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PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 8th October 1868, and is hereby promulgated for general information:—

Act No. XXV. of 1868.

An Act to define the jurisdiction of the Courts in Coorg.

WHEREAS it is expedient to define the jurisdiction of the Civil and Criminal Courts in the Province of Coorg; It is hereby enacted as follows:—

1. This Act may be called "The Coorg Courts' Act."

Section 25 shall take effect at once, and the rest of this Act shall come into operation on the first day of December 1868.

2. There shall be six grades of Civil Courts in the province of Coorg, which shall be in addition to any Courts of Small Causes, and to any other Courts established under any Act hereafter passed by the Governor General of India in Council (that is to say)—

(1.) The Court of the Súbahdár of the second class.

(2.) The Court of the Súbahdár of the first class.

(3.) The Court of the Assistant Superintendent of the second class.

(4.) The Court of the Assistant Superintendent of the first class.

(5.) The Court of the Superintendent; and

(6.) The Court of the Judicial Commissioner.

The Criminal Courts in the said Province shall be those referred to in the Code of Criminal Procedure.

Civil Jurisdiction.

3. Subject to any orders that may from time to time be issued by the Governor General of India in Council, the Commissioner of Coorg shall have power to declare to which of the said grades any Súbahdár and any Assistant Superintendent shall belong.

4. The Commissioner may invest any Párbatiyagár and any Náib Súbahdár with power to try and determine suits for money due, whether on bond or other contract, or

for rent, or for moveable property, or for the value of such property, or for damages, when the debt, damage, or demand does not exceed in amount or value the sum of Rupees fifty, and to prescribe the local limits within which the Párbatiyagár or Náib Súbahdár so invested shall exercise such power,

5. The Court of the **Súbahdár** of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed Rupees one hundred in value or amount.

Jurisdiction of Súbahdár of second class.
6. The Court of the **Súbahdár** of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed Rupees three hundred in value or amount.

Jurisdiction of Assistant Superintendent of second class.
7. The Court of the **Assistant Superintendent** of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed Rupees one thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure) from the orders of the Courts of the **Súbahdárs** of the first and second classes respectively, and of **Párbatiyagárs** or **Náib Súbahdárs** invested as aforesaid.

Jurisdiction of Assistant Superintendent of first class.
8. The Court of the **Assistant Superintendent** of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed Rupees three thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure for the time being in force in Coorg) from the orders of the Courts of the **Súbahdárs** of the first and second classes respectively, and of **Párbatiyagárs** or **Náib Súbahdárs** invested as aforesaid.

Jurisdiction of Superintendent.
9. The Court of the **Superintendent** shall have power to try and determine suits of every description and of any amount, and to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Courts of **Súbahdárs** and **Assistant Superintendents** of both classes respectively, and of **Párbatiyagárs** or **Náib Súbahdárs** invested as aforesaid.

Jurisdiction of Judicial Commissioner.
10. The Court of the **Judicial Commissioner** shall have power to hear and determine appeals from the original decisions of the **Superintendent** in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the **Superintendent**, and also special appeals from the decisions passed by the **Superintendent** or by an **Assistant Superintendent** of either grade on regular appeal:

Provided that such special appeals shall lie on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in law in the procedure or investigation of the case, which may have produced error or defect in the decision of the case upon the merits, and on no other grounds:

Provided also that no special appeal shall lie from any decision or order passed on regular appeal after the passing of this Act, in any suit of the nature cognizable in a Court of Small Causes

under Act No. XI. of 1865, section six, when the debt, damage, or demand for which the original suit is instituted does not exceed three hundred rupees; but every such order or decision shall be final.

11. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented in the Court empowered to hear an appeal within the period hereinafter specified, unless the appellant shows sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, thirty days if the appeal lie to the **Assistant Superintendents** or **Superintendent**, and ninety days if the appeal lie to the **Judicial Commissioner**.

The said period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Special appeals shall be presented in the Court of the **Judicial Commissioner** within the period hereinbefore fixed for appeals.

12. The Court of the **Judicial Commissioner** shall have power to re-move and to try and determine as a Court of extraordinary original jurisdiction, any suit within the jurisdiction of any Court in the said province when he thinks proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of his Court.

13. The **Judicial Commissioner** shall have superintendence over all Courts in the said province, and shall have power to call for returns and to make and issue general rules for regulating the practice and proceedings of such Courts, and also to prescribe forms for every proceeding in the said Courts for which he thinks necessary that a form be provided, and also for keeping all books, entries, and accounts to be kept by the officers, and also settle tables of fees to be allowed to the attorneys, vakeels, and all clerks and officers of such Courts, and from time to time to alter any such rule, form, or table.

The rules, forms, and tables so made, framed, and settled, shall be used and observed in the said Courts: Provided that such rules, forms, and tables be not inconsistent with the provisions of any law in force for the time being, and shall before they are issued have received the sanction of the **Commissioner**.

14. Whenever the state of the public business requires it, the **Governor General** of India in Council may confer powers of **Superintendent** or **Assistant Superintendent** in any part of the province of Coorg.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by

Criminal Jurisdiction.

a Court of Small Causes which may hereafter be established, shall be heard and determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

16. Except when otherwise provided in any law for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

17. The Superintendent may direct the business in the Courts subordinate to him, whether or not they have their sittings in the same place, to be distributed among such Courts in such way as he thinks fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

18. The Superintendent shall from time to time, with the concurrence and approval of the Commissioner, prescribe to each of the Appellate Courts subordinate to him such local limits within which they shall respectively exercise their appellate jurisdiction.

19. The Superintendent may, on the petition of either party, or in the absence of such petition, withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court, and competent in respect of the value or amount of the suit to try the same.

The Superintendent may also withdraw any appeal instituted in the Court of any Assistant Superintendent subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Assistant Superintendent in his province.

20. The Judicial Commissioner may order that the cognizance of any suit or appeal instituted in any Court subordinate to his Court, not being a Court

of Small Causes, shall be transferred to his own Court or to any other such subordinate Court competent in respect of the value or amount of the subject matter of the suit or appeal to try the same.

21. For purposes of criminal jurisdiction, the Superintendent of Coorg shall be taken to be the Chief Officer charged with the executive administration of a District in criminal matters.

22. The Governor General of India in Council may from time to time appoint any subject of Her Majesty to be Session Judge of Coorg, and may also from time to time suspend or remove any person so appointed.

The Session Judge shall, as often as may be necessary for the trial of offenders, hold sessions in the said Province. Provided that he and the Judicial Commissioner respectively may hear and determine appeals beyond the limits of the same Province.

23. Appeals from sentences and orders passed by the Superintendent or by any officer subordinate to him exercising full powers of a Magistrate, from which an appeal is allowed under the Code of Criminal Procedure, shall lie to the Judicial Commissioner, and shall be heard and determined by him.

Provided that nothing herein contained shall be deemed to prevent the Judicial Commissioner from exercising under the said Code all or any of the powers of the High Court vested in him.

24. All sentences and orders heretofore passed by the Superintendent of Ashtagram in his capacity of Session Judge of Coorg shall be deemed to be as valid as if this Act had then been passed, and he had been appointed, under section 22, Session Judge of Coorg.

25. The Code of Criminal Procedure shall extend to the said Province, and shall be deemed to have been in force therein from the ninth day of December 1862.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th September 1868, and is hereby promulgated for general information:—

Act No. XXIII. of 1868.

An Act to give validity to certain Abkari Rules in British Burma.

WHEREAS Rules for the sale in British Burma of wine, beer, spirituous and fermented liquors and intoxicating drugs, have, from time to time, been made and published under the authority of the Chief Commissioner of British Burma, and it is expedient to give such Rules, as last published under the authority aforesaid, the force of law, and to indemnify all officers, farmers, and other persons who have acted under them, or under any such Rules previously published or enforced under the same authority; It is hereby enacted as follows:—

1. The Rules for the sale of wine, beer, spirituous and fermented liquors and intoxicating drugs in British Burma, published in the number of the *British Burma Gazette* dated the twenty-ninth day of February 1868, shall, from the thirty-first day of March 1868 down to the passing of this Act, be deemed to have had the force of law, and shall continue in force until the Governor General of India in Council by notification in the *Gazette of India* shall otherwise order.

2. All other such rules from time to time published or enforced by or by order of the Chief Commissioner of British Burma on or before the said thirty-first day of March 1868, shall be deemed to have had the force of law.

3. All officers, farmers, and other persons are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer, farmer, or other person in respect of anything so done.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).*

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st October 1868, and is hereby promulgated for general information:—

Act No. XXIV. of 1868.

An Act to prohibit the practice of inoculation in Kumaon and Garhwál.

WHEREAS it is expedient to prohibit the practice of inoculation with the small-pox in the Districts of Kumaon and Garhwál, it is hereby enacted as follows:—

1. Whoever produces or attempts to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding three months, or to fine not exceeding two hundred rupees, or to both.

2. If any person having been inoculated with the small-pox in a place to which this Act does not extend shall afterwards enter any place to which this Act extends, before the date of forty days from the date of such inoculation, or without a certificate from a qualified Medical Officer that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

3. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half of such fine to the person on whose information the offender has been convicted.

Reward to informer.

4. This Act extends only to the Districts of Kumaon and Garhwál.

WHITLEY STOKES,

*Ass. Secy. to the Govt. of India,
Home Dept. (Legislative).*