.....	3d do. 7 1/2 do.	1	Ditto butter.....	per cup of 2 oz.	2	Ditto ditto 2d do.....	ditto .. do.	1
Fore Quarter.....	1st do. 7 do.	1	<b>FIREWOOD.</b>			Garlic 1st sort.....	ditto .. do.	8
Ditto.....	2d do. 8 do.	1	Babool.....	per candy of 28 mds. 78 1/2 lbs.	2	Ditto 2d do.....	ditto .. do.	8
Ditto.....	3d do. 8 1/2 do.	1	Khair.....	ditto do.	4	<b>SOAP.</b>		
Head, feet, liver & heart.....	do.	3	Aine.....	ditto do.	8	Cocunut oil, 1st sort pr. md. of 28 lbs	do.	2
<b>VEGETABLES.</b>			<b>OIL, CANDLES, AND SOAP.</b>			Ditto.....	do. 2d do. ditto .. do.	2
Vegetables generally sold according to the quantity in the Market, and the choice of the vegetables.			Cocunut oil, 2d do. ditto .. do.			Jeungie.....	ditto .. do.	8
Bombay measures by which the articles are sold.—4 Seers is 1 Pyle—17 Pyles is one Phara—3 Pharas is one Candy—25 Pharas is one Moora			Erandia.....			Ditto Black.....	do. ditto.	10
Bombay weight by which the articles are sold.—1 Seer is 11 ozs. and 4 dwts.—40 Seers is 1 Maund—1 Maund is 28 English pounds.			Candle, Europe.....			Ginger.....	do. ditto.	4
Bombay, 24th January 1848.			A Robin of Rice average about 15 Pyles.			Published by order of the Board of Conservancy, J. WATSON, Clerk of the Markets.		



## POST OFFICE NOTICES.

Notice is hereby given, that under instructions from the Government of India, letters *posted in Bombay* cannot be received for transmission by the Government Expresses despatched hence to Calcutta and Madras on the arrival of the Overland Mails, those Expresses being specially intended for *Europe* letters and intelligence.

*Bombay, General Post Office, 4th March 1846.*

It is hereby notified for general information, that letters addressed to any of the settlements to the Eastward via Point De Galle, and forwarded in a ship's bag to Colombo or Point De Galle, instead of through the Post Office, cannot be despatched, unless on payment there of the Colonial and British Packet postage due thereon.

*Bombay Genl. Post Office, 7th September 1846.*

Notice is hereby given, that the General Post Office will in future be strictly closed on Sundays, except from 6 to 10 A. M. for the delivery of letters, and from 4 to 6 P. M. for the receipt and despatch of letters, or except on the arrival of the Overland Mail.

The receiving house at Byculla will henceforth be strictly closed on Sundays.

*Bombay General Post Office, 23rd October 1846.*

Notice is hereby given, that no letters or papers addressed to places in Scinde will be forwarded by sea to Kurrachee unless marked "*per Ship or Steamer*".—Letters and papers not so marked will be forwarded by land charged with inland postage.

*Bombay, General Post Office, 9th February 1847.*

With the view to prevent disappointment, parties who are in the practice of calling at the Post Office, or of sending for their Overland letters, are reminded that section XXIV of the Post Office rules of 30th August 1837 will be strictly enforced in future; and that no bearing letters will be delivered, except on payment of the Postage.

*Bombay General Post Office, 8th March 1847*

The following extract from the new Post office ordinance recently passed at the Mauritius, is published for general information.

ART. 22.—The following premiums shall be given to the Masters or Commanders of Vessels bringing Mails or Overland Newspapers to Mauritius under the annexed condition.

£ 30 for any vessels touching expressly for the purpose of landing the *Overland Post office Mail*, upon proof of the vessel having sailed from the Port at which such Mail was taken on board within five days after the arrival thereat of the said mail.

£ 30 for any vessel bringing the same, upon proof of the vessel having sailed within 48 hours of the arrival of the Mail as above described.

£ 20 for any vessel upon proof of the vessel having sailed within five days of the said arrival.

And £ 10 for any vessel not conveying the last Overland Mail, but bringing an *Overland newspaper* of the latest date, not already received in the Colony, and which shall be delivered within 80 days after publication and be made public in the exchange room immediately after the arrival of the said vessel.

(True Extract)

(Signed) J. S. BROWNRIGG,  
Colonial Post Master.

*Bombay, General Post Office, 19th May 1847.*

In consequence of several complaints recently made, the Post Master General requests the attention of the public to the following extract from Clause VI. of the Post Office Rules, 30th August 1837.

"Newspapers, printed papers or parcels will not be received bearing postage, unless the sender shall give his name and address, in order that the regulated postage may be recovered from him in case of such paper or parcel being refused by the party addressed."

Parties coming to the General Post office to enquire for letters awaiting their arrival, are requested to make application to the "Dead and Unclaimed letter department" in the South wing of the building.

*Bombay, General Post Office, 30th June, 1847.*

The following Notification by H. M. Post Master General of London, is republished for general information :

BY COMMAND OF THE POST MASTER GENERAL,  
NOTICE TO THE PUBLIC.

GENERAL POST OFFICE, MAY 1847.

The Post Master General having been informed by the Court of Directors of the East India Company, that on and after the first June next, persons in this country may forward private correspondence by the Government Express from Bombay to Calcutta, and Madras; all persons desirous of availing themselves of this privilege will be required to mark upon the covers of their letters the words "by Express from Bombay" and in addition to this special address it will not be necessary that all letters intended to be forwarded by the way of Southampton should be so endorsed as hitherto.

The postage to be charged in India on the delivery of letters sent by this Express, will be, in addition to the ordinary inland rates.

One rupee for every letter not exceeding half a tola in weight.

Two rupees for every letter above half a tola, but not exceeding one tola in weight.

Four rupees for every letter above one tola, but not exceeding two tolas in weight, two tolas being the maximum weight of letters to be conveyed by Express.

On Newspapers.—Each newspaper office in Calcutta and Madras will be allowed to receive two newspapers at the ordinary rates of Inland postage, on all other newspapers forwarded by Express, a postage of five rupees each will be charged, and no newspaper will be received for the Express exceeding three tolas in weight.

N. B.—One tola and a quarter is nearly equivalent to half an ounce avoirdupois.

*Bombay, General Post Office, 2nd July 1847*

Notice is hereby given, that from and after the 20th Instant, Bhangy Parcels, exceeding the present limit of 15 lbs. but not more than 50lbs. in weight, may be posted at Poona for despatch to Bombay, and at this Office for despatch to Poona, by means of Bhangy Coolies.

The Parties to whom such Parcels are addressed, must send to the Post Office for them; and no Parcel will be received for despatch unless well packed, so as to secure it from wet or injury on the road.

*Bombay, General Post Office, 16th August 1847*



The subjoined extract from Section LIX of the Post office rules of 30th August 1837, is published for general information.

"Letters which individuals address on their private affairs to any Government officers must be sent post paid."

Parties addressing the Post Master General, or Deputy, respecting their private letters and parcels, and superscribing "service" on such communications, render themselves liable to the penalty prescribed in Section V. Act XX. of 1838.

Bombay Genl. Post Office, 21st Dec. 1847.

The following clause, from H. M. Treasury warrant, dated the 7th October 1847, authorizing a reduced postage of one penny on foreign Newspapers, conveyed by Packets between Gibraltar and Hongkong, or any of the British Colonies in the East Indies, is published for general information.

"And we further order, and direct that on every printed foreign newspaper conveyed by the Post, between Gibraltar or any other British Colony in the Mediterranean and the Island of Hongkong, or any other British Colony in the East Indies, the Chinese Seas, or elsewhere (the sea conveyance being by Packet boat) there shall be charged and paid one uniform rate of postage of one penny, in addition to any rate of transit postage payable in respect of such newspaper, so far as the same shall be forwarded by land through Egypt or any other foreign country."

Bombay, General Post Office, 12th January 1848.

It is hereby notified for general information, that in future the Steamers belonging to the Bombay Steam Navigation Company will start with the Mails on the undermentioned dates, viz :

From Bombay on the 2nd, 12th and 22d of each month,

From Kurrachee on the 7th, 17th and 27th do. instead of on the dates specified in the Postal Notification of the 27th October last.

Post office Packets per P. and O. Company's Steamer "Pekin," for the Malabar Coast, Ceylon, Penang, Singapore and China, will be closed on Friday the 10th proximo, at 6 o'clock P. M.

It is hereby notified for general information, that the Overland Mail will be closed at this office on Tuesday next the 1st proximo, at 3 o'clock P. M. and that an after packet will be kept open (except for prepaid letters via "Southampton") until 5 o'clock, the usual fee of one Rupee being charged. All letters and papers not especially superscribed by any route, will be forwarded via "Marseilles," and thus be liable to the higher rates of postage.

Post office Packets per Steamer "Surat," for Kurrachee and Scinde will be closed on Saturday the 29th instant, at 1 o'clock. P. M.

A. W. RAVENS CROFT,  
Post Master General.

Bombay General Post Office, }  
26th January 1848. }

**INSOLVENT DEBTOR'S COURT.**

*Petitions and Assignments.*

Kessa Jetta, formerly a Hawker in piece goods, Hindoo, formerly residing at Chinch Bunder, without the Fort of Bombay, filed 18th January 1848.

Khemjee Ebjee, who lately traded in Bombay as Grocer under the name and firm of Moorar Megjee, and Khemjee Ebjee, Hindoo, formerly residing on the Bhendy Bazar Road, without the fort of Bombay, filed 24th January 1848.

-CHARLES POLLOCK,  
Bombay, Chief Clerk's Office, } Chief Clerk.  
this 25th day of Jany. 1848. }

નખલા દેવાદારોની ફોરેટ મધે

અરજીઓ તથા હવાલાઓ

ફેશા જેતા આગલ કાપડનો જેરીઓ હતો  
હીનકુ આગલ શ્રી મુખાજનાં ફોરેટમાહાર યી  
ચ બંનદર આગલ રહેતો હતો તેની તારીખ  
૧૮ મી જાનીવારી શંને ૧૮૪૮ ને દાડે દાખલ  
કરીકે \*

ખેમજી એખજી જે આગલ શ્રી મુખાજ મ ધે  
મુરાર મેગજી તથા ખેમજી એખજી ને નામે ત  
થા પેડીએ નેશતીનો ધંતથો કરતો હતો હીનકુ  
આગલ શ્રી મુખાનાં ફોરેટમાહાર તીકી બખનાં  
રશતા હુપર રહેતો હતો તેની તારીખ ૨૪ મી  
જાનીવારી શંને ૧૮૪૮ ને દાડે દાખલ કરીકે \*

૧ ચારલસ—પૌલાક

ચીફ ક્લારક શહી

શ્રી મુખાજનાં ચીફ ક્લારકની હાજીશ તારી  
ખ ૨૫ મી જાનીવારી શંને ૧૮૪૮ \*

True translation.

JOHN VAUPEL, Chief translator.

**OPIUM MEMORANDUM.**

FOR THE SEASON OF 1845 | 46.

Passes granted at Bombay and Indore from 1st Octo-  
ber 1845 up to the 30th September  
1846..... Chests 13,594

Imported into Bombay of the above passes  
up to the 25th instant. . . . Chests 13,396½

Exported from the above up to  
the 25th instant. . . . Chests 13,199¾

FOR THE SEASON OF 1846 | 47.

Passes granted at Bombay and Indore from 1st Oct.  
1846 up to the 30th Sept. 1847. . . Chests 19,521

Imported into Bombay of the above  
passes up to the 18th instant,  
Chests. . . . . 19,492  
Stolen on their way to Bombay .. 29

19,521

Exported from the above up to the  
18th instant. . . . . Chests 17,851½

Do. do. from 19th to 25th instant, viz.  
Per ship Bugla Gud Currien Chest 1  
" " Gunja Futtal Khan. " 2

3  
17,854½

FOR THE SEASON OF 1847 | 48.

Passes granted at Indore from 15th Nov.  
1847 up to the 11th inst. Chests 2,361  
Do. do. from 12th to 17th inst. 354

2,715

Do. do. at Bombay from 9th  
ult. to 18th instant. . . . Chests 149

Do. do. from 19th to 25th inst. 14

163

2,878



Imported into Bombay of the above passes  
up to the 18th instant. . Chests 1,046  
Do. do. from 19th to 25th  
instant..... 368  
1,414

Exported from the above up to the  
18th instant,..... Chests 324  
Ditto do. from 19th to 25th instant  
" 324

H. YOUNG,  
Opium Agent.

Bombay Opium Agent's }  
Office. 26th January 1848. }

**CIVIL APPOINTMENTS, &c.**

**POLITICAL DEPARTMENT.**

Bombay Castle, 26th January 1848.

Lieutenant Rose, Western Bheel Agent, is allowed under Section XII of the Absentee Regulations, an extension of leave from the 25th ultimo to the 5th instant.

By order of the Hon'ble the Governor in Council.

A. MALET, Chief Secy.

**TERRITORIAL DEPARTMENT.**

**REVENUE.**

Bombay Castle, 26th January 1848.

Mr. T. Ogilvy has been appointed to investigate and settle all claims to compensation on account of the abolition of Transit and Town Duties, Kussub Veeras, Mohurfa, Bullootee Taxes and cesses of every kind on Trades or Professions in the Districts of this Presidency which are under the control of the Revenue Commissioner of the Northern Division. Mr. T. Ogilvy has also been appointed an Assistant Collector in each of those Districts.

Mr. J. N. Rose has been appointed to investigate and settle all claims to compensation on account of the abolition of Transit and Town Duties, Kussub Veeras, Mohurfa, Bullootee taxes, and cases of every kind on Trades or Professions in the Districts of this Presidency which are under the control of the Revenue Commissioner of the Southern Division. Mr. J. N. Rose has also been appointed an Assistant Collector in each of those Districts.

The Hon'ble the Governor in Council is pleased to notify the following appointment.

Bheemrao Shrinwas Hacholee, acting Mamledar of the Hooblee Talooka (2d class) in the Dharwar Collectorate, to be Mamledar of the same Talooka.

The Hon'ble the Governor in Council is pleased to notify the following appointment.

Naro Bhaicee Saheh, 4th class Mamledar of Kolwan, in the Tannah Collectorate, to be attached to the Mahim Talooka of the same Zillah.

By order of the Hon'ble the Governor in Council,

H. E. GOLDSMID, Secy. to Govt.

**GENERAL DEPARTMENT.**

Bombay Castle, 26th January 1848.

Assistant Surgeon J. J. Atkinson, assumed charge of his appointment of Civil Surgeon at Kaira, on the 17th instant.

Mr. A. St. J. Richardson, passed the prescribed examination in the Arabic language on the 24th instant.

Mr. A. N. Shaw, Collector of Dharwar, has been allowed leave of absence for twenty months from the 1st proximo, to proceed to Europe for the benefit of his health.

**JUDICIAL DEPARTMENT.**

Bombay Castle, 26th January 1848.

Mr. J. Doig, Civil Surgeon and Assistant Magistrate in the Belgaum Collectorate, is allowed leave of absence for ten days from the 16th proximo, on urgent private affairs.

By order of the Hon'ble the Governor in Council.

J. G. LUMSDEN, Secy. to Govt.

**MILITARY ARRIVALS AND DEPARTURES.**

1848. **ARRIVALS.**

18th Jany.—Cadet Wauchope, 78th Highlanders, from England  
" " —Major Vassall, ditto. from do.  
" " —Major R. H. Miles, 1st Regt. Bl. N. I. from do.  
" " —Lieut. W. Spottiswoode, 1st Lancers, from Europe.  
19th " —Captain Pottinger, Artillery, from Nuggur.  
" " —Captain Crawford Engineers, from do.  
23rd " —Assist. Surgeon J. Craig, 13th Regt. N. L. from Vingorla.

**DEPARTURES.**

19th " —Lieut. J. T. Jameson, 28th Regt. N.I. to Kurrachee.  
" " —Captain E. E. Miller, 1st M. L. Cavy. D. A. C. G.  
21st " —Surgeon M. Stowell, Med. Estab. to Cape of Good Hope.  
23rd " —Captain J. Pottinger, Artillery, to Poona.

Town Major's Office, 26th January 1848.

**SHIPPING INTELLIGENCE.**

1848. **ARRIVALS.**

18th Jany.—American Ship Goodwin, W. M. Kennard, from Boston 1st August.  
PASSENGERS.—Mrs. Wood; Mr. Wood and 2 natives.  
" " —Ship Exmouth, from Calcutta 25th December and Tellicherry 14th instant.  
PASSENGER.—Mr. J. Thompson, Marchant; and 2 natives.  
19th " —H. C. Steamer Atalanta; Lieut. A. H. Gordon, from Kurrachee 15th instant.  
PASSENGERS.—Mrs. Green; Mrs. Freedy; Capt. Freedy; Revd. H. Brereton; and Lieut. Baynes.  
20th " —Steamer Phlox; P. Duvetger, from Surat 19th instant.  
PASSENGERS.—60 Natives.  
" " —Bombay St. Nav. Co's. Steamer Dwarka, N. W. Hazelwood, from Kurrachee 17th instant.  
" " —Barque Fattel Barry, from Penang 27th November  
PASSENGERS.—25 Natives.  
21st " —Bombay St. Nav. Co's. Steamer Surat, C. F. Collier, from Surat 20th instant.  
PASSENGERS.—60 Natives.  
" " —Ship Charles Forbes, J. Wills, from Hong-Kong 8th December.  
PASSENGERS.—Mrs. Aguiar, and 2 children; 11 Parsees, 2 Portuguese servants; and 4 Chinamen.  
" " —Barque Seaton, W. Mackintosh, from Calcutta 29th December.  
PASSENGERS.—2 Natives.  
22nd " —Ship Queen Pomare, J. Davis, from Liverpool 8th September.  
23rd " —P. and O. Co's. Steamer Pekin, R. Baker, from Hong-Kong 30th December, Singapore 7th Jany. Penang 9th ditto, Colombo 18th do.  
PASSENGERS.—Mrs. Shaw; Mrs. Troward, and 4 native servants; Mr. W. Dias; Mr. H. Henderson; Mr. H. S. Ravenshaw; General de Lima, and native servant; Dr. Shaw; Dr. P. Peter; Capt. Brennan, and native servant; Dr. Craig, and 2 servants; Mrs. H. H. Thomas, and native servants; Messrs. P. Mendoza, B. F. de Costa, and Dadabhoj; and 2 European Sailors.  
24th " —Ship Mary; T. Grant, from London 1st September, and Cape 28th November.  
PASSENGERS.—Mrs. Blake; and Maid servant; Mrs. Valence; Dr. Waterman, Capt. M. Stedman, Lieut. R. E. Blake, Cornets R. Clements and E. Stacey, 110 men, 4 women, and 5 children, H. M's. 10th Hussars; Lieut. T. J. D. Reed, 49 men, 7 women, and 9 children; H. M's. 78th Highlanders.  
" " —Ship Mor, T. Alston, from Hong Kong 21st December, and Singapore 2nd Jany.

**DEPARTURES.**

19th Jany.—Brig Anna Eliza, W. Evans, to Madras & Calcutta.  
PASSENGERS.—Captain James, Dr. Lyell, Bengal Army; and Mr. Abrey.  
" " —P. and O. Co's Steamer Lady Mary Wood, C. Evans, to the Coast, Colombo, and Hong Kong.  
PASSENGERS To Goa; Mrs. Baretto, Mr. Lawrence Baretto; Mr. Antonio Baretto; and a native servant—to Calcutta: Mr. and Miss Harrington, and a female servant—to Colombo: Mr. W. Scott, and servant—to Madras: Captain Miller, and servant—to Hong Kong: Mr. Beaumont; M. Nusservanjee and servant; M. Muncharam, and 3 servants; Boree Allio Bux, and servant: to Penang; from Vingorla; Capt. Rawlinson, Deputy Judge Advocate General S. D. A.  
" " —Ceylon Govt. St. Seaford, J. W. Higgs, to the Coast and Colombo.  
" " —Bo. St. Nav. Co's Steamer Victoria, F. Banks, to Kurrachee.  
PASSENGERS.—Captain Rudd, 5th N. L. I.; Lieut. Raverty, 3rd N. I.; Lieut. Furneaux, 1st Bombay Eur. Fusillir; Assistant Surgeon Knapp; Lieut. J. J. Jameson, 28th N. I.; 2 Parsee women; 8, 3d class; 1 ditto half ticket; 2 Bhattia



women, 25, 3rd class; 6 ditto half ticket; and 196 Troops.

21st Jany—Steamer Sir Charles Forbes, W. H. Litchfield, to Surat.

22d „ —Ship Malabar, W. H. Pare, to the Cape and London.

PASSENGERS To the Cape: Mrs. Stovell; Surgeon M. Stovell,—to London: Mrs. Adams, Mrs. Pare, Miss Lyons; Mrs. Northey; Mrs. Ager, and child; Major F. Adams, Capt. A. Fraser, Lieutenants J. V. Ellis, S. Rawson and C. Stevens; Assistant Surgeon B. W. Marlow, Ensigns J. Menham and B. J. Lennox, 220 Non-Commissioned rank and File, women and children H. M's. 28th Foot; Lieut. Northey, H. M's 25th Foot; and Mr. Ager.

„ —Ship Futtay Mobarack, A. Morrison, to Calcutta.

23rd „ — „ India, W. Campbell, to China.

„ —Steamer Phlox, P. Duverger, to Surat.

PASSENGERS.—100 natives.

„ —Ship Drongon, L. Birch, to Calcutta.

PASSENGERS.—6 natives.

24th „ —Ship Lucy Wright, J. Hamilton, to Liverpool.

25th „ —Bo. St. Navy, Co's, Steamer Dwarka, N.W. Hazelwood, to Surat.

GREGOR GRANT,  
Senior Magistrate of Police.

Bombay, Police office, }  
20th January 1848. }

### Private Advertisements.

IS READY for issue the Civil, Military, and Marine Pay Tables, with a Ready Reckoner from 2 annas to Rs. 5,000 for any month; and Tables of Exchange, &c. &c.

The Epitome of all orders affecting pay and allowances, with Tables of Camp Equipage, Carriage, Forms of abstract. &c. &c. will form volume II. of the work, and will appear this month.

PRICE to Subscribers to the Pay Tables and Epitome, bound in cloth, . . . Rs. 15 per copy.

PRICE to non-subscribers to do. do. Rs. 18 do.

The subscribers are respectfully, informed with reference to the additional charge for the work, that much valuable information has been added since the first prospectus was published, which has increased it to double the size originally contemplated. No trouble or expense has been spared to render it of general usefulness to the different services, and the above are the lowest possible rates at which the Publisher can afford to sell the work, which when completed will contain upwards of 700 pages of table work and letter press.

Applications to be made Post paid to Mr. J. Mullaly, Military Board Office.

Bombay, 5th January 1848.

### STOLEN

From the house occupied by Mr. J. K. McDonald, Commissariat department Poona, on the evening of the 23rd November last, a Government loan Note No. 2877 of 1832 | 33, for Sicca Rupees 2,900 endorsed by Hormusjee Dadabhoj at Kurrachee, to the said Mr. McDonald, under date the 27th December 1846.—All persons are hereby warned against receiving the above Note, and due intimation of the robbery has been given to the Government authorities.

J. K. McDONALD.

Bombay, 13th January 1848.

### FORT WILLIAM, HOME DEPARTMENT, LEGISLATIVE.

The 31st December 1847.

The following Draft of a proposed Act was read in Council for the first time on the 31st of December 1847.

Act No. — of 1847.

*An Act for enabling one Justice of the Peace appointed to be a Police Magistrate for the Presidency of Madras to exercise the powers which may now be exercised by two such Justices or two such Police Magistrates.*

It is hereby enacted, that all powers whatever in criminal cases which by virtue of any law now in force may be exercised by two Justices of the Peace or by two Police Magistrates for the Presidency of Fort St. George, and places subordinate thereto, may be exer-

cised by one such Justice of the Peace, appointed to be a Police Magistrate.

Ordered, that th<sup>t</sup> Draft now read be published for general information.

Ordered, that the said Draft be re-considered at the first Meeting of the Legislative Council of India after the 31st of March next.

G. A. BUSHBY, Secy. to the Govt. of India.

### FORT WILLIAM, HOME DEPARTMENT, LEGISLATIVE,

The 31st December 1847.

The following Draft of a proposed Act was read in Council for the first time on the 31st of December 1847.

Act No. — of 1847.

*To modify the provisions of Sections 9, 10, 11 and 13 of Regulation V. 1812, of the Bengal Code.*

It is hereby enacted, in modification of the provisions of Sections 9, 10, 11 and 13 of Regulation V. 1812, of the Bengal Code, that if any ryot or tenant of land upon whom such notice or demand as is specified in the said Sections is to be served, shall have no place of usual residence in the zillah where the land to which such notice or demand has reference is situate, the mode of serving such notice or demand with a jumma wassil baukee shall be by affixing it at the Maal Cutcherry of such land, or other conspicuous place thereon, or at the village Chource, Choupal, or other conspicuous place in the village.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be reconsidered at the first meeting of the Legislative Council of India after the 29th day of February next.

G. A. BUSHBY, Secy. to the Govt of India.

### FORT WILLIAM, HOME DEPARTMENT. LEGISLATIVE.

The 31st December 1847.

The following Draft of a proposed Act was read in Council for the first time on the 31st December 1847.

Act No. — of 1847.

*An Act for assimilating the Penal Jurisdiction of Justices of the Peace appointed Police Magistrates at Madras to that of Justices of the Peace at Calcutta.*

I. It is hereby enacted, that all persons charged with the commission of simple larceny, or with stealing any goods or merchandise in any vessel, barge or boat, of any description whatsoever, or from any Dock, Wharf or Quay; or with stealing any chattel or money from the person of another, and all servants charged with stealing any chattel or money, belonging to, or in the possession of the Master or Mistress of any such servant, within the Town of Madras, may be tried by any Justice of the Peace, appointed to be a Police Magistrate for the said Town, provided the value of the property which the prisoner is charged with having stolen does not according to the belief of such Police Magistrate, exceed Twenty Rupees.

II. And it is hereby provided, that such Police Magistrate shall not have power to sentence any such prisoner to be imprisoned, with or without hard labor, for a longer period than six calendar months, or to be transported.

III. And it is hereby provided, that it shall be lawful for any Police Magistrate before whom any prisoner is charged with the commission of any of the offences aforesaid, at his discretion, instead of trying such prisoner himself, to commit such prisoner for trial before Her Majesty's Supreme Court of Judicature in Madras.

IV. And it is hereby enacted, that every such Police Magistrate after trying any prisoner charged with the commission of any of the offences aforesaid, shall cause his judgment to be drawn up in the following form of words, or in such other form of words to the same effect as the case shall require, that is to say:



in like manner as if such person had refused to attend before Her Majesty's said Supreme Court of Judicature.

VIII. And it is hereby enacted, that upon any conviction for any of the offences aforesaid the Police Magistrate, before whom any prisoner shall be so committed, shall have power to order the restitution of the property stolen, if forthcoming, to the owner, or his representatives, and in case of its not being restored pursuant to such order, to impose on every person refusing or neglecting to restore the same a fine not exceeding Twenty Rupees, and in default of payment, to adjudge the person guilty of such neglect or refusal, to be imprisoned for the space of one calendar month, unless the property be sooner restored.

IX. And it is hereby enacted, that all persons charged with the commission of any assault or battery on board of any Merchant Ship employed on sea voyages of the Madras Roads being part of the Territories of the East India Company, may be tried before any such Police Magistrate, and on conviction shall be liable to be punished by a fine not exceeding One Hundred Rupees, to be levied and enforced in manner provided by Act II. of 1839. And all the provisions of this Act made in the case of charges of any of the offences aforesaid, shall as far as they are applicable be applied in the case of such charges of assault or battery as aforesaid.

X. And it is hereby declared, that nothing in this Act contained shall be construed to affect the remedy of any person aggrieved by the conviction of any Police Magistrate through the means of the Writ of Certiorari.

Ordered, that the Draft now read be published for general information.

Ordered, that the said Draft be re-considered at the first meeting of the Legislative Council of India after the 31st of March next.

G. A. BUSHBY, *Secy. to the Govt. of India.*

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J. K. McDONALD.

*Bombay, 13th January 1848.*

### FORT WILLIAM,

### HOME DEPARTMENT, LEGISLATIVE.

*The 18th December 1847.*

The following Act passed by the Governor General of India in Council on the 18th of December 1847, is hereby promulgated for general information:

ACT No. XXII. of 1847.

*To enable the Commissioners who may be appointed under Act XVI. of 1847 to purchase and hold real or personal property for the improvement of the Town of Calcutta.*

Whereas by Act XVI. of 1847, entitled an Act for constituting Commissioners for the improvement of the Town of Calcutta, partly by appointment of the Government and partly by election of the Rate-payers, provision was made for the appointment and election of such Commissioners, or in default of election, for the appointment of the whole of such Commissioners:

And whereas it is expedient, that provision should be made to enable such Commissioners to purchase and hold real or personal property for the purposes aforesaid in manner hereinafter mentioned:

And whereas it is probable that benevolent and public spirited individuals, with the view of contributing to the improvement and adornment of the said Town may be desirous of settling real or personal property by Deed or Will upon such Commissioners:

I. It is therefore enacted, that the said Commissioners shall be Trustees for and on behalf of the Government of Fort William in Bengal, and of the inhabitants of Calcutta, and shall sue and be sued at Law and in Equity in Her Majesty's Supreme Court of Judicature at Fort William by the name of the Commissioners for the improvement of the Town of Calcutta, and shall have a common seal, and shall have power to take, purchase and hold lands, tenements, hereditaments, goods, chattels and other property, as such Trustees for the purposes aforesaid.

II. And it is enacted, that whenever it shall appear to the said Commissioners, or a majority of them, that it is necessary they should purchase any houses, buildings or grounds for the purposes aforesaid, the said Commissioners shall represent the same to the Governor of Bengal, and if he shall consent thereto, but not otherwise, shall enter into treaties for the purchase of such houses, buildings or grounds with the owners thereof, and in case they shall not be able to come to agreement with such owners or the amount of compensation shall not be settled by arbitration as hereinafter provided, then the said Commissioners shall apply to the Sheriff of Calcutta to summon a Jury, and the said Sheriff shall forthwith summon a Jury in manner hereinafter mentioned, to assess the price which the said Commissioners shall pay to the said owner or owners for the purchase of such houses, buildings and grounds with all appurtenances as aforesaid.

III. And whereas it is expedient to make provision for those cases in which the said Commissioners may be able to purchase lands, buildings or tenements by agreement: it is enacted, that it shall and may be lawful for the said Commissioners to agree with the owners of any lands, buildings or tenements by this Act authorized to be taken and which shall be required for the purposes of this Act, and with all parties having any estate or interest in such lands, buildings or tenements, or by this Act or by any other authority or power enabled to sell and convey the same, for the absolute purchase of any such lands, buildings or tenements, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kindsoever.

IV. And it is enacted, that it shall and may be lawful for all parties being seized, possessed of or entitled to any such lands, buildings or tenements, or any estate or interest therein, to sell and convey or release the same to the said Commissioners and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed or entitled as aforesaid so to sell, convey or release (that is to say) all corporations, tenants in tail, or for life, married women seized in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or trustees in trust for charitable or other purposes, executors and administrators and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower, or to any lease for life or for lives, or for years, or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully



be exercised by all such parties not only on behalf of themselves and their respective Heirs, Executors, Administrators and Successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them, or in defeasance of the estates of such parties, and as to such married women whether they be of full age or not as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committee on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such Trustees, Executors and Administrators on behalf of the cestuique trusts whether infants, issue unborn, lunatics, femmes covert or other persons, and that to the same extent as such cestuique trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

V. And it is enacted, that the purchase money, consideration or compensation to be paid or given for any lands, buildings or tenements to be purchased or taken from any party under any disability or incapacity, and not having any power to sell or convey such lands except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any such lands, buildings or tenements, shall in all cases be determined by the verdict of a jury to be summoned as hereinafter provided.

VI. And it is enacted, that it shall be lawful for any person seized in fee or entitled absolutely for his own benefit to any lands, buildings or tenements authorized to be purchased for the purposes of this Act to sell and convey such lands, buildings or tenements, or any part thereof, unto the said Commissioners in consideration of an annual rent charge payable by the said Commissioners, but except as aforesaid the consideration to be paid for the purchase of any such lands, buildings or tenements, or for any damage done thereto, shall be in a gross sum.

VII. And it is enacted, that the yearly rent reserved by any conveyance of lands, buildings or tenements purchased by the said Commissioners for the purposes of this Act shall be charged on the rates hereinafter authorized to be raised and levied, and shall be paid by the said Commissioners as such rents become payable, and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable, may recover the same from the said Commissioners with costs of suit by action of debt in the said Supreme Court.

VIII. And it is enacted, that when the said Commissioners shall require to purchase or take any of the lands, buildings or tenements which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same or such of the said parties as shall after diligent inquiry be known to the said Commissioners, and by such notice shall demand from such parties the particulars of their estate and interest in such lands and of the claims made by them in respect thereof, and every such notice shall state the particulars of the lands so required, and that the said Commissioners are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

IX. And it is enacted, that all notices required to be served by the said Commissioners upon the parties interested in or entitled to sell any such lands, buildings or tenements shall either be served personally on such parties, or left at their last usual place of abode if any such can after diligent inquiry be found, and in case any such parties shall be absent from the said Town or cannot be found after diligent inquiry, such notices shall be left with the occupier of such lands, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

X. And it is enacted, that if the party claiming compensation desire to have the same settled by arbitration and signify such desire by notice in writing to the said Commissioners before they have issued their warrant to the Sheriff to summon a jury in respect of such lands under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled by arbitration accordingly, but unless the party claiming compensation shall as aforesaid signify

his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or the umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury as hereinafter provided.

XI. And it is enacted, that when any question of disputed compensation by this Act authorized or required to be settled by arbitration, shall have arisen then unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to which two arbitrators such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the said Commissioners under the hands of two of the said Commissioners, or of their Clerk duly authorized by such two Commissioners, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation, and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made, and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation, and if after any such dispute shall have arisen and after a request in writing in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last mentioned party fail within fourteen days after such service to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

XII. And it is enacted, that if before the matters so referred shall be determined, any arbitrator appointed by either party shall die or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he shall fail to do so, the remaining or other arbitrator may proceed to hear and determine the matters which shall be in dispute, and every arbitrator who shall be so substituted as aforesaid shall have the same power and authorities as were vested in the former arbitrator at the time of such his death or disability aforesaid.

XIII. And it is enacted, that where more than one arbitrator shall have been appointed, such arbitrators shall before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this Act, and if such umpire shall die or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

XIV. And it is enacted, that if in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration, neglect to appoint an umpire, any two of the Magistrates of Calcutta shall on the application of either party to such arbitration appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ or which shall be referred to him under this Act shall be final.

XV. And it is enacted, that when a single arbitrator shall have been appointed as hereinbefore provided, and such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitrators under the provisions of this Act in the same manner as if such arbitrator had not been appointed.

XVI. And it is enacted, that if where more than one arbitrator shall have been appointed either of the arbitrators refuse, or for seven days after the day appointed shall neglect to act the other arbitrator may proceed to hear and determine the matters in dispute, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

XVII. And it is enacted, that if where more than one arbitrator shall have been appointed and where neither of them shall refuse or neglect to act as aforesaid, but such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within



such extended time, (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XXVII. And it is enacted, that the said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath or solemn affirmation, and administer the oaths and affirmation necessary for that purpose.

XXIX. And it is enacted, that before any such arbitrator or umpire as aforesaid shall enter into the consideration of any matters referred to him he shall in the presence of a Magistrate of Calcutta make and subscribe the following declaration, that is to say—

I, A. B. do solemnly and sincerely declare that I will faithfully and honestly to the best of my skill and ability hear and determine the matters referred to me under the provisions of the Act XXII. of 1847.

A. B.

Made and subscribed  
in the presence of

C. D.

And such declaration shall be annexed to the award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto he shall be deemed guilty of a misdemeanour.

XX. And it is enacted, that all the costs of any such arbitration and incident thereto, shall be settled by the said arbitrators and shall be borne by the said Commissioners, unless the arbitrators shall award the same or a less sum than shall have been offered by the said Commissioners in which case each party shall bear their own costs incident to the said arbitration, and the costs of the said arbitrators shall be borne by the parties in equal proportions.

XXI. And it is enacted, that the said arbitrators or the said umpire, as the case may be, shall deliver their award in writing to the said Commissioners and the said Commissioners shall retain the same, and on demand made at the office of their Clerk shall forthwith at their own expense furnish a copy thereof to the other party to the arbitration, and shall at all reasonable times when thereunto required produce the said award and allow the same to be inspected or examined at the office of their said Clerk by such party or any person appointed by him for that purpose.

XXII. And it is enacted, that the submission to any such arbitration as aforesaid may be made a rule of the said Supreme Court on the application of either or any party thereto, and may be enforced against all necessary parties by any rule, order or decree of the said Court notwithstanding that any or either of the said parties are not otherwise subject to the jurisdiction of the said Court.

XXIII. And it is enacted, that no award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

XXIV. And it is enacted, that in every case in which a dispute or difference shall arise between the said Commissioners, and any person or persons whose property they may intend or desire to purchase for the purposes of this Act as to the amount of compensation to be paid for the said property which difference and dispute either of the said parties shall refuse to settle by arbitration the said Commissioners shall issue a warrant in writing signed by any one of them and sealed with their common seal to the Sheriff of Calcutta, requiring him to summon a jury for the purpose of settling the said difference or dispute; and if such Sheriff be interested in the matter in dispute such warrant shall be addressed and sent to the Coroner of Calcutta, and if the said Sheriff and the said Coroner be both of them interested in the said matter then the said warrant shall be addressed and sent to the last person who shall have filled the office of Sheriff of Calcutta who is not interested in the said matter and who is at time of the issuing the said warrant an inhabitant of the said Town of Calcutta, and every such Sheriff, Coroner or Ex-Sheriff shall have power if he think fit to appoint a deputy or Assessor.

XXV. And it is enacted, that throughout the enactments contained in this Act relative to a reference to a jury where the term Sheriff issued the provisions applicable thereto shall be held to apply to every Coroner or other person lawfully acting in the place of the Sheriff, and in every case in which any such warrant as aforesaid shall have been directed to any other person than the said Sheriff of Calcutta, such Sheriff shall im-

mediately on receiving notice of the delivery of the warrant on application being made to him for that purpose deliver over to the person to whom the said warrant shall have been directed, or to any other fit and proper person appointed by him to receive the same the Jurors' book and Special Jurors' list for the Town of Calcutta.

XXVI. And it is enacted, that upon the receipt of such warrant as aforesaid, the Sheriff shall summon a jury of ten indifferent persons duly qualified to act as common jurymen in Her Majesty's Supreme Court of Judicature aforesaid, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being more than two miles from the lands, buildings or tenements concerning and relating to which the said difference or dispute shall have arisen unless by consent of the parties interested some other time and place be agreed upon and settled, and the said Sheriff shall forthwith give notice to the said Commissioners of the time and place so appointed by him.

XXVII. And it is enacted, that out of and from the number of Jurors appearing upon such summons as aforesaid, a jury of five persons shall be drawn by the said Sheriff in such number and form as juries for trials of offences before the said Supreme Court are by the rules and orders of the said Court required to be drawn, and if a sufficient number of the jurymen so summoned as aforesaid do not appear in obedience to such summons as aforesaid, the Sheriff shall return other indifferent men duly qualified as aforesaid of the bystanders or others that can speedily be procured to make up the jury to the said number of five persons, and the said Commissioners and all other parties interested in the said lands, buildings or tenements may have and make their challenges against any of the said jurymen according to the course and practice of the said Supreme Court, but neither the said Commissioners nor any of the said parties interested as aforesaid shall challenge the array.

XXVIII. And it is enacted, that in every such inquiry as aforesaid the said Sheriff shall preside, and the party or parties claiming compensation from the said Commissioners shall be deemed the plaintiff or plaintiffs, as the case may be, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law in the Court of Queen's Bench at Westminster, and if the said Commissioners or any persons interested in the said lands, buildings or tenements so request in writing, the said Sheriff shall summon before him, any person who shall by the said Commissioners, or any person interested as aforesaid be considered necessary to be examined as a witness touching the matters in question, and on the like request the said Sheriff shall order the said jury to view the place or matter in controversy in like manner as views may be had in the trial of actions at law in the Court of Queen's Bench at Westminster.

XXIX. And it is enacted, that if the said Sheriff make default in any matter hereinbefore required to be done by him in relation to any such trial or inquiry as aforesaid he shall forfeit and pay the sum of Five Hundred Rupees for every such offence, and such penalty shall be recoverable by the said Commissioners by an action of debt or on the case in the said Supreme Court, and if any person summoned or returned upon any jury under this Act, whether common or special, do not appear, or if appearing do refuse to make such lawful oath or affirmation as the said Sheriff may require, or in any other manner wilfully neglect his duty, he shall unless he shew reasonable excuse for the said default or neglect to the satisfaction of the said Sheriff forfeit a sum not exceeding One Hundred Rupees, and every such penalty as aforesaid payable by a Sheriff or jurymen as aforesaid shall be applied in satisfaction of the costs of the said inquiry so far as the same will extend, and in addition to the penalty hereby imposed as aforesaid every such jurymen shall in all respects be subject to the same regulations, pains and penalties as if such jury were returned for a trial in the said Supreme Court.

XXX. And it is enacted, that if any person who shall have been duly summoned to give evidence upon any such enquiry, and to whom a tender of his reasonable expenses shall have been made fail to appear at the time and place specified in the summons without sufficient cause, or if any person whether summoned or not who shall appear as a witness on any such inquiry refuse to be examined on oath or affirmation touching the subject matter in dispute every person so offending shall forfeit and pay to the party aggrieved



thereby a sum not exceeding One Hundred Rupees, and that any person examined on oath or affirmation touching the subject matter in dispute who shall wilfully and falsely state any matter which if wilfully and falsely stated by such person in any Court of Justice in which such subject matter might be in dispute, would amount to wilful and corrupt perjury, shall be guilty of wilful and corrupt perjury.

XXXI. And it is enacted, that the said Commissioners shall give to all parties interested in any lands, buildings or tenements concerning or relating to which an inquiry hath been appointed to be held by the said Sheriff notice of the time and place of such inquiry, not less than ten days before the same is to be held and the said notice shall be in writing, and shall be served on each of the said parties personally or left at his last known place of abode in the said Town, or if he have no such place of abode then the said notice of every such persons shall be twice publicly advertised in one or more of the Newspapers published within the said Town.

XXXII. And it is enacted, that if at any such inquiry any party claiming compensation shall fail to appear in person, or by his Counsel or Agent, such inquiry shall not be proceeded with so far as concerns the compensation claimed by such absent party, but the compensation to be paid by the said Commissioners to such absent party shall be settled and determined by a Surveyor to be named and appointed by any two of the Magistrates of Calcutta without prejudice to such inquiry then and there proceeding before such Sheriff so far as concerns any compensation claimed by any other party or parties interested in such compensation in respect of the same premises who shall so appear.

XXXIII. And it hereby enacted, that before any jury shall proceed on any such inquiry as aforesaid, to inquire of and assess compensation or damages in respect of which their verdict is to be given they shall make oath, or if they object to make oath they shall make a solemn affirmation that they will truly and faithfully enquire of and assess such compensation or damages, and the said Sheriff shall administer such oaths and affirmations as well as the oaths and affirmations of all persons called upon to give evidence.

XXXIV. And it is enacted, that where such inquiry as aforesaid, shall relate to the value of any lands, buildings or tenements to be purchased, and also to compensation claimed for injury done or to be done to any other lands, buildings or tenements held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands, buildings or tenements required by the said Commissioners, or of any interest therein belonging to the party or parties with whom the question of disputed compensation shall have arisen, or which under to the provisions herein contained he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage if any sustained or to be sustained by the said party or parties by reason of the severing of the lands, buildings or tenements taken from the other lands, buildings, or tenements of the said party or parties, or otherwise injuriously affecting such last-mentioned lands, buildings or tenements by the exercise of the powers conferred by this Act.

XXXV. And it is enacted, that the Sheriff before whom such inquiry as aforesaid shall be held, shall give judgment for the purchase money or compensation assessed by such jury as aforesaid, and the verdict and judgment shall thereupon be signed by such Sheriff and being so signed shall be delivered to and kept by the Keeper of the Records in the said Supreme Court among the records of the said Supreme Court, and such verdicts and judgments shall be deemed Records, and the same or true copies or exemplifications thereof shall be good evidence in all Courts, and elsewhere, and all persons may inspect the said verdicts and judgments, and may have copies or exemplifications thereof, or extracts therefrom, on paying for each inspection of any such verdict and judgment the sum of Eight Annas, and for every one hundred words copied or extracted therefrom Four Annas, which copies, exemplifications or extracts the said Keeper of the Records is hereby required to make out and sign and certify the same to be true.

XXXVI. And it is enacted, that on every such inquiry before a jury as aforesaid, where the verdict of the jury shall be given for a greater sum than the sum previously offered by the said Commissioners all the costs of such inquiry shall be borne by the said Commissioners, but if the verdict of the jury shall be for the same or a less sum than the sum previously offered by the said Commissioners one-half of the costs of sum-

moning, impanelling and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon shall be defrayed by the parties claiming the said compensation or purchase money, and the other half by the said Commissioners, and each party shall bear his own costs other than as aforesaid incident to such inquiry.

XXXVII. And it is enacted, that the costs of any such inquiry as aforesaid, shall in case of differences arising regarding the same be settled by the Taxing Officer of the said Supreme Court on the application of either party, and such costs shall include all reasonable costs, charges and expenses incurred in summoning returning and impanelling the jury taking the enquiry, the attendance of witnesses, the employment of Counsel and Attornies, the recording the verdict and judgment thereon and otherwise incident to such inquiry.

XXXVIII. And it is enacted, that if any such costs shall be payable by the said Commissioners, and if within seven days after demand duly made at the office of the Clerk of the said Commissioners such costs be not paid to the party entitled to receive the same they may and shall be recoverable by distress, and on application to any Magistrate of Calcutta he shall issue his warrant accordingly, and if any such costs shall be payable by the owner of any lands, buildings or tenements, or if any interest therein the same may be deducted and retained by the said Commissioners out of any money awarded by the jury to such owner or determined by the valuation of a Surveyor under the provision hereinafter contained, and the payment or deposit of the remainder, if any of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined the excess may and shall be recoverable by distress, and on application to any Magistrate of Calcutta he shall issue his warrant accordingly.

XXXIX. And it is enacted, that if either party in such case of disputed compensation as aforesaid, desire such question to be tried before a special jury, such question shall be so tried, provided, that notice of such desire if given by the other party be given to the said Commissioners before they have issued their warrant as aforesaid to the Sheriff, and for that purpose the said Commissioners shall by their warrant to the Sheriff require him to nominate a special jury of five jurors for such trial, and thereupon the Sheriff shall as soon as conveniently may be after the receipt by him of such warrant summon the said Commissioners, and the said other party to appear before him by themselves or their Attornies at some convenient time and place to be appointed by him for the purpose of nominating a special jury (not being less than five nor more than eight days from the service of such summons) and at the time and place so appointed the said Sheriff shall proceed to nominate and strike a special jury in the manner in which such juries shall be required by the Rules and Orders of the said Supreme Court for trials in the said Court, except as far as such Rules may be inconsistent with the number of which the juries under this Act are to consist, and the said Sheriff shall appoint a day not later than the eighth day after the striking of such jury for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days' notice to the said Commissioners, and the said other party, and on the day so appointed the Sheriff shall proceed to reduce the said special jury to the number of eight in the manner used and accustomed in the said Supreme Court.

XL. And it is enacted, that the special jury on such inquiry as last aforesaid, shall consist of five of the said eight who shall first appear on the names being called over, the said Commissioners and the said other party having respectively their lawful challenges against any of the said jurymen, and if a full jury of five do not appear and if after such challenges a full jury of five do not remain then upon the application of the said Commissioners or of the said other party, the Sheriff shall add to the list of such jury the names of any other disinterested persons qualified to act as special or common jurymen in the said Supreme Court, who shall not have been previously struck off the aforesaid list, and who may be then in attendance before the said Sheriff, or can speedily be procured so as to complete such special jury, the said Commissioners and the said other party having respectively their lawful challenges against such persons, and the Sheriff shall proceed to the trial adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable as hereinbefore provided in the case



of a trial by a common jury.

XLII. And it is enacted, that any other inquiry than that for the trial of which such special jury may have been struck and reduced as aforesaid may be tried by such jury provided the said Commissioners and all the other parties interested therein respectively shall give their consent to such trial.

XLIII. And it is enacted, that where the purchase money or compensation to be paid by the said Commissioners for any lands, buildings or tenements to be purchased or used by the said Commissioners shall be payable to any person who by reason of absence from the Presidency of Bengal is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury as hereinafter provided after due notice thereof given to him, such purchase money or such compensation to be paid for any permanent injury to such lands, buildings or tenements shall be such as shall be determined by the valuation of such able practical Surveyor as two of the Magistrates of Calcutta aforesaid shall nominate for that purpose as hereinafter provided.

XLIV. And it is enacted, that upon application of the said Commissioners two of the Magistrates of Calcutta aforesaid, and upon such proof as shall be satisfactory to them that any such party is by reason of absence prevented from treating, or cannot after diligent inquiry be found, or that such party failed to appear on such inquiry before a jury as aforesaid after due notice given to him for that purpose, such Magistrates shall by writing under their hands nominate an able practical Surveyor, approved by the said Commissioners, to determine the amount of such purchase money or compensation as aforesaid, and such Surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing signed by him of the correctness thereof.

XLV. And it is enacted, that before any such Surveyor shall enter upon the duty of making such valuation as aforesaid he shall in the presence of such Magistrates, or one of them, make and subscribe the declaration following at the foot of such nomination by the said Magistrates as aforesaid, that is to say:—

I, A. B. do solemnly and sincerely declare, that I will faithfully, impartially and honestly, according to the best of my skill and ability execute the duty of making the valuation hereby referred to me.

A. B.

Made and subscribed  
in the presence of

C. D.

And if any such Surveyor shall corruptly make such declaration, or having made such declaration, shall wilfully act contrary thereto he shall be deemed guilty of a misdemeanour.

XLVI. And it is enacted, that the said nomination and declaration shall be annexed to the valuation to be made by such Surveyor and shall be preserved together therewith by the Clerk to the said Commissioners, and he shall at all reasonable times produce at his office the said valuation and other documents on demand to the owner of lands, buildings or tenements comprized in such valuation and to all other parties interested therein.

XLVII. And it is enacted, that in estimating the purchase money or compensation to be paid by the said Commissioners in any of the cases aforesaid regard shall be had by the Magistrates, Arbitrators or Surveyors as the case may be, not only to the value of the lands, buildings or tenements to be purchased by the said Commissioners, but also to the damage if any to be sustained by the owners of the lands, buildings, or tenements by reason of the severing of the said lands, buildings or tenements taken from other lands, buildings or tenements of such owner, or otherwise injuriously affecting such other lands, buildings or tenements by the exercise of the powers of this Act.

XLVIII. And it is enacted, that where the compensation payable in respect of any lands, buildings or premises, or any interest therein, shall have been ascertained by the valuation of a Surveyor and deposited as hereafter provided by reason that the owner of or party entitled to convey such lands, buildings and tenements, or such interest therein as aforesaid, could not be found or was absent, and such owner or party shall be dissatisfied with such valuation it shall be lawful for him before he shall have applied as hereinafter provided for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the said Commissioners to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly in the same manner as in other cases of dis-

puted compensation hereinbefore authorized or required to be submitted to arbitration.

XLIX. And it is enacted, that the question of be submitted to the arbitrators in the case last aforesaid shall be whether the said sum so deposited as aforesaid by the said Commissioners was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

L. And it is enacted, that if the arbitrators shall determine that the sum so paid or deposited was sufficient the costs of and incident to such arbitration to be determined by the arbitrators, shall be in the discretion of the arbitrators, but if the arbitrators shall determine that a further sum ought to be paid or deposited by the said Commissioners all the costs of and incident to the arbitration shall be borne by the said Commissioners.

LI. And it is enacted, that if any party shall be entitled to any compensation in respect of any lands, buildings or tenements, or of any interest therein which shall have been taken for or injuriously effected by the execution of the works of the said Commissioners, and for which the said Commissioners, shall not have made satisfaction under the provisions of this Act, such party may have the same settled either by arbitration or by the verdict of a jury as he shall think fit; and if the said party desire to have the same settled by arbitration it shall be lawful for him to give notice in writing to the said Commissioners of such his desire, stating in such notice the nature of the interest in such lands, buildings or tenements in respect of which he claims compensation and the amount of the compensation so claimed therein, and unless the said Commissioners, be willing to pay the amount of the compensation so claimed, and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled the same shall be settled by arbitration in the manner herein provided, or if the party so entitled as aforesaid desire to have such question of compensation settled by jury it shall be lawful for him to give notice in writing of such his desire to the said Commissioners, stating such particulars as aforesaid, and unless the said Commissioners be willing to pay the amount of compensation so claimed and enter into a written agreement for that purpose, they shall within twenty-one days after the receipt of such notice, issue their warrant to the Sheriff to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of the compensation so claimed, and the same may be recovered by him by action of debt or on the case in the said Supreme Court.

LII. And it is enacted, that so soon as the amount of the purchase money or compensation to be paid by the said Commissioners in respect of any lands, houses, tenements or hereditaments, or any interest therein, shall be ascertained, fixed, awarded or settled in any of the modes sanctioned and appointed by this Act as aforesaid, if the said lands, houses, tenements or hereditaments shall have been purchased or taken by the said Commissioners from any person or persons not entitled to sell or convey the same except under the provisions of this Act as being tenant for life or in tail, married women, guardian, committee, trustee, executor or administrator, or person having a partial or qualified interest therein, or who shall refuse to accept such purchase money or compensation, or neglect or fail to make out a title to such lands, houses, tenements or hereditaments or to the interest therein claimed by him to the satisfaction of the said Commissioners, or shall refuse to convey or release the same, or shall be absent from the Presidency of Bengal, or cannot after diligent enquiry be found, the said Commissioners are hereby empowered and required forthwith to invest the said purchase money or amount of compensation in some of the Securities or Promissory Notes of the East India Company, commonly called Company's Paper, at the current price of the day, and to deposit the same with the Government Agent at Fort William aforesaid, in the name and with the privy of the Accountant General of the said Supreme Court to be placed by him to the account of such Accountant General to the credit of the parties interested, or who may be or become interested in such lands, houses, tenements or hereditaments, describing both them and the said parties so far as the said Com-



missioners can do pursuant to the course of proceeding in the said Court under the Rules, Orders and Regulations of the said Court, regarding monies paid into the said Court in matters and causes depending before it on its Equity side, and such Securities shall remain so deposited and the interest thereon shall be regularly received by the said Government Agent and credited to the said account, and when and so often as the said interest so received by the said Government Agent shall amount to a sufficient sum for that purpose such interest shall be invested by the said Government Agent from time to time in other such Securities as aforesaid, and such monies, principal and interest, shall remain so invested and deposited until the same be applied under the authority of the said Court upon the petition of the party who would have been entitled to the rents and profits of the lands, houses, tenements and hereditaments in respect of which such monies shall have been deposited to some one or more of the following purposes, that is to say.—In the discharge of any debt or incumbrance affecting the lands, tenements and hereditaments in respect of which such money shall have been paid or affecting other lands settled therewith to the same, or the like uses, trusts or purposes, or in the purchase of other lands, tenements or hereditaments to be conveyed, limited and settled upon the like uses, trusts and purposes, and in the same manner as the lands, tenements or hereditaments in respect of which such money shall have been paid, stood settled, or if such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of the works in removing or replacing such buildings or substituting others in their stead, or in payment to any person who shall become absolutely entitled to such money, and until such monies can or shall be so applied, the interest, dividends and annual proceeds of such Company's Paper shall and may upon the like petition and order be paid to the party or parties who would for the time being have been entitled to receive the rents and profits of the said lands, houses, tenements and hereditaments.

LIII. And it is enacted, that where any purchase money or compensation paid as aforesaid under the provisions of this Act shall have been paid in respect of any lease for a life or lives, or years, or any estate in lands, tenements or hereditaments less than the whole fee simple thereof, or in respect of any reversion dependent on any such lease or estate, it shall be lawful for the said Supreme Court on the petition of any party interested in such money to order that the same shall be laid out, invested, accumulated and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate or reversion in respect of which such money shall have been paid or as near thereto as may be.

LIV. And it is enacted, that upon payment or deposit in manner hereinbefore mentioned of the purchase money or compensation agreed or awarded to be paid in respect of any lands, tenements or hereditaments purchased or taken by the said Commissioners under the provisions of this Act, the owners of and all parties by this Act enabled to sell or convey such lands, tenements and hereditaments shall when required so to do by the said Commissioners, duly convey such lands to the said Commissioners, or as they shall direct, and in default thereof, or if such party fail to adduce a good title to such lands, tenements and hereditaments to the satisfaction of the said Commissioners it shall be lawful for the said Commissioners if they think fit to execute a deed of sale under their common seal, containing a description of the lands, tenements and hereditaments in respect of which such default shall be made, and reciting the purchase or taking thereof, and the names of the parties from whom the same were purchased or taken, and the payment made in respect thereof, and declaring the fact of such default having been made, and thereupon all the estate and interest in such lands, tenements and hereditaments of, or capable of being sold and conveyed by the party with whom the said Commissioner shall have made such agreement, or to whom such purchase money or compensation shall have been awarded by a jury or by arbitrators, or by a Surveyor appointed by any Magistrate or Magistrates, or as hereinbefore provided shall vest absolutely in the said Commissioners, and as against such parties and all parties on behalf of whom they are hereinbefore enabled to sell and convey the said Commissioners shall be entitled to immediate possession of such lands, tenements and hereditaments.

LV. And it is enacted, that if the owner of any such lands, tenements and hereditaments purchased or taken by the said Commissioners, or of any interest therein,

on tender of the purchase money or compensation agreed or awarded to be paid in respect thereof, shall refuse to accept the same, or neglect or fail to make out a title to such lands, tenements and hereditaments, or to the interest therein claimed by him to the satisfaction of the said Commissioners, or if he refuse to convey or release such lands, tenements and hereditaments as directed and required by the said Commissioners, or if any such owner be absent from the Presidency of Bengal, or cannot after diligent inquiry be found or fail to appear on the inquiry before a jury as hereinbefore provided, it shall be lawful for the said Commissioners to place the purchase money or compensation payable in respect of such lands, tenements and hereditaments, or any interest therein to the credit of the parties interested in such lands, tenements and hereditaments (the said parties being described so far as the said Commissioners can describe them) subject to the control and disposition of the said Supreme Court, and it shall be lawful for the said Commissioners if they shall think fit to execute a deed of sale under their common seal containing a description of the lands, tenements and hereditaments in respect whereof such purchase money or compensation shall have been placed to credit, and declaring the circumstances under which and the names of the parties to whose credit such purchase money or compensation shall have been placed, and thereupon all the estate and interest in such lands, tenements and hereditaments of the parties for whose use and in respect whereof such purchase money or compensation shall have been placed to credit, shall vest absolutely in the said Commissioners and as against such parties they shall be entitled to immediate possession of such lands, tenements and hereditaments.

LVl. And it is enacted, that upon the application by petition of any party making claim to the money so placed to credit as last aforesaid, or any part thereof, or to the lands, buildings or tenements in respect whereof the same shall have been so placed to credit, or any part of such lands, buildings or tenements, or any interest in the same the said Supreme Court on its Equity side may in a summary way as to the said Court shall seem fit, order such money to be laid out or invested in Company's Paper and deposited as aforesaid with the said Government Agent, and may order distribution thereof or payment of the interest thereof according to the respective estates, titles or interests of the parties making claim to such money, lands, buildings or tenements, or any part thereof, and may make such other order in the premises as to the said Court shall seem just.

LVII. And it is enacted, that the said Commissioners shall not be deemed necessary or competent parties to any such proceeding in the said Supreme Court, but that due notice shall be given according to the course and practice of the said Court in matters before it by summary petition by the party or parties petitioning to all other parties interested to whom it shall be competent to appear in such summary suit to defend and maintain their respective right and interests.

LVIII. And it is enacted, that the said Commissioners may with the consent of the said Governor sell and dispose of any lands or tenements vested in them by virtue of this Act, or any part thereof either together or in parcels as they may find most convenient and advantageous and the money to arise and to be produced by such sale shall be applied to such of the purposes of this Act or Act No. XVI. of 1847, as the said Commissioners shall think fit, and the purchaser of such lands or tenements shall not be answerable or accountable for any misapplication or nonapplication of such purchase money; and for the completing and carrying any such sale into effect the said Commissioners may make and execute a conveyance of the lands and tenements sold and disposed of as aforesaid unto the purchaser thereof and such conveyance shall be under the common seal of the said Commissioners.

LIX. And it is enacted, that in every conveyance of lands to be made by the said Commissioners under this Act the word "grant" shall operate as express covenants by the said Commissioners for themselves and their successors with the respective grantees therein named, and their Successors, Heirs, Executors, Administrators or Assigns, as the case may be, according to the quality and nature of such grants, and of the estate or interest therein expressed to be thereby conveyed as follows except as far as the same shall be restrained or limited by express words contained in any such conveyance (that is to say) A covenant that notwithstanding any act or default done by the said Commissioners, they were at the time of the execution of such conveyance under and by virtue of the provisions of this Act possea-



sed of the lands or premises granted thereby for an indefeasible estate of inheritance in fee simple free from all encumbrances done or occasioned by them or otherwise for such estate or interest as therein expressed to be thereby granted free from encumbrances done or occasioned by them.

LX. And in order to raise money for defraying the expenses incurred or to be incurred by the said Commissioners in carrying into effect the provisions of this Act or of Act No. XVI. of 1847, it is enacted, that it shall be lawful for the said Commissioners, and they are hereby authorized subject in each case to the approval of the Governor aforesaid to be signified in writing, to borrow and take up at interest on the credit of the rates, taxes and duties authorized to be made, levied and received by the said Commissioners from any person who shall be willing to advance the same the sum and sums of money necessary for defraying the costs, charges and expenses incurred or to be incurred by the said Commissioners in carrying into effect with the least possible delay the provisions of this Act or of Act No. XVI of 1847, and for securing the repayment of such sum or sums of money with such interest thereon as shall be agreed upon between the said Commissioners, and the person or persons lending or advancing the same, the said Commissioners may mortgage and assign over the said rates, taxes, tolls and duties, or any part thereof to the person or persons who shall advance such money, or to a Trustee or Trustees on his or their behalf as security for the money so to be borrowed, together with interest upon the same, and no assessment, tax, toll or duty over which any such mortgage shall have been granted shall be repealed in whole or in part until such mortgage shall be paid off unless by the consent in writing of such mortgagee.

LXI. And it is enacted, that in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of the assessments, taxes and duties aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required yearly and every year to deduct, appropriate and set apart, and apply out of the rates aforesaid such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and secured as aforesaid upon the said assessments, taxes and duties as and for a Sinking Fund to be applied in paying off and discharging the principal monies so borrowed or secured, and from time to time cause the amount of such Sinking Fund to be invested in the Securities of the East India Company called Company's Paper, and such Company's Paper to be deposited from time to time in the hands of the Government Agent, who is hereby empowered and required to increase the same by investing the interest payable thereon as the same shall become due and payable in the purchase of other Company's Paper, and so on from time to time so that the said Sinking Fund shall accumulate at compound interest until the same shall be of sufficient amount to pay off the said principal debts, or one of them or some part of some one of them at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXII. And it is enacted, that every mortgage of assessments, taxes and duties authorized to be made under the provisions of this Act shall be by deed in which the consideration shall be truly stated, and every such deed shall be under the common seal of the said Commissioners, and signed by three of them at the least at one of their annual, quarterly or special meetings and may be according to the form in the Schedule [A] to this Act annexed, or to the like effect, and the respective mortgagees shall be entitled one with another to their respective proportions of the assessments, taxes, tolls and duties comprised in such mortgages according to the respective sums which in such mortgages are mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest without any preference one above another by reason of priority of advance, or of the date of any such mortgage respectively.

LXIII. And it is enacted, that the expenses of every mortgage shall from time to time be defrayed by the said Commissioners out of the money raised by the same.

LXIV. And it is enacted, that a Register of all the said mortgages shall be kept by the Clerk of the said Commissioners, and within fourteen days after the date of any mortgage an entry or memorial specifying the number and date of such mortgage, and the sum secured thereby and the names of the parties thereto with their proper additions shall be made in the said

Register, and the said Register may be perused at all reasonable times by any mortgagee or by any person interested in any such mortgage without fee or reward.

LXV. And it is enacted, that from time to time any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule B, to this Act annexed or to the like effect.

LXVI. And it is enacted, that within thirty days after the date of every such transfer if executed within the territories subject to the Government of the East India Company, or otherwise, within thirty days after the arrival thereof within the said territories, it shall be produced to the said Clerk, and thereupon the said Clerk shall make an entry or memorial thereof in the Register aforesaid in the same manner as in the case of an original mortgage, and for such entry the said Clerk may demand and receive a fee not exceeding Two Rupees, and after such entry every such transfer shall entitle the transferee, his Executors, Administrators and Assigns to the full benefit of the original mortgage, and the principal and interest secured thereby and such transferee may in like manner assign or transfer the same again and toties quoties, and it shall not be in the power of any person except the person to whom the said mortgage shall have been last transferred, his Executors, or Administrators or Assigns to make void, release or discharge the original mortgage, or the monies due thereon or secured thereby.

LXVII. And it is enacted, that from and after the payment or satisfaction of all the principal and interest of monies secured by any mortgage made under the powers of this Act all the estate, property, right and interest by such mortgage vested in the mortgagee, his Heirs, Executors, Administrators or Assigns shall without any transfer or release, or any other act or deed whatsoever immediately cease and determine.

LXVIII. And in order that no undue preference may be given in paying off any mortgages it is enacted whenever the said Commissioners shall be enabled to pay off one or more out of the number of the said mortgages, or a part of the money secured on any such mortgage, they shall decide the order in which such mortgages shall be paid off by lot or ballot, and shall cause a notice signed by their Clerk to be given to the person entitled to the money to pay off pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon, at the office of the Clerk of the said Commissioners on a day and at an hour to be specified at the expiration of six months from the date of giving such notice.

LXIX. And it is enacted, that the said Commissioners may if they think proper fix a period for the repayment of the whole of the principal money borrowed on any one mortgage under the provisions of this Act with the interest thereon, and in such case the said Commissioners shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the said principal sum, together with the arrears of interest thereon, shall on demand be paid to the party entitled to receive such principal sum and interest and if no other place of payment be inserted in such mortgage deed such principal and interest shall be payable at the office of the Clerk of the said Commissioners.

LXX. And it is enacted, that if no time be fixed in the mortgage deed for the repayment of the money so borrowed the party entitled to receive such money may at the expiration, or at any time after the expiration of twelve months from the date of such mortgage, demand payment of the principal sum thereby secured, with all arrears of interest, upon giving six months previous notice for that purpose, and in the like case the said Commissioners may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print; or partly in writing and partly in print, and if given by a mortgagee or creditor shall be delivered to the Clerk aforesaid or left at his office, and if given by the said Commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if his present residence be not known, then at his last known place of abode, or if such mortgagee or creditor be unknown to the said Commissioners, or cannot be found after diligent inquiry and his last place of abode be unknown such notice shall be given by advertisement in the Calcutta Government Gazette, and once in each of three successive weeks in two of the Calcutta newspapers.

LXXI. And it is enacted, that if the said Commissioners shall have given notice in terms of this Act of their



intention to pay off any such mortgage then at the expiration of such notice all further interest shall cease to be payable on such mortgage unless demand of payment be made pursuant to such notice, and unless on such demand being duly made the said Commissioners shall fail to pay the principal and interest then due on such mortgage.

LXXII. And it is enacted, that it shall be lawful for any mortgagee or other person entitled to receive payment of the money secured by any such mortgage to enforce the payment of the principal money and interest due thereon by applying for the appointment of a Receiver in the manner hereinafter provided, but in order to authorize the appointment of such Receiver the amount of money owing to the mortgagee or mortgagees or creditor or creditors by whom the application is made shall not be less than Ten Thousand Rupees.

LXXIII. And it is enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable and after demand thereof in writing the same be not paid the mortgagee or other creditor as aforesaid (without prejudice to his right to sue for such principal money, together with all arrears of interest in any competent Court or Courts of Law or Equity) may if his debt amount to the sum of Ten Thousand Rupees alone, or, if his debt does not amount to that sum, in conjunction with other mortgagees whose debts being so in arrears after demand as aforesaid shall, together with his amount to the said sum, require the appointment of a Receiver by an application to be made as hereinafter provided.

LXXIV. And it is enacted, that every application for a Receiver shall be made to one or more Justices of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, and on any such application it shall be lawful for such Justice or Justices by order in writing after hearing the parties to appoint a fit and proper person to receive the whole or a competent part of the rates and assessments, and to apply the same to the payment of such interest or principal and interest as the case may be, together with all costs, including the charges of receiving the rates and assessments until the said principal and interest, together with all such costs and charges be fully paid, and upon such appointment being made all such rates and assessments as aforesaid shall be paid to and received by the person so appointed who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the party to whom such interest or such principal and interest as the case may be shall be then due, and on whose behalf such Receiver shall have been appointed, and after such interest and costs, or such principal, interest and costs have been so received, the power of such Receiver shall cease.

#### SCHEDULE A.

##### FORM OF MORTGAGE DEED.

Mortgage No. Rupees By virtue of the Acts of the Legislative Council No. XVI. and No. XXII. of 1847. We the Commissioners appointed and acting under and by authority of the said Acts, in consideration of the sum of Co.'s Rupees paid to us by A. B. of do hereby assign unto the said A. B., his Executors, Administrators and Assigns, all the rates, and sums of money arising in the Town of Calcutta by virtue of the said Acts, and all the estate, right, title and in-

terest of the said Commissioners in the same. To hold unto the said A. B., his Executors, Administrators and Assigns until the sum of together with interest for the same at the rate of for every hundred Rupees by the year be satisfied (the principal sum to be repaid at the of years from the date hereof)—(in case any certain period be agreed upon for that purpose.)

Given under our common seal this day of in the year of our Lord and signed by us at our Meeting on the said day.

A. B. Commissioner.  
C. D. "  
E. F. "

#### SCHEDULE B.

##### FORM OF TRANSFER OF MORTGAGE.

I, A. B., of in consideration of the sum of paid to me by G. H. of do hereby transfer to the said G. H., his Executors, Administrators and Assigns a certain Mortgage Number made by the Commissioners appointed and acting under and by authority of Acts No. XVI. and No. XXII. of 1847, of the Legislative Council of India, bearing date the day of for securing the sum of Company's Rupees and interest (or if such transfer be by indorsement the within security) and all my right, estate and interest in and to the money thereby secured, and in and to the rates, and property thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord.

A. B. (L. S.)

G. A. BUSBY, Secy. to the Govt. of India.

FORT WILLIAM,  
HOME DEPARTMENT,  
LEGISLATIVE,  
The 31st December 1847.

The following Act passed by the Governor General of India in Council on the 31st December 1847, is hereby promulgated for general information.

ACT No. XXIII. OF 1847.

An Act for the amendment of Act No. XXXI. of 1838.

Whereas by Act No. XXXI. of 1838, Section XVII it is enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years:

It is hereby enacted, that so much of the above cited Section of the said Act as enacts that the term of transportation thereby limited shall not be for less than ten years, be repealed.

G. A. BUSBY, Secy. to the Govt. of India.

**103** The price of the Bombay Government Gazette to private Subscribers is Three Rupees per Quarter, or four annas per copy payable in advance, and to Non-subscribers eight annas per copy. It is particularly requested to be noticed, that the price of the Government Gazette is the same whether it be taken for the whole or part of a quarter, as no subscription will be received for broken periods.

Subscribers are requested on charge of stations to intimate the same to this office.





TO THE  
B O M B A Y G O V E R N M E N T G A Z E T T E.

Published by Authority.

THURSDAY, 27<sup>TH</sup> JANUARY 1848.

FORT WILLIAM.  
HOME DEPARTMENT  
LEGISLATIVE.

*The 18th December 1847.*

The following Act is brought up before the Legislative Council this-day.—The Governor General of India in Council being desirous that no time should be lost in passing the Act.

*Resolved*—That the Rules requiring that all Acts of the Governor General of India in Council shall be brought up for second reading in two months or in three months from the date of the first reading be suspended in respect to the following proposed Act, and that it be at once passed into law.

ACT No. XIX. of 1847.

*An Act to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.*

WHEREAS it is expedient to make certain Amendments in the Articles of War provided by Act XX. of 1845, for the Government of the Native Officers and Soldiers in the Military Service of the East India Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers:

I. It is therefore hereby enacted, that from and after the First day of March 1848, the Articles of War provided by Act XX. of 1845, are repealed.

II. And it is enacted, that the following Articles of War shall from and after the said day be the Articles of War for the Government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers. Provided always that all crimes and offences committed against the Articles of War provided by Act XX. of 1845, aforesaid may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided; and that every Warrant for holding any Court Martial under the Articles of War provided by the Act XX. of 1845 aforesaid shall remain in full force notwithstanding the repeal of such Articles; and that all proceedings of any Court Martial upon any trial begun under such Articles, shall not be discontinued by the repeal of the same.

ARTICLES OF WAR.

SECTION I.

*Of Inlisting and Discharges.*

ARTICLE 1.

Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the form of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

\* ARTICLE 2.

No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander in Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.

All Non-Commissioned Officers and Soldiers discharged the Service, shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of, such discharge, and the period of his entire Service in the Army.

\* ARTICLE 4.

No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.



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SECTION II.

*Crimes and Punishment.*

*Crimes punishable with death, transportation, corporal punishment, imprisonment, or dismissal.*

ARTICLE 5.

Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer;—or

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence, against him; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner;—or

ARTICLE 7.

Who shall disobey any lawful Command of his Superior Officer;—or

ARTICLE 8.

Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same);—or

ARTICLE 9.

Who, being a Sentry, in time of War or alarm, shall sleep upon his post; or shall leave it before regularly relieved, or without leave; or shall plunder or injure the property placed under his charge;—or

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post, or Guard;—or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War;—or

ARTICLE 12.

Who shall hold correspondence with or give intelligence to the Enemy, or any person in arms against the State, either directly or indirectly; or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer;—or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the Enemy, or Persons in arms against the State, with money, victuals, or ammunition; or shall knowingly harbour or protect any Enemy or Person in arms against the State;—or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of any Enemy or Person in arms against the State, placed as a Prisoner under his charge;—or

ARTICLE 15.

Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave;—or

ARTICLE 16.

Who shall in presence of an Enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition;—or

ARTICLE 17.

Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of Plunder;—or

ARTICLE 18.

Who, in time of War, shall do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Forces; or shall force a Safeguard; or break into any house, or other place for plunder; or plunder fields, or gardens, or other property;—or

ARTICLE 19.

Who, in time of war, shall, by discharging fire arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison, or Quarters;—or

ARTICLE 20.

Who shall, without proper authority, release any State Prisoner, or through carelessness or neglect shall suffer any such Prisoner to escape; or shall connive at the plunder or injury of property in time of War, or the plunder or injury of Treasure, or of a Magazine, or Dock Yard, by the Sentry or Guard in whose charge such property, or Treasure, or Magazine, or Dock Yard is placed;—or

ARTICLE 21.

Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine, or Dock Yard, shall quit his Post without being regularly relieved, or without leave; or shall sleep upon his Post; or shall plunder or injure the property placed under his charge;

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be Dismissed the Service;

And, if a Soldier, shall, on conviction, suffer Death or Transportation for life; or Imprisonment with or without hard labour, for life or for any term of years; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer Corporal Punishment; or Dismissal from the Service; as by a General Court Martial shall be awarded. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.



[ ]

*Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.*

ARTICLE 22.

Any Officer or Soldier who shall in operations in the field, spread reports by words or letters calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army;— or

ARTICLE 23.

Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency;— or

ARTICLE 24.

Who shall be drunk when on, or for duty, or on Parade, or on the Line of March;— or

ARTICLE 25.

Who shall strike or force any Sentry;— or

ARTICLE 26.

Any Soldier who shall be grossly insubordinate or insolent to his Superior Officer in the execution of his office; or grossly insubordinate and violent in the presence of a Court Martial;— or

ARTICLE 27.

Who, being on actual Service, shall refuse to assist in making field works;

Shall, if an Officer, on conviction, be Sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances;

And, if a Soldier, shall, on conviction, before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be Sentenced to Death, or Transportation or Imprisonment with hard labour.

*Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General, or District Court Martial, with Dismissal, Reduction, Imprisonment with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.*

ARTICLE 28.

Any Officer who shall behave in a manner unbecoming the character of an Officer; (the fact or facts whereon the charge is grounded being clearly specified therein);— or

ARTICLE 29.

Any Officer or Soldier who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his Superior Officer; or shall not cause such Deserter to be apprehended by the Civil Power;— or

ARTICLE 30.

Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate, or Document, or by the omission of the true Statement, or Certificate, or Document;— or

ARTICLE 31.

Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, or of which he may have charge;— or

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever; or shall, without authority, exact from Villagers or others, carriage, portage, or provisions;— or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons;

Shall, if an Officer, on conviction, be sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances;

And, if a Soldier, shall, on conviction before a General, District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

*Crimes punishable by General Court Martial with Dismissal or Suspension of Officers or by any Court Martial with Dismissal, Reduction, Imprisonment with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.*

ARTICLE 34.

Any Officer or Soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he his set at liberty by competent authority;— or

ARTICLE 35.

Who shall mangle, feign or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity;— or

ARTICLE 36.

Who shall without orders, commit any waste, or spoil or plunder, or shall injure or destroy any property;— or

ARTICLE 37.

Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonnements, or on occasion of visiting Towns or Bazzars, carrying a Sword, Bludgeon, or other Weapon;— or

ARTICLE 38.

Who shall sell, pawn, or designedly or through neglect lose or injure his Horse, Arms, Clothes, Accoutrements or Regimental Necessaries; or any of the above articles entrusted or belonging to any other Soldier;

Shall, on conviction before a General, District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as such Courts Martial respectively are by these Articles of War empowered to award.



Provided that such offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

*Embezzlement; punishable by General Court Martial with Dismissal, Fine, and Imprisonment with or without hard labour, and with or without solitary confinement, of Officers and Soldiers.*

ARTICLE 39.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;

Shall, on conviction before a General Court Martial, be Dismissed the Service, and fined to the extent of his arrears of Pay and Allowances; and be further liable to suffer Imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid.)

*Disgraceful Conduct; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment with or without hard labour and solitary confinement, and in addition with forfeiture of additional Pay and of Pension on discharge, and stoppages, of Non-Commissioned Officers and Soldiers.*

ARTICLE 40.

Any Soldier who shall be guilty of *disgraceful conduct*;

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life; — or

ARTICLE 41.

In purloining or selling Government Stores; — or

ARTICLE 42.

In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army; — or

ARTICLE 43.

In plundering or injuring property placed under his charge as Sentry, or in charge of his Guard, or in conniving at the plunder or injury of such property; — or

ARTICLE 44.

In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose; — or

ARTICLE 45.

In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military; — or

ARTICLE 46.

Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer

such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And every such offender shall, if not dismissed the service, further be put under stoppages by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be Dismissed the Service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

*Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction, or Simple Imprisonment with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.*

ARTICLE 47.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise ill-treat any Soldier; — or

ARTICLE 48.

Any Sentry who, in time of peace shall sleep upon his Post; or shall leave it before regularly relieved or without leave; — or

ARTICLE 49.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment; — or

ARTICLE 50.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier; — or

ARTICLE 51.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his superior Officer; — or

ARTICLE 52.

Who, being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape; — or

ARTICLE 53.

Who shall quit his Guard, or Picket, in time of peace, without being regularly relieved, or without leave; — or

ARTICLE 54.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority; — or refuse to assist him when requiring his aid in the execution of his duty; — or



ARTICLE 55.

Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay;—or

ARTICLE 56.

Who, in time of peace, shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments; — or

ARTICLE 57.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause;— or

ARTICLE 58.

Who shall, without urgent necessity, or without leave of his Superior Officer, quit his Company, or Troop, or the Parade;— or

ARTICLE 59.

Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him;— or

ARTICLE 60.

Any Soldier who shall be found two miles from the Camp contrary to orders;— or

ARTICLE 61.

Who shall, contrary to orders, be absent from his Cantonment after tattoo, or from Camp after retreat beating;—or

ARTICLE 62.

Who shall sell, lose, or designedly, or through neglect, waste, the ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to Suspension from Rank and Pay and Allowances; or to be Reprimanded in such manner as the Commander in Chief may direct;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martials are by these Articles of War respectively empowered to award;

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

ARTICLE 63.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

*Crimes incident to Courts Martial; punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal, or Simple Imprisonment of Soldiers.*

ARTICLE 64.

Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal or Suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal, or Reduction to the ranks, if a Non-Commissioned Officer; or with Dismissal, or Imprisonment, if a Soldier;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 65.

Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend; or who attending shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury; or who shall induce any other person so to offend; Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 66.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the Sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labour; and if not amenable to these Articles of War the offender shall be delivered over to a Magistrate to be proceeded against according to law.

*Perjury; punishable by General or District Court Martial with Dismissal, and in addition with Fine, or simple Imprisonment, of Officers and Soldiers*

ARTICLE 67.

Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;

Shall be Dismissed the Service, and shall be further subject to Fine to the amount of his arrears of Pay and Allowance, or to Imprisonment which may extend to three years;—according to the Sentence of a General, or District, or Garrison Court Martial.



Provided that such offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

*Embezzlement; punishable by General Court Martial with Dismissal, Fine, and Imprisonment with or without hard labour, and with or without solitary confinement, of Officers and Soldiers.*

ARTICLE 39.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;

Shall, on conviction before a General Court Martial, be Dismissed the Service, and fined to the extent of his arrears of Pay and Allowances; and be further liable to suffer Imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid.)

*Disgraceful Conduct; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment with or without hard labour and solitary confinement, and in addition with forfeiture of additional Pay and of Pension on discharge, and stoppages, of Non-Commissioned Officers and Soldiers.*

ARTICLE 40.

Any Soldier who shall be guilty of *disgraceful conduct*;

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life; — or

ARTICLE 41.

In purloining or selling Government Stores; — or

ARTICLE 42.

In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army; — or

ARTICLE 43.

In plundering or injuring property placed under his charge as Sentry, or in charge of his Guard, or in conniving at the plunder or injury of such property; — or

ARTICLE 44.

In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose; — or

ARTICLE 45.

In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military; — or

ARTICLE 46.

Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer

such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And every such offender shall, if not dismissed the service, further be put under stoppages by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be Dismissed the Service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

*Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction, or Simple Imprisonment with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.*

ARTICLE 47.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise ill-treat any Soldier; — or

ARTICLE 48.

Any Sentry who, in time of peace shall sleep upon his Post; or shall leave it before regularly relieved or without leave; — or

ARTICLE 49.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment; — or

ARTICLE 50.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier; — or

ARTICLE 51.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his superior Officer; — or

ARTICLE 52.

Who, being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape; — or

ARTICLE 53.

Who shall quit his Guard, or Picket, in time of peace, without being regularly relieved, or without leave; — or

ARTICLE 54.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority; — or refuse to assist him when requiring his aid in the execution of his duty; — or



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ARTICLE 55.

Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoice without delay;—or

ARTICLE 56.

Who, in time of peace, shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments;— or

ARTICLE 57.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause;— or

ARTICLE 58.

Who shall, without urgent necessity, or without leave of his Superior Officer, quit his Company, or Troop, or the Parade;— or

ARTICLE 59.

Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him;— or

ARTICLE 60.

Any Soldier who shall be found two miles from the Camp contrary to orders;— or

ARTICLE 61.

Who shall, contrary to orders, be absent from his Cantonment after tattoo, or from Camp after retreat beating;— or

ARTICLE 62.

Who shall sell, lose, or designedly, or through neglect, waste, the ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to Suspension from Rank and Pay and Allowances; or to be Reprimanded in such manner as the Commander in Chief may direct;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martials are by these Articles of War respectively empowered to award;

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

ARTICLE 63.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

*Crimes incident to Courts Martial; punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal, or Simple Imprisonment of Soldiers.*

ARTICLE 64.

Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal or Suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal, or Reduction to the ranks, if a Non-Commissioned Officer; or with Dismissal, or Imprisonment, if a Soldier;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 65.

Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend; or who attending shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury; or who shall induce any other person so to offend;

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 66.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the Sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labour; and if not amenable to these Articles of War the offender shall be delivered over to a Magistrate to be proceeded against according to law.

*Perjury; punishable by General or District Court Martial with Dismissal, and in addition with Fine, or simple Imprisonment, of Officers and Soldiers*

ARTICLE 67.

Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;

Shall be Dismissed the Service, and shall be further subject to Fine to the amount of his arrears of Pay and Allowance, or to Imprisonment which may extend to three years;—according to the Sentence of a General, or District, or Garrison Court Martial.



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*Crimes admitting of less serious notice.*

ARTICLE 68.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs may, if he thinks it expedient and for the good of the Service, order the offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District, or Garrison Court Martial; making however a report in every such case, for the information of the General Officer Commanding the Division, of the reasons of his having so proceeded; or such Commanding Officer may lay a particular statement of the case before the General or other Officer having authority to convene General or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application for permission to try the offender by District, or Garrison, or Regimental Court Martial; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "*Disgraceful Conduct*" in these Articles of War and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term "*Disgraceful Conduct*" shall be omitted in the Charge; and the offender shall on conviction be liable to suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

*Offences on the Line of March or on board Vessels.*

ARTICLE 69.

For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in Command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence on the spot;

Provided that such sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander in Chief.

SECTION III.

*Administration of Justice.*

ARTICLE 70.

Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer or Non-Commissioned Officer; or if a Soldier, be confined; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 71.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 72.

Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 73.

The Commander in Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, and mitigate or commute, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the service of Her Majesty, or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers, or Soldiers, or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm, and mitigate or commute, or remit the sentences of such Courts Martial.

ARTICLE 74.

A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander in Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

*Powers of a General Court Martial.*

\* ARTICLE 75.

A General Court Martial may sentence any officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be Dismissed the service;—or to be Suspended from Rank and Pay and Allowances, for a stated period;—or to be placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service;



and the Court shall in every such sentence specify the extent or degree of Suspension or Reduction, which they shall so adjudge;—or the Court may sentence such Officer to be Reprimanded in such manner as the Commander in Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be Dismissed the service;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,) or may sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*;—or Imprisonment with or without hard labour not exceeding *two years*;—and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

And a General Court Martial may, in addition either to Corporal Punishment, or to Imprisonment, as aforesaid, sentence a Soldier to Forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to Forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And a General Court Martial may, in addition to the punishment of Dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;—And, in addition to any punishment not involving Dismissal from the service, may sentence any Officer or Soldier to be put under Stoppages not exceeding two-thirds of his Pay and allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

#### *Confirmation and Commutation of Sentence by the Commander in Chief.*

##### ARTICLE 76.

In cases wherein a Sentence of *Death* shall have been awarded by a General Court Martial, for any offence against discipline for which sentence of *Death* is awardable under these Articles of War, the Commander in Chief may confirm such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be Transported for life, or to be Imprisoned for any term of years, or to be Dismissed; and if a Soldier, to be Transported for life, or to be Imprisoned with or without Hard Labour either for life, or for a certain term of years, and with or without solitary confinement, (to be regulated as aforesaid,) as to the Commander in Chief may seem meet.

In cases of Commissioned Officers Sentenced to *Transportation*, the Commander in Chief may in lieu thereof order the offender to be imprisoned for any term of years, or to be Dismissed. And in cases of Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such Punishment, direct, that the offender be Suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander in Chief.

And the Commander in Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid); and such Imprisonment may be either for the same period for which *Transportation* shall have been awarded, or for any lesser period.

And the Commander in Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service; or, in the case of a Non-Commissioned Officer may mitigate such Sentence to Reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*.

In cases of Non-Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage, except that of standing.)

And in cases of offenders Sentenced to *Imprisonment with Hard Labour*, the Commander in Chief may mitigate such Sentence by causing the offender to be Reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be Dismissed from the service; or suffer Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labour.

##### ARTICLE 77.

A District, or Garrison Court Martial shall consist of not less than *Seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander in Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander in Chief or by some Officer duly authorized to confirm the same.

#### *Commutation of Sentence.*

And the Commander in Chief is empowered to remit, or mitigate, or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate to or withhold from Commanding Officers the power of conveying such Courts Martial, and of confirming, remitting, mitigating, or commuting the Sentences of such Courts (not including forfeiture of pay or pension or other advantage), as the Commander in Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander in Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

#### *Powers of a District or Garrison Court Martial.*

##### \* ARTICLE 78.

A District or Garrison Court Martial may Sentence any Non-Commissioned Officer to be Reduced to the ranks,—or may Sentence any Non-Commissioned Officer or Soldier to be Dismissed from the Service;



or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing;) or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*; or Imprisonment with or without Hard Labour not exceeding *one year*, and to be kept in Solitary Confinement (to be regulated as aforesaid.)

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid Sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct*.

And such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

#### ARTICLE 79.

A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient;) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

#### *Commutation of Sentence.*

And such Commanding Officer shall have power to confirm and carry into effect or to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period for which such Court is competent to Sentence an offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to reduction to the Ranks;—and to commute a Sentence of *Imprisonment with Hard Labour*, to Dismissal; or to mitigate such Sentence to Reduction to the Ranks; or to Imprisonment without Hard Labour.

#### *Powers of a Regimental Court Martial.*

#### \* ARTICLE 80.

A Regimental Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the service;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing.)—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*; or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months*; and to be kept in solitary confinement (to be regulated as aforesaid.)

Any such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of

Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

#### ARTICLE 81.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial; and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment;—(who is hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do;)—Except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

#### ARTICLE 82.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

#### *Execution of Sentences of Courts Martials.*

#### ARTICLE 83.

In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall “suffer death by being hanged by the neck until he be dead,” or “by being shot to death,” as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

#### ARTICLE 84.

Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And whenever any sentence of a Court Martial shall adjudge Imprisonment with hard labour, or with Solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such Imprisonment, it shall be the duty of every Judge, Ma-



gistrate, Sheriff, or other Officer in charge, of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Station or Regiment or Detachment, within which the trial is held.

#### ARTICLE 85.

Whenever any Soldier shall be sentenced to Imprisonment for life, or a sentence of Death shall be commuted to Imprisonment for life it shall be lawful for the Commander in Chief to order such offender to be Transported beyond sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for Transportation.

#### ARTICLE 86.

Persons sentenced to Imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander in Chief shall from time to time direct.

#### ARTICLE 87.

Every Soldier sentenced to Imprisonment with hard labour, shall, previous to undergoing such punishment, be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

#### ARTICLE 88.

Offenders sentenced to Dismissal for *disgraceful conduct*;

And offenders subject to Corporal Punishment, or to Imprisonment with hard labour for *disgraceful conduct* shall on any such sentence being confirmed, be Dismissed with Ignominy.

#### ARTICLE 89.

In every case wherein a fine, or forfeiture of arrears of pay, or stoppages shall be adjudged by a Court Martial, any pay or public money due to the offender, or that may become due to him, shall be available, with the sanction of the Commander in Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

#### *Forms of Proceedings.*

#### ARTICLE 90.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

#### ARTICLE 91.

At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years standing in the service, except in cases where no Officer of that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

#### ARTICLE 92.

An Interpreter shall be appointed to all Courts Martial; and any Interpreter or other competent person available at the Station where the Court Martial may sit shall be appointed as occasion may require by the

Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an Interpreter or other competent person are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

#### ARTICLE 93.

At all Courts Martial the Senior Officer shall sit as President without being so appointed by Warrant. Provided that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective Commissions of Subadar Major, Subadar, or Jemadar, Rissaldars and Rissaidars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

#### ARTICLE 94.

No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

#### *Manner of Voting.*

#### ARTICLE 95.

All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favor of the prisoner; the President at a Court Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the finding and the sentence, the President shall have a casting vote.

#### ARTICLE 96.

No sentence of death shall be given against any offender by a Court Martial, unless two-thirds of the Members present concur therein, or four where the Court consist of five Members, or five where the Court consist of seven.

#### *Affirmations.*

#### ARTICLE 97.

On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation:

"I, A. B., solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been published by authority; and further, that I will not disclose or discover the vote or opinion of any particular Member of the Court unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of Law."



In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member :

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favour, or affection, and, if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of War in the like cases, and that I will not divulge the sentence of the Court until it shall be published by authority; and further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of Law.”

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer :

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will not upon any account whatsoever disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice, or a Court Martial in due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court, until it shall be published by authority.”

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

#### ARTICLE 98.

All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions or on Affirmations—and persons of the Hindoo or Mahomedan persuasion and other persons making Affirmation, shall make Affirmation to the following effect.

“ I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

And if any person making such Affirmation as aforesaid, shall willfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

#### *Summoning Witnesses not amenable to these Articles.*

#### ARTICLE 99.

In all cases where persons required as witnesses before a Court Martial, may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

#### *Powers and Duties of Provost Marshals.*

#### ARTICLE 100.

For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provost Marshals shall be appointed by the Commander in Chief, and their Powers shall be regulated according to the established Usages of War and Rules of the Service; their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breach-

es of both, by Soldiers and Followers of the Army and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline; Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the Field and that whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the Field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provost Marshals being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the Discipline of the East India Company's Army and the Public Service.

#### *Trials by European Courts Martial.*

#### ARTICLE 101.

At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

#### SECTION IV.

#### *Effects of the Dead.*

#### \* ARTICLE 102.

When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the Office of the Adjutant, or Officer in charge of the Department.

#### \* ARTICLE 103.

If there be no Heir or Executor on the spot, the Effects are to be publicly sold; the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, after discharging the debts of the deceased, viz. the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and es-



publishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

## SECTION V.

### Miscellaneous.

#### ARTICLE 104.

The Effects of Deserters are to be publicly sold, and the proceeds after payment of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining at such Presidency.

#### ARTICLE 105.

All powers and provisions contained in these Articles relating to the Commander in Chief, shall be construed to extend to the Commander in Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

#### ARTICLE 106.

When any portion of the Troops belonging to a Presidency shall be serving within the limits of another Presidency, such Troops shall be considered as placed, during such service, under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always, that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency shall continue under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency to which they belong for all purposes of these Articles.

#### ARTICLE 107.

Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial shall be executed until the General Commanding in Chief the Army to which the Division, Brigade, Detachment, or Party

to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate, or remit the same; reporting the proceedings to the said General Commanding in Chief.

#### ARTICLE 108.

General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

#### ARTICLE 109.

No person, being acquitted or convicted before a Court-Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the general character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

#### \* ARTICLE 110.

No Non-Commissioned Officer shall be Reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander in Chief of the Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be reduced to the ranks for any limited period; nor Suspended from his rank; nor Reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first Reduced to the ranks.

#### \* ARTICLE 111.

Any Officer or Soldier thinking himself wronged by his superior or other Officer is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer, of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to Dismissal, not to suffer Corporal Punishment or Imprisonment with hard labour.

#### ARTICLE 112.

In case of light offences, a Commanding Officer may, without the intervention of a Court Martial, award extra drill with or without pack for a period not exceeding fifteen days; restriction to Barrack limits not exceeding fifteen days confinement in the Quarter Guard or Defaulter's Room, not exceeding seven days; removal from Staff situations or acting appointments; or may order Soldiers to be employed in piling and unpling shot; and in cleaning accoutrements of men in Hospital; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.



ARTICLE 113.

Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander in Chief. And every Officer or Soldier in imprisonment under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his pay proper, according to the rates of Pay granted to Officers and Soldiers of the Bengal Army.

SECTION VI.

*Mode of dealing with offences not Military.*

ARTICLE 114.

In all places within the jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

*Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.*

ARTICLE 115.

In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences when committed by Officers or Soldiers shall be cognizable by Courts Martial.

ARTICLE 116.

General Courts Martial shall have cognizance ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to fourteen years;

Imprisonment for a period which may extend to seven years.

ARTICLE 117.

District, or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of Death or Transportation, with power to sentence persons convicted of such offences to Imprisonment for any period not exceeding three years.

ARTICLE 118.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period not exceeding six calendar months, and by special order, of offences ordinarily cognizable by District, or Garrison Courts Martial, with power to sentence persons convicted of such offences to Imprisonment for a period not exceeding six calendar months.

*General Courts Martial.*

*Punishment of Death.*

ARTICLE 119.

Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder" shall be sentenced to suffer Death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

*Offences punishable by Transportation for Life.*

ARTICLE 120.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other Corporal injury to any person endangering the life of such person: That is to say,

1st.—Breaking, or attempting to break, by day or night, into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob;

3rd.—Stealing or attempting to steal in a house, or from the person;

Shall be Sentenced by such General Court Martial to Imprisonment with or without hard labour and Transportation for life.

*Offences punishable by Imprisonment which may extend to fourteen years.*

ARTICLE 121.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person not endangering the life of such person; — or

ARTICLE 122.

Of wounding or administering poison with intent to murder, whether the person wounded or to whom poison is administered, be the person whom the offender intended to murder or another; — or

ARTICLE 123.

Of Robbery by open violence, or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery; — or



[ ]

ARTICLE 124.

Of breaking, or attempting to break, into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal; — or

ARTICLE 125.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed One Hundred Company's Rupees; — or

ARTICLE 126.

Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery by open violence, or by theft or robbery aggravated as described in Article 120 or Article 121;

Shall be sentenced by such General Court Martial to Imprisonment with or without Hard Labour for a period not exceeding fourteen years.

*Offences punishable by Imprisonment not exceeding seven years.*

ARTICLE 127.

Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder; — or

ARTICLE 128.

Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstances; — or

ARTICLE 129.

Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person; — or

ARTICLE 130.

Of accidentally wounding, maiming, or otherwise doing Corporal injury to any person, with the intention of doing such injury to another person; — or

ARTICLE 131.

Of breaking into any Dwelling House, Tent, Boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein; — or

ARTICLE 132.

Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value; — or

ARTICLE 133.

Of having purchased any property so stolen, exceeding in value Three Hundred Company Rupees, knowing it to have been stolen; — or

ARTICLE 134.

Of Arson; — or

ARTICLE 135.

Of an unnatural crime; — or

ARTICLE 136.

Of Rape; — or

ARTICLE 137.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of fifteen years; — or

ARTICLE 138.

Of stealing a child under the age of eight years; — or

ARTICLE 139.

Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper, of any description; or any counterfeit seal or signature thereto; or the illicit imitation of any public stamp or stamped paper, established by Government; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries; or of using, selling or disposing of such stamped paper, knowing the same to be counterfeit; — or

ARTICLE 140.

Of forging or procuring to be forged any counterfeit Coin, in imitation of any of the Gold, Silver or Copper Coin of the British Government in India; or of any Coin usually received as money in the British Territories; or of clipping, filing, drilling or defacing any such Coin; or of paying or tendering in payment counterfeit Coin, Bank Notes or other Securities for money, knowing the same to be counterfeit, although such Notes or Securities shall be incomplete;

Shall be Sentenced by such General Court Martial to suffer Imprisonment with or without Hard Labour, for any period not exceeding seven years.

*District or Garrison Courts Martial.*

*Offences punishable by Imprisonment not exceeding three years.*

ARTICLE 141.

It shall be competent to the Commander in Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death, or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District or Garrison Court Martial and such Court shall have power, on conviction, to sentence any such offender to Imprisonment with or without Hard Labour for any period not exceeding three years.

ARTICLE 142.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding Three Hundred Company's Rupees but exceeding Fifty Company's Rupees; — or

ARTICLE 143.

Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen, but not under aggravating circumstances; — or

ARTICLE 144.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen;

Shall be sentenced by such Court to suffer Imprisonment with or without Hard Labour for any period not exceeding three years.

*Regimental, Detachment, or Line Court Martial.*  
*Offences punishable by Imprisonment not exceeding six months.*

ARTICLE 145.

It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with



Hard Labour for three years is therein provided, to be tried before Regimental, or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment with or without Hard Labour for any period not exceeding six calendar months.

*Offences punishable by Imprisonment from six months to one year, according to the description of the Court.*

## ARTICLE 146.

Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value; — or

## ARTICLE 147.

Of Assault or Affray, unattended with Homicide, severe wounding, or aggravating circumstances;

Shall be sentenced to suffer Imprisonment with or without Hard Labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

*Offences punishable by Imprisonment from six months to two years, according to the description of the Court.*

## ARTICLE 148.

Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer; — or

## ARTICLE 149.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;

Shall be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial; not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

## ARTICLE 150.

Any Officer or Soldier who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for such offence, and awardable by General, or District or Garrison, or Regimental Courts Martial, respectively.

## ARTICLE 151.

No sentence of Death shall be carried into effect until confirmed by the Commander in Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

## ARTICLE 152.

The Commander in Chief is authorized at his discretion to confirm any sentence of Death, or to remit such sentence, or to commute it into Imprisonment with hard labour and Transportation for life, or into Imprisonment with hard labour for any term of years.

## ARTICLE 153.

No sentence of Transportation shall be carried into effect until confirmed by the Commander in Chief, and the Commander in Chief is authorized at his discretion to confirm any such sentence, or to commute it into Imprisonment with or without hard labour for any period of time.

## ARTICLE 154.

It shall be competent to any Officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple Imprisonment for Imprisonment with hard labour, or by reducing the period of Imprisonment, or by directing the discharge of the offender in lieu of any Imprisonment.

## ARTICLE 155.

A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

## ARTICLE 156.

The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police, or Superintendents of Bazars, are defined and controuled; or by which Panchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

## SECTION VII.

*Application of the Articles.*

## ARTICLE 157.

All Officers and Soldiers, all Drivers, Farriers, Trumpeters, and Drummers; all unattested Recruits; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Suttlers, Followers, public and private or others attached to or serving with any part of the Army, are to be governed by these Articles and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers in the Service of the East India Company.

*Promulgation of the Articles.*

## ARTICLE 158.

These Articles are to be translated into the several languages of the different Presidencies, and the parts following, viz. the second Section, together with the following Articles in other Sections which are marked with an \* (Asterisk), viz. 2, 4, 75, 78, 80, 102, 103, 110 and 111, are to be read once every three months at the head of every Regiment, Troop or Company mustered in the service and to every Recruit at the period of his attestation.

G. A. BUSHBY, *Secy. to the Govt. of India.*