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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor-General:—

Bill No. 10 of 1874.

THE DISTRESS BILL, 1874.

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A Bill to regulate Distresses for Rents in the Presidency Towns.

FOR the purpose of regulating distresses for rents in the Towns of Calcutta, Madras, and Bombay; It is hereby enacted as follows:—

Preamble.

I. Preliminary.

1. This Act may be called "The Distress Act, 1874," and it shall come into force at once.
- Short title.
Commencement.

It extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras, and Bombay;

But nothing herein contained applies to any rent due to Government.

2. The enactments specified in the second schedule hereto annexed are repealed to the extent mentioned in the third column of the same schedule.

All appointments made and securities given under any of the said enactments shall be deemed to be respectively made and given under this Act.

The reference to Act No. VII. of 1847 made in Act XXIII. of 1850, section three, shall be read as if made to this Act.

3. In this Act, "Court of Small Causes" means the Court of Small Causes defined. Causes held under Act. No. IX. of 1850 in Calcutta, Madras or Bombay, as the case may be.

II. Bailiffs and Appraisers.

4. The Judges of the Court of Small Causes may appoint four or more persons to be bailiffs and appraisers for the purpose of this Act, and may from time to time, with the previous sanction of the Local Governments, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

5. The persons so appointed shall give security to be approved by the said Judges faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

III. Issue of Distress-Warrants.

6. Any person claiming to be entitled to arrears of rent of any house or premises to which this Act extends, or his duly constituted attorney, may apply to any Judge of the Court of Small Causes for such warrant as hereinafter mentioned.

The application shall be supported by an affidavit to the effect of the form marked A in the first schedule hereto annexed.

7. The Judge may thereupon issue a warrant under his hand and seal to the effect of the Form contained in the same schedule (marked B) addressed to any one of such bailiffs.

The Judge may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

IV. Of the making of Distresses.

8. Every distress under this Act shall be made after sunrise and before sunset, and not at any other time.

The bailiff directed to make the distress may force open any stable, outhouse, or other building, and may also enter

any dwelling-house, the outer door of which may be open, and may break upon the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this Act.

Provided that he shall not enter or break open the door of any room appropriated for the zanáná or residence of women, which, by the usage of the country, is considered private.

10. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found upon the premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress.

11. The bailiff may impound or otherwise secure the property so seized on the premises chargeable with the rent.

12. On seizing any property under section twelve, the bailiff shall make an inventory of such property and shall give a notice in writing to the effect of the Form in the first schedule hereto annexed (marked C) to the debtor, or to any other person upon his behalf upon the said premises.

Copies of inventory and notice to be filed. The bailiff shall file in the Court of Small Causes copies of the said inventory and notice.

13. The debtor may, at any time within five days from such seizure, apply to any Judge of the said Court to discharge or suspend the warrant, and such Judge may discharge or suspend such warrant accordingly,

and any of the said Judges may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

V. Appraisal and Sale of Distress.

14. In default of application, any two of such bailiffs may at the expiration of five days from such seizure appraise the property so seized, and give notice in writing to the effect of the Form in the first schedule hereto annexed (marked D). The bailiff shall file in the said Court a copy of such notice.

15. The distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Chief Clerk of the said Court, and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt, and the surplus, if any, shall be returned to the debtor,

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

VI. Miscellaneous.

16. No costs shall be taken or demanded for any distress under this Act except those mentioned in the part of the first schedule hereto annexed (marked E).

The Judges of the Court of Small Causes may apply the sum so raised as cost towards the payment of the contingent charges and remuneration of the said bailiffs as appears to the said Judges expedient.

17. The Chief Clerk of the Court of Small Causes shall keep a book in which all sums received as cost upon distresses

made under this Act, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses shall be duly entered.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this Act.

18. No distress shall be levied for arrears of Bar of distresses except rent, except under the provisions of this Act;

and any person, except a bailiff appointed under section four, levying or attempting to levy any such distress shall,

Penalty for making illegal distresses. on conviction before a Magistrate of Police, be

liable to be punished by fine not exceeding five hundred rupees and imprisonment for a term not exceeding three months in addition to any other liability he may have incurred by his proceedings.

THE FIRST SCHEDULE.

A.

[See section 6.]

In the Court of Small Causes for

A. B. _____ (Plaintiff.)

versus

C. D. _____ (Defendant.)

A. B. of _____, in the town of _____ maketh oath and saith that C. D. _____, of _____, is justly indebted to _____ in the sum of Rs. _____ for arrears of rent of the house and premises No. _____, situated at _____, in the town of _____, due for _____ month, to wit from _____ to _____, at the rate of Rs. _____ per mensem.

Sworn before me the _____ day of _____ 187 .

Judge.

B.

[See section 7.]

In the Court of Small Causes for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of C. D., on the house and premises situate at No. _____ in the Town of _____, for the sum of _____ Rs., and the costs of the distress according to the provisions of Act No. _____ of 1874, dated _____ day of _____

(Signed and sealed.)

To E. F., Bailiff and Appraiser.

C.

[See section 12.]

In the Court of Small Causes for

FORM OF INVENTORY AND NOTICE.

(State particulars of property seized.)

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of _____ Rs. being the amount of _____ months' rent due to A. B., at _____ last, and that unless you pay the amount thereof, together with the costs of this distress within five days from the date hereof, or obtain an order from one of the Judges of the Court of Small Causes to the contrary, the same will be appraised and sold pursuant to the provisions of Act No. _____ of 1874. Dated the _____ day of _____ 18 .

To C. D.

(Signed) E. F.,
Bailiff and Appraiser.

D.

[See section 14.]

In the Court of Small Causes for

Take notice that we have appraised the moveable property seized on the _____ day of _____, under the provisions of Act No. _____ of 1874, of which a notice and inventory were duly served upon you [or upon _____ on your behalf as the case may be] under date the _____, and that the said property will be sold on the _____ [two clear days at least after the date of the notice] at _____ pursuant to the provisions of the said Act.

(Signed) E. F.

G. H.

To C. D.

Bailiffs and Appraisers.

E.

[See section 16.]

In the Court of Small Causes for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

Sums sued for.		Affidavit and warrant to distrain.	Order to sell.	Commission.	Total.
Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1 and under	5	0 4 0	0 8 0	0 8 0	1 4 0
5	10	0 8 0	0 8 0	1 0 0	2 0 0
10	15	0 8 0	0 8 0	1 8 0	2 8 0
15	20	0 8 0	1 0 0	2 0 0	3 8 0
20	25	0 12 0	1 0 0	2 8 0	4 4 0
25	30	1 0 0	1 0 0	3 0 0	5 0 0
30	35	1 0 0	1 0 0	3 8 0	5 8 0
35	40	1 0 0	1 8 0	4 0 0	6 8 0
40	45	1 4 0	2 0 0	4 8 0	7 12 0
45	50	1 8 0	2 0 0	5 0 0	8 8 0
50	60	2 0 0	2 0 0	6 0 0	10 0 0
60	80	2 8 0	2 8 0	6 8 0	11 8 0
80 to	100	3 0 0	3 0 0	7 0 0	13 0 0

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpoenaed, in which case each subpoena for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also, where peons were kept in charge of property distrained, four annas per day must be paid per man.

THE SECOND SCHEDULE.

I.—STATUTES.

Year and Chapter.	Subject.	Extent of repeal.
52 Hen. 3, c. 1	Distress	The whole.
c. 3	Resisting replevins	Ditto.
c. 4	Distress	Ditto.
c. 15	Ditto	Ditto.
c. 21	Replevin	Ditto.
13 Ed. 1, c. 2	Replevins	Ditto.
c. 37	Distress to be by bailiffs	Ditto.
<i>Less Estatuz del Eschekere between c. 13 and c. 14 of 17 Edw. 2.</i>	Distresses	Ditto.
1 & 2 Phil. & M., c. 12	Impounding distresses	Ditto.
17 Char. 2, c. 7	Distresses	Ditto.
2 Wm. & Mary, c. 5	Sale of distresses	Ditto.

II.—ACTS.

Number and Year.	Subject.	Extent of repeal.
VII. of 1847	Distresses for small rents in Calcutta	The whole.
IX. of 1850	Extension of Act VII. of 1847... ..	Section eighty-nine.
XXVI. of 1864	Extending jurisdiction of Presidency Small Cause Courts.	Section four.

STATEMENT OF OBJECTS AND REASONS.

In Calcutta, Madras, and Bombay, distresses for arrears of rent not exceeding a thousand rupees are provided for by the Small Cause Courts Acts VII. of 1847, IX. of 1850, Section 89; and XXVI. of 1864, Section 4. But for the law regulating distresses for arrears exceeding that sum, we must look to the Common Law and to the series of antiquated Statutes on this subject, eleven in number, which, from the foundation of the Mayors' Courts in 1726, have been deemed in force in the Presidency Towns.

This is obviously inconvenient, and the primary object of the present Bill is to extend the present law as to distresses for arrears not exceeding a thousand rupees to arrears exceeding that sum, and thus to render it possible to repeal expressly the Statutes above referred to. It will be found that so much of the law as is now useful and in active operation has been embodied in the present Bill.

The opportunity has been taken to amend the arrangement and working of the present law relating to distress for arrears not exceeding a thousand rupees and to define the powers of bailiffs to force open places.

(Signed) A. HOBHOUSE.

CALCUTTA,
The 1st June 1874.

WHITLEY STOKES,
Secretary to the Government of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor-General:—

Bill No. 11 of 1874.

THE SHERIFFS' BILL, 1874.

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V.—Execution of Decrees.

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SCHEDULE.

- I.—Statutes.
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A Bill to consolidate the law relating to the Sheriffs and to the execution of the decrees of the High Courts in the exercise of their Original Civil Jurisdiction.

WHEREAS it is expedient to consolidate the law relating to the Sheriffs of Calcutta, Madras, and Bombay, and to the execution of the decrees of the High Courts of Judicature at Fort William, Madras, and Bombay, in the exercise of their Original Civil Jurisdiction; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Sheriffs' Act, 1874."
- It extends to the whole of British India;
- And it shall come into force at once.
2. The enactments specified in the first and second parts of the schedule hereto annexed shall be wholly repealed.

And the Charters mentioned in the third part of the same schedule shall be repealed to the extent shown in the second column thereof.

But all Sheriffs and Deputy Sheriffs appointed, fees prescribed and writs issued, under any such enactment or Charter shall be deemed to be respectively appointed, prescribed and issued under this Act.

II.—Appointment of Sheriffs and Deputy Sheriffs.

3. The Local Government shall, yearly, on the first Tuesday in December or as soon after as may be,

appoint a Sheriff for the year ensuing, to be computed from the twentieth day of December next after such appointment.

Provided that, in the case of the Local Government of Bengal, the person so appointed shall be one of three persons resident in or near the town of Calcutta, to be nominated yearly to the Local Government by the Chief Justice of the High Court at least three days before the said first Tuesday.

The persons so appointed shall be called respectively the Sheriff of Calcutta, the Sheriff of Madras, and the Sheriff of Bombay.

4. Every such Sheriff shall continue in office during such year, and until another is duly appointed into the said office.

5. If the Sheriff die in his office, or depart from the Lower Provinces of Bengal, the Presidency of Fort St. George or the Presidency of Bombay (as the case may be), another person shall, as soon as conveniently may be after such death or departure, be in like manner nominated and appointed, and shall continue in his office for the remainder of the year, or until another Sheriff is duly appointed into the said office.

6. Every Sheriff shall, by writing under his Appointment of Deputy Sheriff, and shall during his continuance in office be responsible for such Deputy.

III.—Duties of Sheriff.

7. The Sheriff and Deputy Sheriff are authorized—

(a) to execute all the writs, summonses, rules, orders, warrants, commands and process of the High Court;

(b) to make return of the same, together with the execution thereof to the High Court;

(c) to receive and detain in prison such persons as are committed to the Sheriff for that purpose by the High Court and by the Chief Justice and Judges, respectively.

8. Whenever the High Court directs or awards Execution of process against the Sheriff himself,

or awards any process, which, on account of his being related to the parties, or for any other reason, it is inexpedient to require him to execute, the High Court shall appoint some other fit person to execute and return the same;

and for that purpose the said process shall be directed to the person so appointed;

and the cause of such special proceeding shall be entered on the record.

9. The Sheriff shall not be compelled or compellable to go in person or by his officers or deputies beyond the local limits of the ordinary original civil jurisdiction of the High Court for the execution of any of its processes.

But whenever the process of the said Court has to be executed beyond the said limits, the Court shall, by order or upon motion, direct by what person and in what manner such process shall be executed and the terms which the party issuing the same shall enter into.

And the Sheriff shall grant his special warrant or deputation to such person as the Court may direct for the execution of such process.

And in that case the Sheriff, his executors or administrators, shall not be responsible for any act done in or respecting the execution of such process under or by virtue of such special warrant.

And any persons aggrieved under or by pretence of such warrant may seek their remedy under any security which may have been directed to have been taken on the occasion, and which the said Court is authorized to direct to be taken.

IV.—The Sheriffs' Fees.

10. The High Court shall have power from time to time to settle Sheriff's fees. tables of fees to be allowed to the Sheriff on account of the execution of process, whether issued by the High Court, or by a Court, Judge or Magistrate beyond the local limits of its ordinary original civil jurisdiction, and of the sums to be allowed for costs of advertisements or other notifications of sales of property ;

Such tables, when, in the case of the High Court of Judicature at Fort William, they have received the sanction of the Governor General in Council, and in the case of the High Courts of Judicature at Madras and Bombay they have received the sanction of the Local Government, shall have the force of law.

11. No Court, Judge or Magistrate beyond the local limits of the ordinary original civil jurisdiction of the said High Courts, shall issue any process to be executed by the Sheriff unless upon payment by the party applying therefor of the fees and sums payable under the said tables.

12. Every such Court, Judge and Magistrate, Mofussil Courts to keep account of fees paid to them under this Act. issuing process as aforesaid, shall cause a separate account to be kept of the amount of all fees and sums so paid, and shall from time to time, as directed by Government, cause the amount thereof to be paid into the local treasury.

13. The Local Government shall, twice in each year, account for and pay over to the Sheriff for the time being, the amount of fees and sums so paid, after deducting all necessary expenses of receiving and keeping account thereof, and remitting the net proceeds thereof to Calcutta, Madras, or Bombay, as the case may be ; or, where the amount has accrued in the shrievalty of more than one Sheriff, shall apportion the sum paid accordingly between the Sheriff for the time being and the then late Sheriff.

14. The Local Government may compound with the Sheriff for a Composition with Sheriff. monthly payment to be

made to him instead of such fees and sums, and during such composition may appropriate the said fees and sums to the purposes of Government.

15. Over and above such fees and sums, or any Sheriff's percentage on sales. such monthly payment received instead of such fees and sums, the Sheriff shall be entitled to a fee after the rate of two rupees, eight annas for each hundred rupees of the value of any goods or property taken and sold by him in execution of any process issued by any Court, Judge, or Magistrate beyond the local limits of the ordinary original civil jurisdiction of the High Court, which fee shall be taken to cover all expenses connected with the seizure and sale, except the expense of advertisements.

16. No fee, estimated upon the amount of the Sheriff's fee for arrests. sum for which any person is taken in execution, shall be payable to the Sheriff, or any of his bailiffs, for taking the body of any person in execution on any process issued by any Court, Judge or Magistrate out of the local limits of the ordinary original civil jurisdiction of the High Court ; but instead thereof, such fees shall be payable to the Sheriff for taking the body of any person in execution of any such process as shall be settled from time to time by the High Court as aforesaid.

17. If any person taken in execution on any Sheriff's responsibility of the legal custody of the Sheriff, the Sheriff shall be liable only to a suit for damages in consequence of such escape, sustained by the person at whose suit the prisoner was taken.

The damages in such a suit and in any other suit against the Sheriff for breach of his official duty shall not exceed the amount of the loss which the breach has really occasioned.

V.—Execution of Decrees.

18. Under any writ of attachment issued out Sheriff's power under writ of attachment to seize and sell immoveable property. of the High Court, may be seized and sold any lands, houses, or other immoveable property of the party against whose effects such writ issues, whether his estate or interest therein be legal or equitable.

19. The Sheriff under any such writ may put Procedure when property is in possession of judgment-debtor. the purchaser in possession of such of the lands, houses, or other immoveable property sold under such writ, of which the judgment-debtor is in the actual possession, and of which an actual delivery can be made.

20. If the immoveable property liable to be sold under such writ be Procedure when property is not in possession of judgment-debtor. Sheriff shall not seize such property, but shall sell and convey all the right, title, and interest of the debtor ; and such conveyance shall pass the same interest to the purchaser as if the same had been executed by the debtor.

21. In such last-mentioned case, if the property be situate beyond the local limits of the ordinary original civil jurisdiction of the High Court, the Sheriff shall notify such sale to the Judge of the District, who shall cause notice of the same to be officially proclaimed in like manner as if the sale had been effected under a decree of his own Court.

22. In any case of intended sale of immoveable property beyond the said local limits, the Sheriff shall cause a notice specifying the time and place of the intended sale to be stuck up in some conspicuous place in the office of the Collector of the District within which such property is situate and also on some conspicuous part of the property to be sold.

The number of days between the publication of such notice and the sale shall not be less than fourteen days, if the property be not distant more than one hundred miles from the High Court; if the distance shall exceed one hundred miles, the number of days shall be increased by an additional day for every fifty miles of such excess of distance.

The want of such notice or any irregularity in respect thereof, shall not vitiate the sale in the hands of a *bonâ fide* purchaser.

23. If any lands, houses, or other immoveable property be seized or liable to be sold under any such writ, the Court may on application to it on behalf of the execution-debtor or of any one of several execution-debtors, if the Court be satisfied that there is reasonable ground to believe that the amount of the judgment may be raised by mortgage of the estate, postpone the sale for a term not exceeding one month to enable the defendant to raise the amount, and direct that the money ordered to be levied by such execution shall be raised by mortgage instead of sale of such lands, houses, or other immoveable property, upon such terms as to the payment of interest upon the judgment or otherwise as the Court thinks fit, and in such case it may give all necessary directions for the execution of such mortgage.

24. Under any such writ of attachment may Sheriff empowered to also be sized money, bank-seize money, bank-notes, notes, cheques, bills &c. of exchange, promissory notes, hundis, Government securities, bonds, or other securities for money, and also debts belonging to the said person;

and the Sheriff or other officer having the execution of the writ may pay or deliver over to the party suing out such execution, any money or bank-notes so seized, or a sufficient part thereof,

and shall, with the order of the Court, endorse over or transfer, and without such order, shall hold any such cheques, bills of exchange, promissory notes, hundis, bonds, or other securities for money as a security for the

amount by such writ directed to be levied, or so much thereof as have not been otherwise levied and raised,

and may, where he retains the same, sue in his own name as such Sheriff or officer for the recovery of the sum or sums secured thereby, or for any debt seized as aforesaid, when the time of payment thereof has arrived.

The payment to such Sheriff or other officer, or to the party entitled under such endorsement or transfer, by the party liable, with or without suit, or the recovery and levying execution against the party so liable, shall discharge him to the extent of such payment or of such recovery and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, hundî, bond, security, and debt; and such Sheriff or other officer shall pay over to the party suing out such writ, the money so to be recovered, or such part thereof as may be sufficient to discharge the amount by such writ directed to be levied;

and if, after satisfaction of the amount so to be levied, together with Sheriff's poundage and all lawful charges and expenses, any surplus remain in the hands of such Sheriff or other officer, the same shall be paid to the party against whom such writ shall be so issued, unless the same is duly attached in the hands of such Sheriff or other officer.

* Provided that no Sheriff or other officer shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, hundî, bond, security or debt, unless the party suing out such execution gives security to the Sheriff for indemnifying him from all costs and expenses to be incurred in the prosecution of such suit, or to which he may become liable in consequence thereof; the nature and amount of such security to be determined, in case they cannot agree, by the proper officer of the Court in which such suit is brought, or, if the Court so order, by some other person appointed by the Court for such purpose.

The expense of preparing and executing such security shall be deducted out of any money recovered in such suit, and the net proceeds only in this and other cases provided for by this Act shall be considered as received in satisfaction of the debt due to the execution-creditor.

25. If the Sheriff or other officer under any Sheriff empowered to writ of attachment seize receive interest on Government any Government security security seized by standing in the name of, him; or belonging to, the party against whose property such writ is issued, he may receive the interest due on such Government security, whether specially endorsed or otherwise, and sign a receipt for the same;

and may also sell and dispose of such Government security through a broker at the market-rate of the day;

and if the endorsement of such party is required to transfer such Government security, the Sheriff or other public officer shall endorse the same thus, "A. B. by C. D., Sheriff;"

and such endorsement shall be as effectual to pass the said Government security and to give a good title to the holder thereof as if the same had been endorsed by the party himself or his duly constituted attorney.

26. No debt shall be sold by the Sheriff under the process of the High Court, but the same shall be realized in the mode hereinbefore directed.

27. If any person against whom any writ of execution has issued, has any interest in any stock or shares in any public Company, whether incorporated or not, carrying on business in India and within the reach of the process of the Court out of which such writ of execution has issued, the High Court or any Judge thereof, on the application of the party who has sued out such writ of execution, may make an order *ex parte* that such interest in such stock or shares, or such of them or such part thereof respectively as the said Court or Judge thinks fit, shall stand charged with the payment of the amount due in respect of such writ of execution.

Such order shall have the like effect and entitle the person in whose favour the same is made to the same remedies and priorities as a charge executed in favour of such person by the person against whom execution shall have been issued.

Service or notice of such order upon or to the Company whose stock or shares is or are the subject of such order, or upon or to any person claiming an interest in such stock or shares, shall have the like effect, and shall entitle the person in whose favour such order is made to the same remedies against such Company or such last-mentioned person as notice of a charge executed of even date with such order by the person against whom execution has been issued in favour of the person at whose suit the same has been issued.

Nothing herein contained shall prevent the person against whom such order has been made or any other person affected thereby, from applying to the Court or Judge by whom such order has been made for its discharge on such grounds as may be just.

28. If such debtor has any interest in any property standing in the name of the Accountant General or any other officer of the High Court, or in the dividends, interest, or annual produce thereof, the Court or a Judge thereof may make an order that the interest of the defendant in such property shall be applied in payment of such debt, and the Court or Judge may from time to time make such other orders as may be necessary to give full effect to the above provision.

29. A plaintiff or defendant arrested under any writ issued upon any judgment, order, decree, or sentence of any of the said Courts whereby money is ordered to be paid to any party, shall be entitled to his discharge from such arrest on

payment or tender to such party or his attorney in the cause, or to the Sheriff or Gaoler in whose custody such person may be under such writ, of the amount directed to be levied by such writ.

30. A written order under the hand of the attorney in the cause by whom any such writ has been issued, shall justify the Sheriff, Gaoler, or person in whose custody the party may be under such writ in discharging such party, unless the party for whom such attorney professes to act has given written notice to the contrary to such Sheriff, Gaoler, or person in whose custody the opposite party may be.

Such discharge shall not be a satisfaction of the debt, unless made by the authority of the creditor; and nothing herein contained shall justify any attorney in giving such order for discharge without the consent of his client.

31. A writ of execution, if unexecuted, shall not remain in force for more than one year from the date of such writ unless renewed in the manner hereinafter provided;

but it may, at any time before its expiration, be renewed by the party issuing it for one year from the date of such renewal, and so on from time to time during the continuance of the renewed writ by being marked with the seal of the High Court and with a memorandum, signed by the officer, of the date of the day, month, and year of such renewal, or by such party giving a written notice of renewal to the Sheriff signed by the party or his attorney and bearing the like seal of the Court and memorandum signed by the officer as aforesaid;

and a writ of execution so renewed shall have the same effect and be entitled to the same priority as its original. The same priority as the original writ would have had.

Provided, however, that no writ of possession shall be renewed without the special leave of the High Court or a Judge thereof.

32. The production of a writ of execution or of the notice renewing the same purporting to be marked with such seal and signed as aforesaid, showing the same to have been renewed according to this Act, shall be sufficient evidence of its having been so renewed.

33. All property of every kind that may be seized under a writ issued from the High Court, may be seized also under a writ of sequestration duly issued from the same, and the seizure must in all cases be made in the mode directed by this Act as to seizures under writs,

and any sum ordered by the Court to be realized by a sequestration, shall be realized in the same mode, and not otherwise, as if directed to be levied under a writ of attachment.

SCHEDULE.

(See Section 2.)

I.—Statutes.

Year, reign and chapter.	Subject.
53 Hen. 3, c. 21	Replevin by Sheriff.
13 Edw. 1, c. 39	Delivery of writs to Sheriff.
28 Edw. 1, c. 16	False returns.
c. 19	Restoration of issues of land seized without cause.
Statutes of the Exchequer.	Wrongful distresses by Sheriff.
23 Hen. 6, c. 9	Sheriff not to let his county to farm.
23 Hen. 6, c. 9	Sheriff's fees; Sheriff to let to bail, &c.
1 Mary, Stat. 2, c. 8	Sheriff not to be a Justice of the Peace.
29 Eliz., c. 4	Sheriff's fees.
3 Geo. 1, c. 15, s. 8	Power of Under Sheriff in case of death of Sheriff.

II.—Acts.

Number and year.	Title.
VIII, of 1852	An Act for remunerating the Sheriffs of Calcutta, Madras and Bombay for the execution of Mofussil process under Act XXIII. of 1841.
VI. of 1855	An Act to extend the operation of, and regulate the mode of executing writs of execution in Her Majesty's Supreme Courts of Judicature.

III.—Charters.

Charter establishing the Supreme Court of Judicature at Fort William, dated 26th March 1774.	Clause IX.
Charter establishing the Supreme Court of Judicature at Madras, dated 26th December 1800.	Clauses XV., XVI., XVII.
Charter establishing the Supreme Court of Judicature at Bombay, dated 8th December 1823.	Clauses XX. XXI., XXII., XXIII.

STATEMENT OF OBJECTS AND REASONS.

This Bill is the second of the series of measures which have been prepared in order to diminish the bulk of the English Statute-law in force, or supposed to be in force, in the Presidency Towns. It repeals some ten Statutes relating to the office of Sheriff, and it consolidates, with such amendments as are required by present circumstances, the clauses of the Charters under which the Sheriffs are appointed, and the two Indian Acts which relate, respectively, to their fees for executing Mofussil process and to their functions in executing decrees made by the High Courts in the exercise of original civil jurisdiction.

(Signed) A. HOBHOUSE.

CALCUTTA; }
June 1874. }WHITLEY STOKES,
Secy. to the Govt. of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the legislative Business of the Council of the Governor-General:—

Bill No. 12 of 1874.

A Bill to declare the Statutes in force in the Presidency Towns.

WHEREAS doubts exist as to what Acts of Parliament are in force in the
Preamble. Towns of Calcutta, Madras and Bombay, and it is expedient to remove such doubts; It is hereby enacted as follows:—

1. The enactments specified in the schedule Statutes declared to apply to the Presidency Towns. hereto annexed (being Statutes or parts of Statutes passed before the year 1727), shall be deemed to apply, so far as local and personal circumstances admit, to all places and persons within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay.

2. All other Statutes passed before the said year 1727 are hereby repealed so far as they affect British India.

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to:

Nothing in this Act shall—

(a) affect the validity or invalidity of any thing already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing;

(b) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived, by, in, or from any enactment hereby repealed;

(c) give validity to any transaction which, if it had occurred before the passing of this Act, would have been held invalid on the ground of its breeding litigation or of being otherwise unrighteous, unconscientious, or against public policy;

(d) provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force;

(e) operate as an implied repeal of any enactment,

(f) affect the laws of inheritance, partition, succession and contract as administered to Hindús, Muhammadans, Buddhists, Sikhs and Jainas, or

(g) affect the laws of marriage as administered to persons not being Christians.

3. No Statute passed in or after the said year

When Statutes passed 1727 shall be deemed to apply to any part of British India, unless it expressly or by necessary implication extends there-

to; and no Statute shall be deemed to extend by necessary implication to any part of British India merely because it repeals, amends or modifies the whole or any part of a Statute mentioned in the said Schedule.

SCHEDULE.

(See Section 1.)

13 Edw. 1, c. 1	...	Statute <i>De Donis</i> .
c. 22	...	Waste between joint-tenants and tenants in common.
18 Edw. 1, cc. 1, 2	...	Statute of <i>Quia Emptores</i> .
25 Edw. 1, <i>Magna Carta</i> , c. 1	...	Confirmation of liberties.
c. 29	...	Civil and Criminal Justice.
<i>Confirmatio Cartarum</i>	...	Confirmation of charters.
5 Edw. 3, c. 9	...	Unlawful attachment.
25 Edw. 3, Stat. 1	...	Status of children born abroad of English parents.
28 Edw. 3, c. 3	...	Civil and Criminal Justice.
27 Hen. 8, c. 10, ss. 1, 2 and 3	...	Uses.
28 Hen. 8, c. 15, ss. 1, 2 and 4	...	Offences committed at sea.
31 Hen. 8, c. 1	...	Partition by joint-tenants.
32 Hen. 8, c. 32	...	Partitions by tenants for life.
c. 34, ss. 1 and 2	...	Grantees of reversions.
c. 37, s. 4	...	Recovery of rent after death of <i>cestui que vie</i> .
c. 38, (except as concerning precontracts)	...	Degrees of consanguinity.
13 Eliz., c. 5, ss. 1, 2, 3 and 5	...	} Fraudulent conveyances.
27 Eliz., c. 4, ss. 1, 2, 3 and 4	...	
3 Char. 1, c. 1	...	Wrongful imprisonment.
18 & 19 Char. 2, c. 11, ss. 1, 2 and 4	...	Evidence of death of <i>cestui que vie</i> .
29 Char. 2, c. 3, ss. 7—11	...	Trusts.
31 Char. 2, c. 2, except s. 14	...	Habeas Corpus Act.
1 Will. & Mar., c. 6	...	Coronation Oath.
1 Will. & Mar., Sess. 2, c. 2	...	Bill of Rights.
2 Will. & Mar., c. 1	...	Confirmation of late Parliament.
4 Will. & Mar., c. 16	...	Frauds by clandestine mortgages.
9 Will. 3, c. 17	...	Inland Bills of Exchange.
10 Will. 3, c. 22, down to and including the words "in anywise notwithstanding"	...	Inheritance of posthumous children.
11 Will. 3, c. 7	...	Piracy.
c. 12	...	Punishment of Governors of plantations.
12 & 13 Will. 3, c. 2, except so far as it has been repealed by 4 & 5 Anne, c. 20, ss. 27, 28, 1 Geo. 1, Stat. 2, c. 51, and 7 & 8 Vic., c. 66	...	Act of Settlement.
1 Ann., c. 2, ss. 4 and 5	...	Demise of Crown. Abatement.
3 & 4 Ann., c. 8, ss. 1 to 11 (inclusive)	...	Promissory Notes.
4 & 5 Ann., c. 3, ss. 9, 10, 21 & 27	...	} Attornment. Payment of rent. } Warranties. Actions of account.
c. 16	...	
6 Ann., c. 41, s. 8	...	Naturalization of Princess Sophia.
c. 72	...	Privy Council.
7 Ann., c. 5, s. 3	...	Discovery of deaths of tenants for life.
8 Geo. 1, c. 24	...	Naturalization.
	...	Piracy.

NOTE.—The references in this schedule are made to the Statutes as printed in the Revised Edition, London, 1870.

STATEMENT OF OBJECTS AND REASONS.

1. It is generally held that, on the establishment of Mayors' Courts in Calcutta, Madras and Bombay, under the charter of 13 Geo. I., the Statute-law in force in England in the year 1726 was introduced into the Presidencies so far as it was applicable to local circumstances.

2. Under the qualification contained in the last part of this proposition, large classes of Statutes are obviously excluded. The Statutes, for instance, dealing with the subjects of Adwosons, Bankruptcy, Bastardy, Clergy, Commons, Dilapidations, Elections, Excise, Forests, Police, Poor-relief, Sewers, Tithes, and the qualification of Sheriffs were clearly framed with reference to the special conditions of England, and have never been deemed applicable to any part of India. Other Statutes, such as those relating to Coroners, Crimes, Executors, Jurors, Justices of the Peace, Lotteries, Oaths, Pleading and Riotous Assemblies, have been rendered by recent Indian legislation unnecessary and therefore inapplicable. Others again, which form the basis of the English law of real property—such as the Statutes of Entails, of Subinfeudations and of Uses—are clearly applicable to the property of Englishmen, though not to the property of Hindús or Muhammadans. But there remain some as to which differences of opinion may and do exist. If we inquire, for example, whether the Statutes relating to Maintenance and Champerty are in force in Calcutta, whether a European can be arrested there on a Sunday, or what law regulates distresses for arrears of rent exceeding a thousand rupees, we at once fall into doubt and difficulty. It is true that, in the

absence of any declaration by the legislature, the Judges of the late Supreme Courts and those of the present High Courts have exercised the function of declaring what Statutes shall be deemed in force within the local limits of their ordinary original jurisdiction. But, in the first place, the Judges have made such declarations in comparatively few instances; in the second place, their decisions have not always been reported; thirdly, it may be doubted whether their declarations have always laid down the most convenient rule; and fourthly, the rulings of one Supreme or High Court are not binding upon or always in accord with those of another.

3. Even in cases where a Statute certainly operates in the Presidency Towns, it is not always clear whether it applies to all the inhabitants or only to Europeans. Thus every one agrees that the Statutes of Elizabeth relating to Fraudulent Conveyances are in force in Calcutta, Madras and Bombay; and in Calcutta, the late Mr. Justice Norman (2 Ind. Jur. O. S. 7.) held that they applied to Natives as well as to Europeans. But in Madras, Sir Adam Bittleston seemed to think, in a case reported in 6 Mads. H. C. Rep. 474, that they applied only to British subjects other than Hindus or Muhammadans.

4. The result is a great amount of uncertainty as to the Statute-law in force in the Presidency Towns, and this not merely in rare instances, but in matters of not infrequent occurrence.

5. Two Bills published simultaneously with this, and relating to Distresses and to the Sheriff, will, when passed, remove many doubts as to the law applicable to the subjects with which they respectively deal.

6. There will remain, however, many ancient Statutes as to which it is desirable that the legislature in consultation with the learned Judges of the Presidency High Courts, should expressly declare either that they are, or that they are not, in force in Calcutta, Madras and Bombay. This, shortly, is the object of the present Bill. It declares that some forty Statutes shall, subject to the tests of applicability which have always prevailed, be deemed to apply to all places and persons in the Presidency Towns. These include Magna Carta; the Statutes *De Donis* and *Quia Emptores*; the Statute of Uses; the Statutes relating to Fraudulent Conveyances; the Habeas Corpus Act; the Bill of Rights and the Act of Settlement. It then expressly repeals all other Statutes passed before 1727.

7. Some of the Statutes inserted in the Schedule have been so inserted for caution's sake, but with considerable doubts as to whether they are of any practical use. Such are the provisions of the Statute of Frauds relating to trusts of land; the Statute 4 & 5 Will. & Mar., Cap. 16, relating to frauds by mortgagors effected by concealment of prior charges; the Stat. 10 Will. III., Cap. 22, giving the benefit of contingent remainders to posthumous children; and the Stat. 4 & 5 Anne, Cap. 3, relating to warranties. There are also three Statutes conferring powers on the Admiralty Court in case of piracy, as to which it is not known whether they are still of any use or are superseded by modern legislation. These are the 28 Hen. VIII., Cap. 15; the 11 Will. III., Cap. 7, and the 8 Geo. I., Cap. 24.

8. Among the repealed Statutes are those which relate to Champerty and Maintenance, eight in number. It is not intended by the repeal to alter the law on this subject, and a cautionary clause [Sec. 2, cl. (c)] has been inserted accordingly. It is certain that the law applicable to transactions to which the names of Champerty and Maintenance are still applied, has drifted away from the Statutes; that numerous transactions falling within the scope of the Statutes are perfectly lawful, and that the decisions have in modern times been rested more and more on the broad principles of the Common Law, and have turned on the question whether or not the impeached transaction is unrighteous, unconscientious, and against public policy. The law in the Mofussil on this subject appears to be in a very efficient and reasonable state, though unaided by the Statutes; and the same law prevails in the Presidency Towns. See the case of *Grose v. Amirtamayi Dasi*, 4 Beng. L. R. Orig. C. J. I., in which all the foregoing remarks are illustrated.

9. The opportunity has been taken to declare that no Statute passed in or after the year 1727 shall be deemed to apply to any part of British India, unless it expressly or by necessary implication extends thereto; and that no Statute shall be deemed to extend by necessary implication to any part of British India merely because it amends or modifies or repeals the whole or any part of a Statute mentioned in the Schedule.

CALCUTTA: }
The 1st June 1874. }

(Signed) A. HOBHOUSE.

WHITLEY STOKES,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 25th June 1874.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor-General:—

Bill No. 10 of 1874.

THE DISTRESS BILL, 1874.

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- Local extent.
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- Penalty for making illegal distresses.

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Forms.

THE SECOND SCHEDULE.

Enactments repealed.

VI.—48 a

A Bill to regulate Distresses for Rents in the Presidency Towns.

FOR the purpose of regulating distresses for rents in the Towns of Calcutta, Madras, and Bombay; It is hereby enacted as follows:—

I. Preliminary.

Short title. 1. This Act may be called "The Distress Act, 1874," and it shall come into force at once.

Commencement. In extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras, and Bombay;

Local extent. But nothing herein contained applies to any rent due to Government.

2. The enactments specified in the second schedule hereto annexed are repealed to the extent mentioned in the third column of the same schedule.

All appointments made and securities given under any of the said enactments shall be deemed to be respectively made and given under this Act.

The reference to Act No. VII. of 1847 made in Act XXIII. of 1850, section three, shall be read as if made to this Act.

3. In this Act, "Court of Small Causes" "Court of Small means the Court of Small Causes" defined. Causes held under Act. No. IX. of 1850 in Calcutta, Madras or Bombay, as the case may be.

II. Bailiffs and Appraisers.

4. The Judges of the Court of Small Causes may appoint four or more persons to be bailiffs and appraisers for the purpose of this Act, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

5. The persons so appointed shall give security to be approved by the said Judges faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

III. Issue of Distress-Warrants.

6. Any person claiming to be entitled to arrears of rent of any house or premises to which this Act extends, or his duly constituted attorney, may apply to any Judge of the Court of Small Causes for such warrant as hereinafter mentioned.

Application for distress-warrant.

The application shall be supported by an affidavit to the effect of the form marked A in the first schedule hereto annexed.

7. The Judge may thereupon issue a warrant under his hand and seal to the effect of the Form contained in the same schedule (marked B) addressed to any one of such bailiffs.

The Judge may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

IV. Of the making of Distresses.

8. Every distress under this Act shall be made after sunrise and before sunset, and not at any other time.

9. The bailiff directed to make the distress may force open any stable, outhouse, or other building, and may also enter any dwelling-house, the outer door of which may be open, and may break upon the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this Act.

Provided that he shall not enter or break open the door of any room appropriated for the zanáná or residence of women, which, by the usage of the country, is considered private.

10. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found upon the premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress.

11. The bailiff may impound or otherwise secure the property so seized on the premises chargeable with the rent.

12. On seizing any property under section ten, the bailiff shall make an inventory of such property and shall give a notice in writing to the effect of the Form in the first schedule hereto annexed (marked C) to the debtor, or to any other person upon his behalf upon the said premises.

The bailiff shall file in the Court of Small Causes copies of the said inventory and notice.

13. The debtor may, at any time within five days from such seizure, apply to any Judge of the said Court to discharge or suspend the warrant, and such Judge may discharge or suspend such warrant accordingly,

and any of the said Judges may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

V. Appraisalment and Sale of Distress.

14. In default of application, any two of such bailiffs may at the expiration of five days from such seizure appraise the property so seized, and give notice in writing to the effect of the Form in the first schedule hereto annexed (marked D). The bailiff shall file in the said Court a copy of such notice.

15. The distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Chief Clerk of the said Court, and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt, and the surplus, if any, shall be returned to the debtor,

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

VI. Miscellaneous.

16. No costs shall be taken or demanded for any distress under this Act except those mentioned in the part of the first schedule hereto annexed (marked E).

The Judges of the Court of Small Causes may apply the sum so raised as cost towards the payment of the contingent charges and remuneration of the said bailiffs as appears to the said Judges expedient.

17. The Chief Clerk of the Court of Small Causes shall keep a book in which all sums received as cost upon distresses made under this Act, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses shall be duly entered.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this Act.

18. No distress shall be levied for arrears of rent, except under the provisions of this Act;

and any person, except a bailiff appointed under section four, levying or attempting to levy any such distress shall,

on conviction before a Magistrate of Police, be liable to be punished by fine not exceeding five hundred rupees and imprisonment for a term not exceeding three months in addition to any other liability he may have incurred by his proceedings.

THE FIRST SCHEDULE.

A.

[See section 6.]

In the Court of Small Causes for

A. B. _____ (Plaintiff.)

versus

C. D. _____ (Defendant.)

A. B. of _____, in the town of _____ maketh oath and saith that C. D. _____, of _____, is justly indebted to _____ in the sum of Rs. _____ for arrears of rent of the house and premises No. _____, situated at _____, in the town of _____, due for _____ month, to wit from _____ to _____, at the rate of Rs. _____ per mensem.

Sworn before me the _____ day of _____ 187 .

Judge.

B.

[See section 7.]

In the Court of Small Causes for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of C. D., on the house and premises situate at No. _____ in the Town of _____, for the sum of _____ Rs., and the costs of the distress according to the provisions of Act No. _____ of 1874, dated _____ day of _____.

(Signed and sealed.)

To E. F., Bailiff and Appraiser.

C.

[See section 12.]

In the Court of Small Causes for

FORM OF INVENTORY AND NOTICE.

(State particulars of property seized.)

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of _____ Rs. being the amount of _____ months' rent due to A. B., at _____ last, and that unless you pay the amount thereof, together with the costs of this distress within five days from the date hereof, or obtain an order from one of the Judges of the Court of Small Causes to the contrary, the same will be appraised and sold pursuant to the provisions of Act No. _____ of 1874. Dated the _____ day of _____ 18 .

(Signed) E. F.,
Bailiff and Appraiser.

To C. D.

D.

[See section 14.]

In the Court of Small Causes for

Take notice that we have appraised the moveable property seized on the _____ day of _____, under the provisions of Act No. _____ of 1874, of which a notice and inventory were duly served upon you [or upon _____ on your behalf as the case may be] under date the _____ and that the said property will be sold on the _____ [two clear days at least after the date of the notice] at _____ pursuant to the provisions of the said Act.

(Signed) E. F.
G. H.

To C. D.

Bailiffs and Appraisers.

E.

[See section 16.]

In the Court of Small Causes for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

Sums sued for.		Affidavit and warrant to distrain.	Order to sell.	Commission.	Total.
Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1 and under	5	0 4 0	0 8 0	0 8 0	1 4 0
5	10	0 8 0	0 8 0	1 0 0	2 0 0
10	15	0 8 0	0 8 0	1 8 0	2 8 0
15	20	0 8 0	1 0 0	2 0 0	3 8 0
20	25	0 12 0	1 0 0	2 8 0	4 4 0
25	30	1 0 0	1 0 0	3 0 0	5 0 0
30	35	1 0 0	1 0 0	3 8 0	5 8 0
35	40	1 0 0	1 8 0	4 0 0	6 8 0
40	45	1 4 0	2 0 0	4 8 0	7 12 0
45	50	1 8 0	2 0 0	5 0 0	8 8 0
50	60	2 0 0	2 0 0	6 0 0	10 0 0
60	80	2 8 0	2 8 0	6 8 0	11 8 0
80 to	100	3 0 0	3 0 0	7 0 0	13 0 0

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpoenaed, in which case each subpoena for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also, where peons were kept in charge of property distrained, four annas per day must be paid per man.

THE SECOND SCHEDULE.

I.—STATUTES.

Year and Chapter.	Subject.	Extent of repeal.
52 Hen. 3, c. 1	Distress	The whole.
c. 3	Resisting replevins	Ditto.
c. 4	Distress	Ditto.
c. 15	Ditto	Ditto.
c. 21	Replevin	Ditto.
13 Ed. 1, c. 2	Replevins	Ditto.
c. 37	Distress to be by bailiffs.	Ditto.
<i>Less Estatuz del Escheqero</i> between c. 13 and c. 14 of 17 Edw. 2.	Distresses	Ditto.
1 & 2 Phil. & M., c. 12	Impounding distresses	Ditto.
17 Char. 2, c. 7	Distresses	Ditto.
2 Wm. & Mary, c. 5	Sale of distresses	Ditto.

II.—ACTS.

Number and Year.	Subject.	Extent of repeal.
VII. of 1847	Distresses for small rents in Calcutta	The whole.
IX. of 1850	Extension of Act VII. of 1847	Section eighty-nine.
XXVI. of 1864	Extending jurisdiction of Presidency Small Cause Courts.	Section four.

STATEMENT OF OBJECTS AND REASONS.

In Calcutta, Madras, and Bombay, distresses for arrears of rent not exceeding a thousand rupees are provided for by the Small Cause Courts Acts VII. of 1847, IX. of 1850, Section 89, and XXVI. of 1864, Section 4. But for the law regulating distresses for arrears exceeding that sum, we must look to the Common Law and to the series of antiquated Statutes on this subject, eleven in number, which, from the foundation of the Mayors' Courts in 1726, have been deemed in force in the Presidency Towns.

This is obviously inconvenient, and the primary object of the present Bill is to extend the present law as to distresses for arrears not exceeding a thousand rupees to arrears exceeding that sum, and thus to render it possible to repeal expressly the Statutes above referred to. It will be found that so much of the law as is now useful and in active operation has been embodied in the present Bill.

The opportunity has been taken to amend the arrangement and wording of the present law relating to distress for arrears not exceeding a thousand rupees and to define the powers of bailiffs to force open places.

(Signed) A. HOBHOUSE.

WHITLEY STOKES,

Secretary to the Government of India.

CALCUTTA ;
The 1st June 1874. }

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor-General:—

Bill No. 11 of 1874.

THE SHERIFFS' BILL, 1874.

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A Bill to consolidate the law relating to the Sheriffs and to the execution of the decrees of the High Courts in the exercise of their Original Civil Jurisdiction.

WHEREAS it is expedient to consolidate the law relating to the Sheriffs of Calcutta, Madras, and Bombay, and to the execution of the decrees of the High Courts of Judicature at Fort William, Madras, and Bombay, in the exercise of their Original Civil Jurisdiction; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Sheriffs' Act, 1874."

It extends to the whole of British India;

And it shall come into force at once.

2. The enactments specified in the first and second parts of the schedule hereto annexed shall be wholly repealed.

And the Charters mentioned in the third part of the same schedule shall be repealed to the extent shown in the second column thereof.

But all Sheriffs and Deputy Sheriffs appointed, fees prescribed and writs issued, under any such enactment or Charter shall be deemed to be respectively appointed, prescribed and issued under this Act.

II.—Appointment of Sheriffs and Deputy Sheriffs.

3. The Local Government shall, yearly, on the first Tuesday in December or as soon after as may be, appoint a Sheriff for the year ensuing, to be computed from the twentieth day of December next after such appointment.

Provided that, in the case of the Local Government of Bengal, the person so appointed shall be one of three persons resident in or near the town of Calcutta, to be nominated yearly to the Local Government by the Chief Justice of the High Court at least three days before the said first Tuesday.

The persons so appointed shall be called respectively the Sheriff of Calcutta, the Sheriff of Madras, and the Sheriff of Bombay.

4. Every such Sheriff shall continue in office during such year, and until another is duly appointed into the said office.

5. If the Sheriff die in his office, or depart from the Lower Provinces of Bengal, the Presidency of Fort St. George or the Presidency of Bombay (as the case may be), another person shall, as soon as conveniently may be after such death or departure, be in like manner nominated and appointed, and shall continue in his office for the remainder of the year, or until another Sheriff is duly appointed into the said office.

6. Every Sheriff shall, by writing under his hand, appoint a Deputy Sheriff, and shall during his continuance in office be responsible for such Deputy.

III.—Duties of Sheriff.

7. The Sheriff and Deputy Sheriff are authorized—

(a) to execute all the writs, summonses, rules, orders, warrants, commands and process of the High Court;

(b) to make return of the same, together with the execution thereof to the High Court;

(c) to receive and detain in prison such persons as are committed to the Sheriff for that purpose by the High Court and by the Chief Justice and Judges, respectively.

8. Whenever the High Court directs or awards any process against the Sheriff himself,

or awards any process, which, on account of his being related to the parties, or for any other reason, it is inexpedient to require him to execute,

the High Court shall appoint some other fit person to execute and return the same;

and for that purpose the said process shall be directed to the person so appointed;

and the cause of such special proceeding shall be entered on the record.

9. The Sheriff shall not be compelled or compellable to go in person or by his officers or deputies beyond the local limits of the ordinary original civil jurisdiction of the High Court for the execution of any of its processes.

But whenever the process of the said Court has to be executed beyond the said limits, the Court shall, by order or upon motion, direct by what

person and in what manner such process shall be executed and the terms which the party issuing the same shall enter into.

And the Sheriff shall grant his special warrant or deputation to such person as the Court may direct for the execution of such process.

And in that case the Sheriff, his executors or administrators, shall not be responsible for any act done in or respecting the execution of such process under or by virtue of such special warrant.

And any persons aggrieved under or by pretence of such warrant may seek their remedy under any security which may have been directed to have been taken on the occasion, and which the said Court is authorized to direct to be taken.

IV.—The Sheriff's Fees.

10. The High Court shall have power from time to time to settle tables of fees to be allowed to the Sheriff on account of the execution of process, whether issued by the High Court, or by a Court, Judge or Magistrate beyond the local limits of its ordinary original civil jurisdiction, and of the sums to be allowed for costs of advertisements or other notifications of sales of property;

Such tables, when, in the case of the High Court of Judicature at Fort William, they have received the sanction of the Governor General in Council, and in the case of the High Courts of Judicature at Madras and Bombay they have received the sanction of the Local Government, shall have the force of law.

11. No Court, Judge or Magistrate beyond the local limits of the ordinary original civil jurisdiction of the said High Courts, shall issue any process to be executed by the Sheriff unless upon payment by the party applying therefor of the fees and sums payable under the said tables.

12. Every such Court, Judge and Magistrate, issuing process as aforesaid, shall cause a separate account to be kept of the amount of all fees and sums so paid, and shall from time to time, as directed by Government, cause the amount thereof to be paid into the local treasury.

13. The Local Government shall, twice in each year, account for and pay over to the Sheriff for the time being, the amount of fees and sums so paid, after deducting all necessary expenses of receiving and keeping account thereof, and remitting the net proceeds thereof to Calcutta, Madras, or Bombay, as the case may be; or, where the amount has accrued in the shrievalty of more than one Sheriff, shall apportion the sum paid accordingly between the Sheriff for the time being and the then late Sheriff.

14. The Local Government may compound with the Sheriff for a monthly payment to be made to him instead of such fees and sums, and during such composition may appropriate the said fees and sums to the purposes of Government.

15. Over and above such fees and sums, or any Sheriff's percentage on such monthly payment received instead of such fees and sums, the Sheriff shall be entitled to a fee after the rate of two rupees eight annas for each hundred rupees of the value of any goods or property taken and sold by him in execution of any process issued by any Court, Judge, or Magistrate beyond the local limits of the ordinary original civil jurisdiction of the High Court, which fee shall be taken to cover all expenses connected with the seizure and sale, except the expense of advertisements.

16. No fee, estimated upon the amount of the Sheriff's fee for arrests, sum for which any person is taken in execution, shall be payable to the Sheriff, or any of his bailiffs, for taking the body of any person in execution on any process issued by any Court, Judge or Magistrate out of the local limits of the ordinary original civil jurisdiction of the High Court; but instead thereof, such fees shall be payable to the Sheriff for taking the body of any person in execution of any such process as shall be settled from time to time by the High Court as aforesaid.

17. If any person taken in execution on any Sheriff's responsibility for escapes, such process escapes out of the legal custody of the Sheriff, the Sheriff shall be liable only to a suit for damages in consequence of such escape, sustained by the person at whose suit the prisoner was taken.

The damages in such a suit and in any other suit against the Sheriff for breach of his official duty shall not exceed the amount of the loss which the breach has really occasioned.

V.—Execution of Decrees.

18. Under any writ of attachment issued out of the High Court, may be seized and sold any lands, houses, or other immovable property of the party against whose effects such writ issues, whether his estate or interest therein be legal or equitable.

19. The Sheriff under any such writ may put the purchaser in possession of such of the lands, houses, or other immovable property sold under such writ, of which the judgment-debtor is in the actual possession, and of which an actual delivery can be made.

20. If the immovable property liable to be sold under such writ be in the possession of any person other than the judgment-debtor, the Sheriff shall not seize such property, but shall sell and convey all the right, title, and interest of the debtor; and such conveyance shall pass the same interest to the purchaser as if the same had been executed by the debtor.

21. In such last-mentioned case, if the property be situate beyond the local limits of the ordinary original civil

jurisdiction of the High Court, the Sheriff shall notify such sale to the Judge of the District, who shall cause notice of the same to be officially proclaimed in like manner as if the sale had been effected under a decree of his own Court.

22. In any case of intended sale of immovable property beyond the said local limits, the Sheriff shall cause a notice specifying the time and place of the intended sale to be stuck up in some conspicuous place in the office of the Collector of the District within which such property is situate and also on some conspicuous part of the property to be sold.

The number of days between the publication of such notice and the sale shall not be less than fourteen days, if the property be not distant more than one hundred miles from the High Court; if the distance shall exceed one hundred miles, the number of days shall be increased by an additional day for every fifty miles of such excess of distance.

The want of such notice or any irregularity in respect thereof, shall not vitiate the sale in the hands of a *bonâ fide* purchaser.

23. If any lands, houses, or other immovable property be seized or liable to be sold under any such writ, the Court may on application to it on behalf of the execution-debtor or of any one of several execution-debtors, if the Court be satisfied that there is reasonable ground to believe that the amount of the judgment may be raised by mortgage of the estate, postpone the sale for a term not exceeding one month to enable the defendant to raise the amount, and direct that the money ordered to be levied by such execution shall be raised by mortgage instead of sale of such lands, houses, or other immovable property, upon such terms as to the payment of interest upon the judgment or otherwise as the Court thinks fit, and in such case it may give all necessary directions for the execution of such mortgage.

24. Under any such writ of attachment may also be sized money, bank-seize money, bank-notes, notes, cheques, bills &c.; of exchange, promissory notes, hundis, Government securities, bonds, or other securities for money, and also debts belonging to the said person;

and the Sheriff or other officer having the execution of the writ may pay or deliver over to the party suing out such execution, any money or bank-notes so seized, or a sufficient part thereof,

and shall, with the order of the Court, endorse over or transfer, and without such order, shall hold any such cheques, bills of exchange, promissory notes, hundis, bonds, or other securities for money as a security for the amount by such writ directed to be levied, or so much thereof as have not been otherwise levied and raised,

with order of Court to endorse over, and without such order to hold cheques, bills of exchange, &c.;

and may, where he retains the same, sue in his

and to sue in his own name for amount secured by bills of exchange, &c.;

or for debts.

ment thereof has arrived.

The payment to such Sheriff or other officer, or to the party entitled under such endorsement or transfer, by the party liable, with or without suit, or the recovery and levying execution against the party so liable, shall discharge him to the extent of such payment or of such recovery and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, hundf, bond, security, and debt;

and such Sheriff or other officer shall pay over to the party suing out such writ, the money so to be recovered, or such part thereof as may be sufficient to discharge the amount by such writ directed to be levied;

and if, after satisfaction of the amount so to be levied, together with Sheriff's poundage and all lawful charges and expenses, any surplus remain in the hands of such Sheriff or other officer, the same shall be paid to the party against whom such writ shall be so issued, unless the same is duly attached in the hands of such Sheriff or other officer.

Provided that no Sheriff or other officer shall be bound to sue any party liable upon any such cheque, bill of exchange, promissory note, hundf, bond, security or debt, unless the party suing out such execution gives security to the Sheriff for indemnifying him from all costs and expenses to be incurred in the prosecution of such suit, or to which he may become liable in consequence thereof; the nature and amount of such security to be determined, in case they cannot agree, by the proper officer of the Court in which such suit is brought, or, if the Court so order, by some other person appointed by the Court for such purpose.

The expense of preparing and executing such security shall be deducted out of any money recovered in such suit, and the net proceeds only in this and other cases provided for by this Act shall be considered as received in satisfaction of the debt due to the execution-creditor.

25. If the Sheriff or other officer under any Sheriff empowered to receive interest on Government security seized by him; writ of attachment seize any Government security standing in the name of, or belonging to, the party against whose property such writ is issued, he may receive the interest due on such Government security, whether specially endorsed or otherwise, and sign a receipt for the same;

and may also sell and dispose of such Government security through a broker at the market-rate of the day;

and if the endorsement of such party is required to transfer such Government security, the Sheriff or other public officer shall endorse the same thus, "A. B. by C. D., Sheriff;"

and such endorsement shall be as effectual to pass the said Government security and to give a good title to the holder thereof as if the same

had been endorsed by the party himself or his duly constituted attorney.

26. No debt shall be sold by the Sheriff under the process of the High Court, but the same shall be realized in the mode hereinbefore directed.

27. If any person against whom any writ of execution has issued, has any interest in any stock or shares in any public Company, whether incorporated or not, carrying on business in India and within the reach of the process of the Court out of which such writ of execution has issued, the High Court or any Judge thereof, on the application of the party who has sued out such writ of execution, may make an order *ex parte* that such interest in such stock or shares, or such of them or such part thereof respectively as the said Court or Judge thinks fit, shall stand charged with the payment of the amount due in respect of such writ of execution.

Such order shall have the like effect and entitle the person in whose favour the same is made to the same remedies and priorities as a charge executed in favour of such person by the person against whom execution shall have been issued.

Service or notice of such order upon or to the Company whose stock or shares is or are the subject of such order, or upon or to any person claiming an interest in such stock or shares, shall have the like effect, and shall entitle the person in whose favour such order is made to the same remedies against such Company or such last-mentioned person as notice of a charge executed of even date with such order by the person against whom execution has been issued in favour of the person at whose suit the same has been issued.

Nothing herein contained shall prevent the person against whom such order has been made or any other person affected thereby, from applying to the Court or Judge by whom such order has been made for its discharge on such grounds as may be just.

28. If such debtor has any interest in any property standing in the name of the Accountant General or any other officer of the High Court, or in the dividends, interest, or annual produce thereof, the Court or a Judge thereof may make an order that the interest of the defendant in such property shall be applied in payment of such debt, and the Court or Judge may from time to time make such other orders as may be necessary to give full effect to the above provision.

29. A plaintiff or defendant arrested under any writ issued upon any judgment, order, decree, or sentence of any of the said Courts whereby money is ordered to be paid to any party, shall be entitled to his discharge from such arrest on payment or tender to such party or his attorney in the cause, or to the Sheriff or Gaoler in whose custody such person may be under such writ, of the amount directed to be levied by such writ.

SCHEDULE.

(See Section 2.)

I.—Statutes.

Year, reign and chapter.	Subject.
53 Hen. 3, c. 21	Replevin by Sheriff.
13 Edw. 1, c. 39	Delivery of writs to Sheriff.
28 Edw. 1, c. 16	False returns.
c. 19	Restoration of issues of land seized without cause.
Statutes of the Exchequer.	Wrongful distresses by Sheriff.
23 Hen. 6, c. 9	Sheriff not to let his county to farm.
23 Hen. 6, c. 9	Sheriff's fees; Sheriff to let to bail, &c.
1 Mary, Stat. 2, c. 8	Sheriff not to be a Justice of the Peace.
29 Eliz., c. 4	Sheriff's fees.
3 Geo. 1, c. 15, s. 8	Power of Under Sheriff in case of death of Sheriff.

II.—Acts.

Number and year.	Title.
VIII, of 1852	An Act for remunerating the Sheriffs of Calcutta, Madras and Bombay for the execution of Mofussil process under Act XXIII. of 1841.
VI. of 1855	An Act to extend the operation of, and regulate the mode of executing writs of execution in Her Majesty's Supreme Courts of Judicature.

III.—Charters.

Charter establishing the Supreme Court of Judicature at Fort William, dated 26th March 1774.	Clause IX.
Charter establishing the Supreme Court of Judicature at Madras, dated 26th December 1800.	Clauses XV., XVI., XVII.
Charter establishing the Supreme Court of Judicature at Bombay, dated 8th December 1823.	Clauses XX., XXI., XXII., XXIII.

STATEMENT OF OBJECTS AND REASONS.

This Bill is the second of the series of measures which have been prepared in order to diminish the bulk of the English Statute-law in force, or supposed to be in force, in the Presidency Towns. It repeals some ten Statutes relating to the office of Sheriff, and it consolidates, with such amendments as are required by present circumstances, the clauses of the Charters under which the Sheriffs are appointed, and the two Indian Acts which relate, respectively, to their fees for executing Mofussil process and to their functions in executing decrees made by the High Courts in the exercise of original civil jurisdiction.

(Signed) A. HOBHOUSE.

CALCUTTA; }
June 1874. }

WHITLEY STOKES,

Secy. to the Govt. of India.

30. A written order under the hand of the attorney in the cause by whom any such writ has been issued, shall justify the Sheriff, Gaoler, or person in whose custody the party may be under such writ in discharging such party, unless the party for whom such attorney professes to act has given written notice to the contrary to such Sheriff, Gaoler, or person in whose custody the opposite party may be.

Such discharge shall not be a satisfaction of the debt, unless made by the authority of the creditor; and nothing herein contained shall justify any attorney in giving such order for discharge without the consent of his client.

31. A writ of execution, if unexecuted, shall not remain in force for more than one year from the date of such writ unless renewed in the manner hereinafter provided;

but it may, at any time before its expiration, be renewed by the party issuing it for one year from the date of such renewal, and so on from time to time during the continuance of the renewed writ by being marked with the seal of the High Court and with a memorandum signed by the officer, of the date of the day, month, and year of such renewal, or by such party giving a written notice of renewal to the Sheriff signed by the party or his attorney and bearing the like seal of the Court and memorandum signed by the officer as aforesaid;

and a writ of execution so renewed shall have effect and be entitled to same priority as its original. the same priority as the original writ would have had.

Provided, however, that no writ of possession shall be renewed without the special leave of the High Court or a Judge thereof.

32. The production of a writ of execution or of the notice renewing the same purporting to be marked with such seal and signed as aforesaid, showing the same to have been renewed according to this Act, shall be sufficient evidence of its having been so renewed.

33. All property of every kind that may be seized under a writ issued from the High Court, may be seized also under a writ of sequestration duly issued from the same, and the seizure must in all cases be made in the mode directed by this Act as to seizures under writs,

and any sum ordered by the Court to be realized by a sequestration, shall be realized in the same mode, and not otherwise, as if directed to be levied under a writ of attachment.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the legislative Business of the Council of the Governor-General:—

Bill No. 12 of 1874.

A Bill to declare the Statutes in force in the Presidency Towns.

WHEREAS doubts exist as to what Acts of Parliament are in force in the Towns of Calcutta, Madras and Bombay, and it is expedient to remove such doubts; It is hereby enacted as follows:—

1. The enactments specified in the schedule Statutes declared to apply to the Presidency Towns. hereto annexed (being Statutes or parts of Statutes passed before the year 1727), shall be deemed to apply, so far as local and personal circumstances admit, to all places and persons within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay.

2. All other Statutes passed before the said year 1727 are hereby repealed so far as they affect British India.

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to:

Nothing in this Act shall—

(a) affect the validity or invalidity of any thing already done or suffered, or any indemnity already

granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing;

(b) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived, by, in, or from any enactment hereby repealed;

(c) give validity to any transaction which, if it had occurred before the passing of this Act, would have been held invalid on the ground of its breeding litigation or of being otherwise unrighteous, unconscientious, or against public policy;

(d) provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force;

(e) operate as an implied repeal of any enactment,

(f) affect the laws of inheritance, partition, succession and contract as administered to Hindús, Muhammadans, Buddhists, Sikhs and Jainas, or

(g) affect the laws of marriage as administered to persons not being Christians.

3. No Statute passed in or after the said year 1727 shall be deemed to apply to any part of British India, unless it expressly or by necessary implication extends thereto; and no Statute shall be deemed to extend by necessary implication to any part of British India merely because it repeals, amends or modifies the whole or any part of a Statute mentioned in the said Schedule.

SCHEDULE.

(See section 1.)

13 Edw. 1, c. 1	... Statute <i>De Donis</i> .
c. 22	... Waste between joint-tenants and tenants in common.
18 Edw. 1, cc. 1, 2	... Statute of <i>Quia Emptores</i> .
25 Edw. 1, <i>Magna Carta</i> , c. 1	... Confirmation of liberties.
c. 29	... Civil and Criminal Justice.
<i>Confirmatio Cartarum</i>	... Confirmation of charters.
5 Edw. 3, c. 9	... Unlawful attachment.
25 Edw. 3, Stat. 1	... Status of children born abroad of English parents.
28 Edw. 3, c. 3	... Civil and Criminal Justice.
27 Hen. 8, c. 10, ss. 1, 2 and 3	... Uses.
28 Hen. 8, c. 15, ss. 1, 2 and 4	... Offences committed at sea.
31 Hen. 8, c. 1	... Partition by joint-tenants.
32 Hen. 8, c. 32	... Partitions by tenants for life.
c. 34, ss. 1 and 2	... Grantees of reversions.
c. 37, s. 4	... Recovery of rent after death of <i>cestui que vie</i> .
c. 38, (except as concerning precontracts)	... Degrees of consanguinity.
13 Eliz., c. 5, ss. 1, 2, 3 and 5	... } Fraudulent conveyances.
27 Eliz., c. 4, ss. 1, 2, 3 and 4	... } Fraudulent conveyances.
3 Char. 1, c. 1	... Wrongful imprisonment.
18 & 19 Char. 2, c. 11, ss. 1, 2 and 4	... Evidence of death of <i>cestui que vie</i> .
29 Char. 2, c. 3, ss. 7—11	... Trusts.
31 Char. 2, c. 2, except s. 14	... Habeas Corpus Act.
1 Will. & Mar., c. 6	... Coronation Oath.
1 Will. & Mar., Sess. 2, c. 2	... Bill of Rights.
2 Will. & Mar., c. 1	... Confirmation of late Parliament.
4 Will. & Mar., c. 16	... Frauds by clandestine mortgages.
9 Will. 3, c. 17	... Inland Bills of Exchange.

SCHEDULE—continued.

(See section 1.)

10 Will. 3.	c. 22, down to and including the words "in anywise notwithstanding"	...	Inheritance of posthumous children.
11 Will. 3,	c. 7	...	Piracy.
	c. 12	...	Punishment of Governors of plantations.
12 & 13 Will. 3,	c. 2, except so far as it has been repealed by 4 & 5 Anne, c. 20, ss. 27, 28, 1 Geo. 1, Stat. 2, c. 51, and 7 & 8 Vic., c. 66	...	Act of Settlement.
1 Ann.,	c. 2, ss. 4 and 5	...	Demise of Crown. Abatement.
3 & 4 Ann.,	c. 8, ss. 1 to 11 (inclusive)	...	Promissory Notes.
4 & 5 Ann.,	c. 3, ss. 9, 10, 21 & 27	...	{ Attornment. Payment of rent. Warranties. Actions of account.
	c. 16	...	Naturalization of Princess Sophia.
6 Ann.,	c. 41, s. 8	...	Privy Council.
	c. 72	...	Discovery of deaths of tenants for life.
7 Ann.,	c. 5, s. 3	...	Naturalization.
8 Geo. 1,	c. 24	...	Piracy.

NOTE.—The references in this schedule are made to the Statutes as printed in the Revised Edition, London, 1870.

STATEMENT OF OBJECTS AND REASONS.

1. It is generally held that, on the establishment of Mayors' Courts in Calcutta, Madras and Bombay, under the charter of 13 Geo. I., the Statute-law in force in England in the year 1726 was introduced into the Presidencies so far as it was applicable to local circumstances.

2. Under the qualification contained in the last part of this proposition, large classes of Statutes are obviously excluded. The Statutes, for instance, dealing with the subjects of Advowsons, Bankruptcy, Bastardy, Clergy, Commons, Dilapidations, Elections, Excise, Forests, Police, Poor-relief, Sewers, Tithes, and the qualification of Sheriffs were clearly framed with reference to the special conditions of England, and have never been deemed applicable to any part of India. Other Statutes, such as those relating to Coroners, Crimes, Executors, Jurors, Justices of the Peace, Lotteries, Oaths, Pleading and Riotous Assemblies, have been rendered by recent Indian legislation unnecessary and therefore inapplicable. Others again, which form the basis of the English law of real property—such as the Statutes of Entails, of Subinfeudations and of Uses—are clearly applicable to the property of Englishmen, though not to the property of Hindús or Muhammadans. But there remain some as to which differences of opinion may and do exist. If we inquire, for example, whether the Statutes relating to Maintenance and Champerty are in force in Calcutta, whether a European can be arrested here on a Sunday, or what law regulates distresses for arrears of rent exceeding a thousand rupees, we at once fall into doubt and difficulty. It is true that, in the absence of any declaration by the legislature, the Judges of the late Supreme Courts and those of the present High Courts have exercised the function of declaring what Statutes shall be deemed in force within the local limits of their ordinary original jurisdiction. But, in the first place, the Judges have made such declarations in comparatively few instances; in the second place, their decisions have not always been reported; thirdly, it may be doubted whether their declarations have always laid down the most convenient rule; and fourthly, the rulings of the Judges of one Supreme or High Court are not binding upon or always in accord with those of another.

3. Even in cases where a Statute certainly operates in the Presidency Towns, it is not always clear whether it applies to all the inhabitants or only to Europeans. Thus every one agrees that the Statutes of Elizabeth relating to Fraudulent Conveyances are in force in Calcutta, Madras and Bombay; and in Calcutta, the late Mr. Justice Norman (2 Ind. Jur. O. S. 7.) held that they applied to Natives as well as to Europeans. But in Madras, Sir Adam Bittleston seemed to think, in a case reported in 6 Mads. H. C. Rep. 474, that they applied only to British subjects other than Hindús or Muhammadans.

4. The result is a great amount of uncertainty as to the Statute-law in force in the Presidency Towns, and this not merely in rare instances, but in matters of not infrequent occurrence.

5. Two Bills published simultaneously with this, and relating to Distresses and to the Sheriff, will, when passed, remove many doubts as to the law applicable to the subjects with which they respectively deal.

6. There will remain, however, many ancient Statutes as to which it is desirable that the legislature in consultation with the learned Judges of the Presidency High Courts, should expressly declare either that they are, or that they are not, in force in Calcutta, Madras and Bombay. This, shortly, is the object of the present Bill. It declares that some forty Statutes shall, subject to the tests of applicability which have always prevailed, be deemed to apply to all places and persons in the Presidency Towns. These include Magna Carta; the Statutes *De Donis* and *Quia Emptores*; the Statute of Uses; the Statutes relating to Fraudulent Conveyances; the Habeas Corpus Act; the Bill of Rights and the Act of Settlement. It then expressly repeals all other Statutes passed before 1727.

7. Some of the Statutes inserted in the Schedule have been so inserted for caution's sake, but with considerable doubts as to whether they are of any practical use. Such are the provisions of the Statute of Frauds relating to trusts of land; the Statute 4 & 5 Will. & Mar., Cap. 16, relating to frauds by mortgagors effected by concealment of prior charges; the Stat. 10 Will. III., Cap. 22, giving the benefit of contingent remainders to posthumous children; and the Stat. 4 & 5 Anne, Cap. 3, relating to warranties. There are also three Statutes conferring powers on the Admiralty Court in case of piracy, as to which it is not known whether they are still of any use or are superseded by modern legislation. These are the 28 Hen. VIII., Cap. 15; the 11 Will. III., Cap. 7, and the 8 Geo. I., Cap. 24.

8. Among the repealed Statutes are those which relate to Champerty and Maintenance, eight in number. It is not intended by the repeal to alter the law on this subject, and a cautionary clause [Sec. 2, cl. (c)] has been inserted accordingly. It is certain that the law applicable to transactions to which the names of Champerty and Maintenance are still applied, has drifted away from the Statutes; that numerous transactions falling within the scope of the Statutes are perfectly lawful, and that the decisions have in modern times been rested more and more on the broad principles of the Common Law, and have turned on the question whether or no the impeached transaction is unrighteous, unconscientious, and against public policy. The law in the Mofussil on this subject appears to be in a very efficient and reasonable state, though unaided by the Statutes; and the same law prevails in the Presidency Towns. See the case of *Grose v. Amirtamayi Dasi*, 4 Beng. L. R. Orig. C. J. I., in which all the foregoing remarks are illustrated.

9. The opportunity has been taken to declare that no Statute passed in or after the year 1727 shall be deemed to apply to any part of British India, unless it expressly or by necessary implication extends thereto; and that no Statute shall be deemed to extend by necessary implication to any part of British India merely because it amends or modifies or repeals the whole or any part of a Statute mentioned in the Schedule.

CALCUTTA:
The 1st June 1874. }

(Signed) A. HOBHOUSE.

WHITLEY STOKES,

Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 2nd July 1874.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor-General:—

Bill No. 10 of 1874.

THE DISTRESS BILL, 1874.

CONTENTS.

PREAMBLE.

I. Preliminary.

SECTION.

1. Short title.
Commencement.
Local extent.
2. Enactments repealed.
3. Interpretation-clause.

II. Bailiffs and Appraisers.

4. Appointment of bailiffs and appraisers.
5. Security to be given by appointees.

III. Issue of Distress-Warrants.

6. Application for distress-warrant.
7. Issue of distress-warrant.

IV. Of the making of Distresses.

8. Time for distress.
9. What places bailiff may force open.
10. Property which may be seized.
11. Impounding distress.
12. Inventory.
Notice of intended appraisement and sale.
Copies of inventory and notice to be filed.
13. Application to discharge or suspend warrant.

V. Appraisement and Sale of Distress.

14. Appraisement.
Notice of sale.
15. Sale.
Application of proceeds.

VI. Miscellaneous.

16. Costs of distresses.
17. Account of costs and proceeds.
18. Bar of distresses except under this Act.
Penalty for making illegal distresses.

THE FIRST SCHEDULE.

Forms.

THE SECOND SCHEDULE.

Enactments repealed.

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A Bill to regulate Distresses for Rents in the Presidency Towns.

FOR the purpose of regulating distresses for rents in the Towns of Calcutta, Madras, and Bombay; It is hereby enacted as follows:—

I. Preliminary.

1. This Act may be called "The Distress Act, 1874," and it shall come into force at once.

In extends to every place within the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature at Fort William, Madras, and Bombay;

But nothing herein contained applies to any rent due to Government.

2. The enactments specified in the second schedule hereto annexed are repealed to the extent mentioned in the third column of the same schedule.

All appointments made and securities given under any of the said enactments shall be deemed to be respectively made and given under this Act.

The reference to Act No. VII. of 1847 made in Act XXIII. of 1850, section three, shall be read as if made to this Act.

3. In this Act, "Court of Small Causes" "Court of Small Causes" means the Court of Small Causes defined. Causes held under Act No. IX. of 1850 in Calcutta, Madras or Bombay, as the case may be.

II. Bailiffs and Appraisers.

4. The Judges of the Court of Small Causes may appoint four or more persons to be bailiffs and appraisers for the purpose of this Act, and may from time to time, with the previous sanction of the Local Government, fix such remuneration for the services of such officers as the said Judges think fit, and may suspend or remove them.

5. The persons so appointed shall give security to be approved by the said Judges faithfully to discharge the duties of their office, and they shall be deemed to be public servants within the meaning of the Indian Penal Code.

III. Issue of Distress-Warrants.

6. Any person claiming to be entitled to arrears of rent of any house or premises to which this Act extends, or his duly constituted attorney, may apply to any Judge of the Court of Small Causes for such warrant as hereinafter mentioned.

The application shall be supported by an affidavit to the effect of the form marked A in the first schedule hereto annexed.

7. The Judge may thereupon issue a warrant under his hand and seal to the effect of the Form contained in the same schedule (marked B) addressed to any one of such bailiffs.

The Judge may at his discretion, upon personal examination of the person applying for such warrant, decline to issue the same.

IV. Of the making of Distresses.

8. Every distress under this Act shall be made after sunrise and before sunset, and not at any other time.

9. The bailiff directed to make the distress may force open any stable, outhouse, or other building, and may also enter any dwelling-house, the outer door of which may be open, and may break open the door of any room in such dwelling-house for the purpose of seizing property liable to be seized under this Act.

Provided that he shall not enter or break open the door of any room appropriated for the zanáná or residence of women, which, by the usage of the country, is considered private.

10. In pursuance of the warrant aforesaid the bailiff shall seize the moveable property found upon the premises mentioned in the warrant and belonging to the person from whom the rent is claimed (hereinafter called the debtor), or such part thereof as may in the bailiff's judgment be sufficient to cover the amount of the said rent, together with the costs of the said distress.

11. The bailiff may impound or otherwise secure the property so seized on the premises chargeable with the rent.

12. On seizing any property under section ten, the bailiff shall make an inventory of such property and shall give a notice in writing to the effect of the Form in the first schedule hereto annexed (marked C) to the debtor, or to any other person upon his behalf upon the said premises.

The bailiff shall file in the Court of Small Causes copies of the said inventory and notice.

13. The debtor may, at any time within five days from such seizure, apply to any Judge of the said Court to discharge or suspend the warrant, and such Judge may discharge or suspend such warrant accordingly,

and any of the said Judges may in his discretion give reasonable time to the debtor to pay the rent due from him.

Upon any such application the costs attending it and attending the issue and execution of the warrant shall be in the discretion of the Judge, and shall be paid as he directs.

V. Appraisement and Sale of Distress.

14. In default of application, any two of such bailiffs may at the expiration of five days from such seizure appraise the property so seized, and give notice in writing to the effect of the Form in the first schedule hereto annexed (marked D). The bailiff shall file in the said Court a copy of such notice.

15. The distrained property shall be sold on the day mentioned in such notice, and the said bailiffs shall on realizing the proceeds pay over the amount thereof to the Chief Clerk of the said Court, and such amount shall be applied first in payment of the costs of the said distress and then in satisfaction of the debt, and the surplus, if any, shall be returned to the debtor,

Provided that the debtor may direct that the sale shall take place in any other manner, first giving security for any extra costs thereby occasioned.

VI. Miscellaneous.

16. No costs shall be taken or demanded for any distress under this Act except those mentioned in the part of the first schedule hereto annexed (marked E).

The Judges of the Court of Small Causes may apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said bailiffs as appears to the said Judges expedient.

17. The Chief Clerk of the Court of Small Causes shall keep a book in which all sums received as costs upon distresses made under this Act, and all sums paid as remuneration to the said bailiffs, and all contingent charges incurred in respect of such distresses shall be duly entered.

He shall also enter in the said book all sums realized by sale of the property distrained and paid over to landlords under the provisions of this Act.

18. No distress shall be levied for arrears of rent, except under the provisions of this Act;

and any person, except a bailiff appointed under section four, levying or attempting to levy any such distress shall, on conviction before a Magistrate of Police, be liable to be punished by fine not exceeding five hundred rupees and imprisonment for a term not exceeding three months in addition to any other liability he may have incurred by his proceedings.

THE FIRST SCHEDULE.

A.

[See section 6.]

In the Court of Small Causes for

A. B. _____ (Plaintiff.)

versus

C. D. _____ (Defendant.)

A. B. of _____, in the town of _____ maketh oath and saith that C. D. _____, of _____, is justly indebted to _____ in the sum of Rs. _____ for arrears of rent of the house and premises No. _____, situated at _____, in the town of _____, due for _____ month, to wit from _____ to _____, at the rate of Rs. _____ per mensem.

Sworn before me the _____ day of _____ 187 .

Judge.

B.

[See section 7.]

In the Court of Small Causes for

FORM OF WARRANT.

I hereby direct you to distrain the moveable property of C. D., on the house and premises situate at No. _____ in the Town of _____, for the sum of _____ Rs., and the costs of the distress according to the provisions of Act No. _____ of 1874, dated _____ day of _____.

(Signed and sealed.)

To E. F., *Bailiff and Appraiser.*

C.

[See section 12.]

In the Court of Small Causes for

FORM OF INVENTORY AND NOTICE.

(State particulars of property seized.)

Take notice that I have this day seized the moveable property contained in the above inventory for the sum of _____ Rs. being the amount of _____ months' rent due to A. B., at _____ last, and that unless you pay the amount thereof, together with the costs of this distress within five days from the date hereof, or obtain an order from one of the Judges of the Court of Small Causes to the contrary, the same will be appraised and sold pursuant to the provisions of Act No. _____ of 1874. Dated the _____ day of _____ 18 .

*(Signed) E. F.,
Bailiff and Appraiser.*

To C. D.

D.

[See section 14.]

In the Court of Small Causes for

Take notice that we have appraised the moveable property seized on the _____ day of _____, under the provisions of Act No. _____ of 1874, of which a notice and inventory were duly served upon you [or upon _____ on your behalf *as the case may be*] under date the _____, and that the said property will be sold on the _____ [two clear days at least after the date of the notice] at _____ pursuant to the provisions of the said Act.

*(Signed) E. F.
G. H.*

To C. D.

Bailiffs and Appraisers.

E.

[See section 16.]

In the Court of Small Causes for

SCALE OF FEES TO BE LEVIED IN DISTRAINTS FOR HOUSE RENT.

Sums sued for.		Affidavit and warrant to dis- train.	Order to sell.	Commission.	Total.
Rs.	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1 and under	5	0 4 0	0 8 0	0 8 0	1 4 0
5 "	10	0 8 0	0 8 0	1 0 0	2 0 0
10 "	15	0 8 0	0 8 0	1 8 0	2 8 0
15 "	20	0 8 0	1 0 0	2 0 0	3 8 0
20 "	25	0 12 0	1 0 0	2 8 0	4 4 0
25 "	30	1 0 0	1 0 0	3 0 0	5 0 0
30 "	35	1 0 0	1 0 0	3 8 0	5 8 0
35 "	40	1 0 0	1 8 0	4 0 0	6 8 0
40 "	45	1 4 0	2 0 0	4 8 0	7 12 0
45 "	50	1 8 0	2 0 0	5 0 0	8 8 0
50 "	60	2 0 0	2 0 0	6 0 0	10 0 0
60 "	80	2 8 0	2 8 0	6 8 0	11 8 0
80 to	100	3 0 0	3 0 0	7 0 0	13 0 0

The above scale is intended to include all expenses, except in suits where the tenant disputes the landlord's claim, and witnesses have to be subpoenaed, in which case each subpoena for sums under Rs. 40 must be paid for at four annas each, and twelve annas above that amount; and also, where peons were kept in charge of property, distrained, four annas per day must be paid per man.

THE SECOND SCHEDULE.

I.—STATUTES.

Year and Chapter.	Subject.	Extent of repeal.
52 Hen. 3, c. 1	Distress	The whole.
c. 3	Resisting replevins	Ditto.
c. 4	Distress	Ditto.
c. 15	Ditto	Ditto.
c. 21	Replevin	Ditto.
13 Ed. 1, c. 2	Replevins	Ditto.
c. 37	Distress to be by bailiffs	Ditto.
<i>Less Estatuz del Eschekere</i> be- tween c. 13 and c. 14 of 17 Edw. 2.	Distresses	Ditto.
1 & 2 Phil. & M., c. 12	Impounding distresses	Ditto.
17 Char. 2, c. 7	Distresses	Ditto.
2 Wm. & Mary, c. 5	Sale of distresses	Ditto.

II.—ACTS.

Number and Year.	Subject.	Extent of repeal.
VII. of 1847	Distresses for small rents in Calcutta	The whole.
IX. of 1850	Extension of Act VII. of 1847... ..	Section eighty-nine.
XXVI. of 1864	Extending jurisdiction of Presidency Small Cause Courts.	Section four.

STATEMENT OF OBJECTS AND REASONS.

In Calcutta, Madras, and Bombay, distresses for arrears of rent not exceeding a thousand rupees are provided for by the Small Cause Courts Acts, VII. of 1847, IX. of 1850, Section 89, and XXVI. of 1864, Section 4. But for the law regulating distresses for arrears exceeding that sum, we must look to the Common Law and to the series of antiquated Statutes on this subject, eleven in number, which, from the foundation of the Mayors' Courts in 1726, have been deemed in force in the Presidency Towns.

This is obviously inconvenient, and the primary object of the present Bill is to extend the present law as to distresses for arrears not exceeding a thousand rupees to arrears exceeding that sum, and thus to render it possible to repeal expressly the Statutes above referred to. It will be found that so much of the law as is now useful and in active operation has been embodied in the present Bill.

The opportunity has been taken to amend the arrangement and wording of the present law relating to distress for arrears not exceeding a thousand rupees and to define the powers of bailiffs to force open places.

(Signed) A. HOBHOUSE.

CALCUTTA; }
The 1st June 1874. }

WHITLEY STOKES,
Secretary to the Government of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the Legislative Business of the Council of the Governor-General:—

Bill No. 11 of 1874.

THE SHERIFFS' BILL, 1874.

CONTENTS.

PREAMBLE.

SECTION.

I.—Preliminary.

1. Short title.
Extent.
Commencement.
2. Repeal of enactments.

II.—Appointment of Sheriffs and Deputy Sheriffs.

3. Appointment of Sheriffs.
Proviso.
4. Tenure of office.
5. Appointment to fill vacancy.
6. Appointment of Deputy Sheriff.

III.—Duties of Sheriff.

7. Duties of Sheriff and his Deputy.
8. Execution of process against Sheriff.
9. Execution of process in Mofussil.

IV.—The Sheriff's Fees.

10. Sheriff's fees.
11. Payment for execution of process issuing from Mofussil.
12. Mofussil Courts to keep account of fees paid to them under this Act.
13. Local Government to pay over fees to Sheriff.
14. Composition with Sheriff.
15. Sheriff's percentage on sales.
16. Sheriff's fee for arrests.
17. Sheriff's responsibility for escapes.

V.—Execution of Decrees.

18. Sheriff's power under writ of attachment to seize and sell immoveable property.
19. Procedure when property is in possession of judgment-debtor.
20. Procedure when property is not in possession of judgment-debtor.
Effect of conveyance.
21. Notification of sale to District Judge.
Proclamation of sale.
22. Publication of notice of sale.
Length of time for publication of notice.
23. When judgment-debt may be raised by mortgage instead of sale.
24. Sheriff empowered to seize money, bank-notes, &c.;
and to pay execution-creditor;
with order of Court to endorse over, and without such order to hold, cheques, bills of exchange, &c.;
and to sue in his own name for amount secured by bills of exchange, &c;
or for debts.
Indemnity for Sheriff.
25. Sheriff empowered to receive interest on Government security seized by him;
and to sell and endorse such security.

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SECTION.

26. No debt to be sold by Sheriff.
27. Shares in public Company may be charged in execution.
Proviso.
28. Property standing in name of any officer of Court.
29. Party arrested under writ when entitled to discharge.
30. Order of attorney issuing writ when sufficient for discharge of party.
Attorney not to give order for discharge without clients' consent.
31. Time for which unexecuted writ remains in force.
Renewal of writ.
Renewed writ entitled to same priority as its original.
Proviso as to writ of possession.
32. Evidence of renewal.
33. Seizure under writ of sequestration.
Sum ordered to be realized may be levied as under writ.

SCHEDULE.

I.—Statutes.

II.—Acts.

III.—Charters.

A Bill to consolidate the law relating to the Sheriffs and to the execution of the decrees of the High Courts in the exercise of their Original Civil Jurisdiction.

WHEREAS it is expedient to consolidate the law relating to the Sheriffs of Calcutta, Madras, and Bombay, and to the execution of the decrees of the High Courts of Judicature at Fort William, Madras, and Bombay, in the exercise of their Original Civil Jurisdiction; It is hereby enacted as follows:—

I.—Preliminary.

- | | |
|-----------------------|--|
| Short title. | 1. This Act may be called "The Sheriffs' Act, 1874." |
| Extent. | It extends to the whole of British India; |
| Commencement. | And it shall come into force at once. |
| 2. The enactments | specified in the first and second parts of the schedule hereto annexed shall be wholly repealed. |
| Repeal of enactments. | |

And the Charters mentioned in the third part of the same schedule shall be repealed to the extent shown in the second column thereof.

But all Sheriffs and Deputy Sheriffs appointed, fees prescribed and writs issued, under any such enactment or Charter shall be deemed to be respectively appointed, prescribed and issued under this Act.

II.—Appointment of Sheriffs and Deputy Sheriffs.

3. The Local Government shall, yearly, on the first Tuesday in December or as soon after as may be, appoint a Sheriff for the year ensuing, to be computed from the twentieth day of December next after such appointment.

Provided that, in the case of the Local Government of Bengal, the person so appointed shall be one of three persons resident in or near the town of Calcutta, to be nominated yearly to the Local Government by the Chief Justice of the High Court at least three days before the said first Tuesday.

The persons so appointed shall be called respectively the Sheriff of Calcutta, the Sheriff of Madras, and the Sheriff of Bombay.

4. Every such Sheriff shall continue in office during such year, and until another is duly appointed into the said office.

5. If the Sheriff die in his office, or depart during such year, and until another is duly appointed into the said office, Appointment to fill vacancy. of Bengal, the Presidency of Fort St. George or the Presidency of Bombay (as the case may be), another person shall, as soon as conveniently may be after such death or departure, be in like manner nominated and appointed, and shall continue in his office for the remainder of the year, or until another Sheriff is duly appointed into the said office.

6. Every Sheriff shall, by writing under his Appointment of Deputy Sheriff. hand, appoint a Deputy Sheriff, and shall during his continuance in office be responsible for such Deputy.

III.—Duties of Sheriff.

Duties of Sheriff and his Deputy. 7. The Sheriff and Deputy Sheriff are authorized—

(a) to execute all the writs, summonses, rules, orders, warrants, commands and process of the High Court;

(b) to make return of the same, together with the execution thereof to the High Court;

(c) to receive and detain in prison such persons as are committed to the Sheriff for that purpose by the High Court and by the Chief Justice and Judges, respectively.

8. Whenever the High Court directs or awards Execution of process against Sheriff. any process against the Sheriff himself,

or awards any process, which, on account of his being related to the parties, or for any other reason, it is inexpedient to require him to execute,

the High Court shall appoint some other fit person to execute and return the same;

and for that purpose the said process shall be directed to the person so appointed;

and the cause of such special proceeding shall be entered on the record.

9. The Sheriff shall not be compelled or Execution of process in Mofussil. compellable to go in person or by his officers or deputies beyond the local limits of the ordinary original civil jurisdiction of the High Court for the execution of any of its processes.

But whenever the process of the said Court has to be executed beyond the said limits, the Court shall, by order or upon motion, direct by what

person and in what manner such process shall be executed and the terms which the party issuing the same shall enter into.

And the Sheriff shall grant his special warrant or deputation to such person as the Court may direct for the execution of such process.

And in that case the Sheriff, his executors or administrators, shall not be responsible for any act done in or respecting the execution of such process under or by virtue of such special warrant.

And any persons aggrieved under or by pretence of such warrant may seek their remedy under any security which may have been directed to have been taken on the occasion, and which the said Court is authorized to direct to be taken.

IV.—The Sheriffs' Fees.

10. The High Court shall have power from Sheriff's fees. time to time to settle tables of fees to be allowed to the Sheriff on account of the execution of process, whether issued by the High Court, or by a Court, Judge or Magistrate beyond the local limits of its ordinary original civil jurisdiction, and of the sums to be allowed for costs of advertisements or other notifications of sales of property;

Such tables, when, in the case of the High Court of Judicature at Fort William, they have received the sanction of the Governor General in Council, and in the case of the High Courts of Judicature at Madras and Bombay they have received the sanction of the Local Government, shall have the force of law.

11. No Court, Judge or Magistrate beyond the local limits of the ordinary original civil jurisdiction of the said High Courts, shall issue any process to be executed by the Sheriff unless upon payment by the party applying therefor of the fees and sums payable under the said tables.

12. Every such Court, Judge and Magistrate, Mofussil Courts to keep account of fees paid to them under this Act. issuing process as aforesaid, shall cause a separate account to be kept of the amount of all fees and sums so paid, and shall from time to time, as directed by Government, cause the amount thereof to be paid into the local treasury.

13. The Local Government shall, twice in each year, account for and pay over to the Sheriff for the time being, the amount of fees and sums so paid, after deducting all necessary expenses of receiving and keeping account thereof, and remitting the net proceeds thereof to Calcutta, Madras, or Bombay, as the case may be; or, where the amount has accrued in the shrievalty of more than one Sheriff, shall apportion the sum paid accordingly between the Sheriff for the time being and the then late Sheriff.

14. The Local Government may compound Composition with Sheriff. with the Sheriff for a monthly payment to be made to him instead of such fees and sums, and during such composition may appropriate the said fees and sums to the purposes of Government.

15. Over and above such fees and sums, or any such monthly payment received instead of such fees and sums, the Sheriff shall be entitled to a fee after the rate of two rupees eight annas for each hundred rupees of the value of any goods or property taken and sold by him in execution of any process issued by any Court, Judge, or Magistrate beyond the local limits of the ordinary original civil jurisdiction of the High Court, which fee shall be taken to cover all expenses connected with the seizure and sale, except the expense of advertisements.

16. No fee, estimated upon the amount of the sum for which any person is taken in execution, shall be payable to the Sheriff, or any of his bailiffs, for taking the body of any person in execution on any process issued by any Court, Judge or Magistrate out of the local limits of the ordinary original civil jurisdiction of the High Court; but instead thereof, such fees shall be payable to the Sheriff for taking the body of any person in execution of any such process as shall be settled from time to time by the High Court as aforesaid.

17. If any person taken in execution on any such process escapes out of the legal custody of the Sheriff, the Sheriff shall be liable only to a suit for damages in consequence of such escape, sustained by the person at whose suit the prisoner was taken.

The damages in such a suit and in any other suit against the Sheriff for breach of his official duty shall not exceed the amount of the loss which the breach has really occasioned.

V.—Execution of Decrees.

18. Under any writ of attachment issued out of the High Court, may be seized and sold any lands, houses, or other immoveable property of the party against whose effects such writ issues, whether his estate or interest therein be legal or equitable.

19. The Sheriff under any such writ may put the purchaser in possession of such of the lands, houses, or other immoveable property sold under such writ, of which the judgment-debtor is in the actual possession, and of which an actual delivery can be made.

20. If the immoveable property liable to be sold under such writ be in the possession of any person other than the judgment-debtor, the Sheriff shall not seize such property, but shall sell and convey all the right, title, and interest of the debtor; and such conveyance shall pass the same interest to the purchaser as if the same had been executed by the debtor.

21. In such last-mentioned case, if the property be situate beyond the local limits of the ordinary original civil

jurisdiction of the High Court, the Sheriff shall notify such sale to the Judge of the District, who shall cause notice of the same to be officially proclaimed in like manner as if the sale had been effected under a decree of his own Court.

22. In any case of intended sale of immoveable property beyond the said local limits, the Sheriff shall cause a notice specifying the time and place of the intended sale to be stuck up in some conspicuous place in the office of the Collector of the District within which such property is situate and also on some conspicuous part of the property to be sold.

The number of days between the publication of such notice and the sale shall not be less than fourteen days, if the property be not distant more than one hundred miles from the High Court; if the distance shall exceed one hundred miles, the number of days shall be increased by an additional day for every fifty miles of such excess of distance.

The want of such notice or any irregularity in respect thereof, shall not vitiate the sale in the hands of a *bonâ fide* purchaser.

23. If any lands, houses, or other immoveable property be seized or liable to be sold under any such writ, the Court may on application to it

on behalf of the execution-debtor or of any one of several execution-debtors, if the Court be satisfied that there is reasonable ground to believe that the amount of the judgment may be raised by mortgage of the estate, postpone the sale for a term not exceeding one month to enable the defendant to raise the amount, and direct that the money ordered to be levied by such execution shall be raised by mortgage instead of sale of such lands, houses, or other immoveable property, upon such terms as to the payment of interest upon the judgment or otherwise as the Court thinks fit, and in such case it may give all necessary directions for the execution of such mortgage.

24. Under any such writ of attachment may also be sized money, bank-notes, cheques, bills of exchange, promissory notes, hundis, Government securities, bonds, or other securities for money, and also debts belonging to the said person;

and the Sheriff or other officer having the execution of the writ may pay or deliver over to the party suing out such execution, any money or bank-notes so seized, or a sufficient part thereof,

and shall, with the order of the Court, endorse over or transfer, and without such order, shall hold any such cheques, bills of exchange, promissory notes, hundis, bonds, or other securities for money as a security for the amount by such writ directed to be levied, or so much thereof as have not been otherwise levied and raised,

and may, where he retains the same, sue in his own name as such Sheriff

and to sue in his own name for amount secured by bills of exchange, &c.;

or for debts.

ment thereof has arrived.

The payment to such Sheriff or other officer, or to the party entitled under such endorsement or transfer, by the party liable, with or without suit, or the recovery and levying execution against the party so liable, shall discharge him to the extent of such payment or of such recovery and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, hundi, bond, security, and debt;

and such Sheriff or other officer shall pay over to the party suing out such writ, the money so to be recovered, or such part thereof as may be sufficient to discharge the amount by such writ directed to be levied;

and if, after satisfaction of the amount so to be levied, together with Sheriff's poundage and all lawful charges and expenses, any surplus remain in the hands of such Sheriff or other officer, the same shall be paid to the party against whom such writ shall be so issued, unless the same is duly attached in the hands of such Sheriff or other officer.

Provided that no Sheriff or other officer shall

Indemnity for Sheriff. be bound to sue any party

cheque, bill of exchange, promissory note, hundi, bond, security or debt, unless the party suing out such execution gives security to the Sheriff for indemnifying him from all costs and expenses to be incurred in the prosecution of such suit, or to which he may become liable in consequence thereof; the nature and amount of such security to be determined, in case they cannot agree, by the proper officer of the Court in which such suit is brought, or, if the Court so order, by some other person appointed by the Court for such purpose.

The expense of preparing and executing such security shall be deducted out of any money recovered in such suit, and the net proceeds only in this and other cases provided for by this Act shall be considered as received in satisfaction of the debt due to the execution-creditor.

25. If the Sheriff or other officer under any Sheriff empowered to receive interest on Government security seized by him;

against whose property such writ is issued, he may receive the interest due on such Government security, whether specially endorsed or otherwise, and sign a receipt for the same;

and may also sell and dispose of such Government security through a broker at the market-rate of the day;

and if the endorsement of such party is required to transfer such Government security, the Sheriff or other public officer shall endorse the same thus, "A. B. by C. D., Sheriff;"

and such endorsement shall be as effectual to pass the said Government security and to give a good title to the holder thereof as if the same

had been endorsed by the party himself or his duly constituted attorney.

26. No debt shall be sold by the Sheriff under the process of the High Court, but the same shall be realized in the mode hereinbefore directed.

27. If any person against whom any writ of execution has issued, has Shares in public Company may be charged in execution.

any interest in any stock or shares in any public Company, whether incorporated or not, carrying on business in India and within the reach of the process of the Court out of which such writ of execution has issued, the High Court or any Judge thereof, on the application of the party who has sued out such writ of execution, may make an order *ex parte* that such interest in such stock or shares, or such of them or such part thereof respectively as the said Court or Judge thinks fit, shall stand charged with the payment of the amount due in respect of such writ of execution.

Such order shall have the like effect and entitle the person in whose favour the same is made to the same remedies and priorities as a charge executed in favour of such person by the person against whom execution shall have been issued.

Service or notice of such order upon or to the Company whose stock or shares is or are the subject of such order, or upon or to any person claiming an interest in such stock or shares, shall have the like effect, and shall entitle the person in whose favour such order is made to the same remedies against such Company or such last-mentioned person as notice of a charge executed of even date with such order by the person against whom execution has been issued in favour of the person at whose suit the same has been issued.

Nothing herein contained shall prevent the person against whom such order has been made or any other

Proviso. person affected thereby, from applying to the Court or Judge by whom such order has been made for its discharge on such grounds as may be just.

28. If such debtor has any interest in any property standing in the name of the Accountant General or any other officer of the High Court, or in the

dividends, interest, or annual produce thereof, the Court or a Judge thereof may make an order that the interest of the defendant in such property shall be applied in payment of such debt, and the Court or Judge may from time to time make such other orders as may be necessary to give full effect to the above provision.

29. A plaintiff or defendant arrested under any writ issued upon any judgment, order, decree, or sentence of any of the said Courts whereby

Party arrested under writ when entitled to discharge. money is ordered to be paid to any party, shall be entitled to his discharge from such arrest on payment or tender to such party or his attorney in the cause, or to the Sheriff or Gaoler in whose custody such person may be under such writ, of the amount directed to be levied by such writ.

30. A written order under the hand of the attorney in the cause by whom any such writ has been issued, shall justify the Sheriff, Gaoler, or person in whose custody the party may be under such writ in discharging such party, unless the party for whom such attorney professes to act has given written notice to the contrary to such Sheriff, Gaoler, or person in whose custody the opposite party may be.

Such discharge shall not be a satisfaction of the debt, unless made by the authority of the creditor; and nothing herein contained shall justify any attorney in giving such order for discharge without the consent of his client.

31. A writ of execution, if unexecuted, shall not remain in force for more than one year from the date of such writ unless renewed in the manner hereinafter provided;

but it may, at any time before its expiration, be renewed by the party issuing it for one year from the date of such renewal, and so on from time to time during the continuance of the renewed writ by being marked with the seal of the High Court and with a memorandum signed by the officer, of the date of the day, month, and year of such renewal, or by such party giving a written notice of renewal to the Sheriff signed by the party or his attorney and bearing the like seal of the Court and memorandum signed by the officer as aforesaid;

and a writ of execution so renewed shall have the same priority as its original. the same priority as the original writ would have had.

Provided, however, that no writ of possession shall be renewed without the special leave of the High Court or a Judge thereof.

32. The production of a writ of execution of the notice renewing of the notice renewing the same purporting to be marked with such seal and signed as aforesaid, showing the same to have been renewed according to this Act, shall be sufficient evidence of its having been so renewed.

33. All property of every kind that may be seized under a writ issued from the High Court, may be seized also under a writ of sequestration. • be seized also under a writ of sequestration duly issued from the same, and the seizure must in all cases be made in the mode directed by this Act as to seizures under writs,

and any sum ordered by the Court to be realized by a sequestration, shall be realized in the same mode, and not otherwise, as if directed to be levied under a writ of attachment.

SCHEDULE.

(See Section 2.)

I.—Statutes.

Year, reign and chapter.	Subject.
53 Hen. 3, c. 21	Replevin by Sheriff.
13 Edw. 1, c. 39	Delivery of writs to Sheriff.
28 Edw. 1, c. 16	False returns.
c. 19	Restoration of issues of land seized without cause.
Statutes of the Exchequer.	Wrongful distresses by Sheriff.
23 Hen. 6, c. 9	Sheriff not to let his county to farm.
23 Hen. 6, c. 9	Sheriff's fees; Sheriff to let to bail, &c.
1 Mary, Stat. 2, c. 8	Sheriff not to be a Justice of the Peace.
29 Eliz., c. 4	Sheriff's fees.
3 Geo. 1, c. 15, s. 8	Power of Under Sheriff in case of death of Sheriff.

II.—Acts.

Number and year.	Title.
VIII, of 1852	... An Act for remunerating the Sheriffs of Calcutta, Madras and Bombay for the execution of Mofussil process under Act XXIII. of 1841.
VI. of 1855	.. An Act to extend the operation of, and regulate the mode of executing, writs of execution in Her Majesty's Supreme Courts of Judicature.

III.—Charters.

Charter establishing the Supreme Court of Judicature at Fort William, dated 26th March 1774.	Clause IX.
Charter establishing the Supreme Court of Judicature at Madras, dated 26th December 1800.	Clauses XV., XVI., XVII.
Charter establishing the Supreme Court of Judicature at Bombay, dated 8th December 1823.	Clauses XX. XXI., XXII., XXIII.

STATEMENT OF OBJECTS AND REASONS.

This Bill is the second of the series of measures which have been prepared in order to diminish the bulk of the English Statute-law in force, or supposed to be in force, in the Presidency Towns. It repeals some ten Statutes relating to the office of Sheriff, and it consolidates, with such amendments as are required by present circumstances, the clauses of the Charters under which the Sheriffs are appointed, and the two Indian Acts which relate, respectively, to their fees: for executing Mofussil process and to their functions in executing decrees made by the High Courts in the exercise of original civil jurisdiction.

(Signed) A. HOBHOUSE.

CALCUTTA; }
June 1874. }

WHITLEY STOKES,

Secy. to the Govt. of India.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor-General, under the 22nd of the Rules for the Conduct of the legislative Business of the Council of the Governor-General:—

Bill No. 12 of 1874.

A Bill to declare the Statutes in force in the Presidency Towns.

WHEREAS doubts exist as to what Acts of Parliament are in force in the Towns of Calcutta, Madras and Bombay, and it is expedient to remove such doubts; It is hereby enacted as follows:—

1. The enactments specified in the schedule Statutes declared to apply hereto annexed (being Statutes or parts of Statutes passed before the year 1727), shall be deemed to apply, so far as local and personal circumstances admit, to all places and persons within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay.

2. All other Statutes passed before the said year 1727 are hereby repealed so far as they affect British India.

Provided that the repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to:

Nothing in this Act shall—

(a) affect the validity or invalidity of any thing already done or suffered, or any indemnity already

granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing;

(b) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognised or derived, by, in, or from any enactment hereby repealed;

(c) give validity to any transaction which, if it had occurred before the passing of this Act, would have been held invalid on the ground of its breeding litigation or of being otherwise unrighteous, unconscientious, or against public policy;

(d) provide or restore any jurisdiction, office, custom, privilege, restriction, exemption, usage or practice not now existing or in force;

(e) operate as an implied repeal of any enactment,

(f) affect the laws of inheritance, partition, succession and contract as administered to Hindús, Muhammadans, Buddhists, Síkhs and Jainas, or

(g) affect the laws of marriage as administered to persons not being Christians.

3. No Statute passed in or after the said year

When Statutes passed in or after 1727 apply. 1727 shall be deemed to apply to any part of British India, unless it expressly or by necessary implication extends thereto; and no Statute shall be deemed to extend by necessary implication to any part of British India merely because it repeals, amends or modifies the whole or any part of a Statute mentioned in the said Schedule.

SCHEDULE.

(See section 1.)

13 Edw. 1, c. 1	...	Statute <i>De Donis</i> .
c. 22	...	Waste between joint-tenants and tenants in common.
18 Edw. 1, cc. 1, 2	...	Statute of <i>Quia Emptores</i> .
25 Edw. 1, <i>Magna Carta</i> , c. 1	...	Confirmation of liberties.
c. 29	...	Civil and Criminal Justice.
<i>Confirmatio Cartarum</i>	...	Confirmation of charters.
5 Edw. 3, c. 9	...	Unlawful attachment.
25 Edw. 3, Stat. 1	...	Status of children born abroad of English parents.
28 Edw. 3, c. 3	...	Civil and Criminal Justice.
27 Hen. 8, c. 10, ss. 1, 2 and 3	...	Uses.
28 Hen. 8, c. 15, ss. 1, 2 and 4	...	Offences committed at sea.
31 Hen. 8, c. 1	...	Partition by joint-tenants.
32 Hen. 8, c. 32	...	Partitions by tenants for life.
c. 34, ss. 1 and 2	...	Grantees of reversions.
c. 37, s. 4	...	Recovery of rent after death of <i>cestui que vie</i> .
c. 38, (except as concerning precontracts)	...	Degrees of consanguinity.
13 Eliz., c. 5, ss. 1, 2, 3 and 5	...	} Fraudulent conveyances.
27 Eliz., c. 4, ss. 1, 2, 3 and 4	...	
3 Char. 1, c. 1	...	Wrongful imprisonment.
18 & 19 Char. 2, c. 11, ss. 1, 2 and 4	...	Evidence of death of <i>cestui que vie</i> .
29 Char. 2, c. 3, ss. 7—11	...	Trusts.
31 Char. 2, c. 2, except s. 14	...	Habeas Corpus Act.
1 Will. & Mar., c. 6	...	Coronation Oath.
1 Will. & Mar., Sess. 2, c. 2	...	Bill of Rights.
2 Will. & Mar., c. 1	...	Confirmation of late Parliament.
4 Will. & Mar., c. 16	...	Frauds by clandestine mortgages
9 Will. 3, c. 17	...	Inland Bills of Exchange.

SCHEDULE—continued.

(See section 1.)

10 Will. 3.	c. 22, down to and including the words "in anywise notwithstanding"	...	Inheritance of posthumous children.
11 Will. 3,	c. 7	...	Piracy.
	c. 12	...	Punishment of Governors of plantations.
12 & 13 Will. 3,	c. 2, except so far as it has been repealed by 4 & 5 Anne, c. 20, ss. 27, 28, 1 Geo. 1, Stat. 2, c. 51, and 7 & 8 Vic., c. 66	...	Act of Settlement.
1 Ann.,	c. 2, ss. 4 and 5	...	Demise of Crown. Abatement.
3 & 4 Ann.,	c. 8, ss. 1 to 11 (inclusive)	...	Promissory Notes.
4 & 5 Ann.,	c. 3, ss. 9, 10, 21 & 27	...	{ Attornment. Payment of rent. Warranties. Actions of account.
	c. 16	...	Naturalization of Princess Sophia.
6 Ann.,	c. 41, s. 8	...	Privy Council.
	c. 72	...	Discovery of deaths of tenants for life.
7 Ann.,	c. 5, s. 3	...	Naturalization.
8 Geo. 1,	c. 24	...	Piracy.

NOTE.—The references in this schedule are made to the Statutes as printed in the Revised Edition, London, 1870.

STATEMENT OF OBJECTS AND REASONS.

1. It is generally held that, on the establishment of Mayors' Courts in Calcutta, Madras and Bombay, under the charter of 13 Geo. I., the Statute-law in force in England in the year 1726 was introduced into the Presidencies so far as it was applicable to local circumstances.

2. Under the qualification contained in the last part of this proposition, large classes of Statutes are obviously excluded. The Statutes, for instance, dealing with the subjects of Adwosons, Bankruptcy, Bastardy, Clergy, Commons, Dilapidations, Elections, Excise, Forests, Police, Poor-relief, Sewers, Tithes, and the qualification of Sheriffs were clearly framed with reference to the special conditions of England, and have never been deemed applicable to any part of India. Other Statutes, such as those relating to Coroners, Crimes, Executors, Jurors, Justices of the Peace, Lotteries, Oaths, Pleading and Riotous Assemblies, have been rendered by recent Indian legislation unnecessary and therefore inapplicable. Others again, which form the basis of the English law of real property—such as the Statutes of Entails, of Subinfeudations and of Uses—are clearly applicable to the property of Englishmen, though not to the property of Hindús or Muhammadans. But there remain some as to which differences of opinion may and do exist. If we inquire, for example, whether the Statutes relating to Maintenance and Champerty are in force in Calcutta, whether a European can be arrested here on a Sunday, or what law regulates distresses for arrears of rent exceeding a thousand rupees, we at once fall into doubt and difficulty. It is true that, in the absence of any declaration by the legislature, the Judges of the late Supreme Courts and those of the present High Courts have exercised the function of declaring what Statutes shall be deemed in force within the local limits of their ordinary original jurisdiction. But, in the first place, the Judges have made such declarations in comparatively few instances; in the second place, their decisions have not always been reported; thirdly, it may be doubted whether their declarations have always laid down the most convenient rule; and fourthly, the rulings of the Judges of one Supreme or High Court are not binding upon or always in accord with those of another.

3. Even in cases where a Statute certainly operates in the Presidency Towns, it is not always clear whether it applies to all the inhabitants or only to Europeans. Thus every one agrees that the Statutes of Elizabeth relating to Fraudulent Conveyances are in force in Calcutta, Madras and Bombay; and in Calcutta, the late Mr. Justice Norman (2 Ind. Jur. O. S. 7.) held that they applied to Natives as well as to Europeans. But in Madras, Sir Adam Bittleston seemed to think, in a case reported in 6 Mads. H. C. Rep. 474, that they applied only to British subjects other than Hindús or Muhammadans.

4. The result is a great amount of uncertainty as to the Statute-law in force in the Presidency Towns, and this not merely in rare instances, but in matters of not infrequent occurrence.

5. Two Bills published simultaneously with this, and relating to Distresses and to the Sheriff, will, when passed, remove many doubts as to the law applicable to the subjects with which they respectively deal.

6. There will remain, however, many ancient Statutes as to which it is desirable that the legislature in consultation with the learned Judges of the Presidency High Courts, should expressly declare either that they are, or that they are not, in force in Calcutta, Madras and Bombay. This, shortly, is the object of the present Bill. It declares that some forty Statutes shall, subject to the tests of applicability which have always prevailed, be deemed to apply to all places and persons in the Presidency Towns. These include Magna Carta; the Statutes *De Donis* and *Quia Emptores*; the Statute of Uses; the Statutes relating to Fraudulent Conveyances; the Habeas Corpus Act; the Bill of Rights and the Act of Settlement. It then expressly repeals all other Statutes passed before 1727.

7. Some of the Statutes inserted in the Schedule have been so inserted for caution's sake, but with considerable doubts as to whether they are of any practical use. Such are the provisions of the Statute of Frauds relating to trusts of land; the Statute 4 & 5 Will. & Mar., Cap. 16, relating to frauds by mortgagors effected by concealment of prior charges; the Stat. 10 Will. III., Cap. 22, giving the benefit of contingent remainders to posthumous children; and the Stat. 4 & 5 Anne, Cap. 3, relating to warranties. There are also three Statutes conferring powers on the Admiralty Court in case of piracy, as to which it is not known whether they are still of any use or are superseded by modern legislation. These are the 28 Hen. VIII., Cap. 15; the 11 Will. III., Cap. 7, and the 8 Geo. I., Cap. 24.

8. Among the repealed Statutes are those which relate to Champerty and Maintenance, eight in number. It is not intended by the repeal to alter the law on this subject, and a cautionary clause [Sec. 2, cl. (c)] has been inserted accordingly. It is certain that the law applicable to transactions to which the names of Champerty and Maintenance are still applied, has drifted away from the Statutes; that numerous transactions falling within the scope of the Statutes are perfectly lawful, and that the decisions have in modern times been rested more and more on the broad principles of the Common Law, and have turned on the question whether or no the impeached transaction is unrighteous, unconscientious, and against public policy. The law in the Mofussil on this subject appears to be in a very efficient and reasonable state, though unaided by the Statutes; and the same law prevails in the Presidency Towns. See the case of *Grose v. Amirtamayi Dasi*, 4 Beng. L. R. Orig. C. J. I., in which all the foregoing remarks are illustrated.

9. The opportunity has been taken to declare that no Statute passed in or after the year 1727 shall be deemed to apply to any part of British India, unless it expressly or by necessary implication extends thereto; and that no Statute shall be deemed to extend by necessary implication to any part of British India merely because it amends or modifies or repeals the whole or any part of a Statute mentioned in the Schedule.

CALCUTTA: }
The 1st June 1874. }

(Signed) A. HOEHOUSE.

WHITLEY STOKES,

Secretary to the Government of India.