CII. The person appointed shall proceed to make the investigation, and shall for that purpose, so far as relates to compelling the attendance of witnesses and the regulation of the proceedings, have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which such Magistrate has power to convict summarily, or as near thereto as circumstances admit.

CIII. Upon the conclusion of the case the persons appointed to investigate shall send a report to the local Government, containing a full statement of the case and of their opinion thereon, accompanied by such report of or extracts from the evidence and such observations (if any) as they may think fit.

OFFICIAL LOGS

CIII. An official log-book of every ship registered at any port or place in India, except Home-trade ships of a burden not exceeding three hundred tons, shall be kept in a form sanctioned by the local Government; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up.

CIV. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as the occurrence to which it relates shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final Port of discharge be made more than twenty-four hours after such arrival.

CV. Every master of a ship for which an official log-book is hereby required shall make or cause to be made therein entries of the following matters, (that is to say)—

1. Every legal conviction of any member of his crew and the punishment inflicted:
9. Every offence committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry and concerning the reply (if any) made to the charge, as hereinbefore required:

3. Every offence for which punishment is inflicted on board and the punishment inflicted:

4. A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

5. Every case of illness or injury happening to any member of the crew with the nature thereof, and the medical treatment adopted (if any):

6. Every case of death happening on board, and the cause thereof:

7. Every birth happening on board with the sex of the infant and the names of the parents:

8. Every marriage taking place on board with the names and ages of the parties:

9. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof:

10. The amount of wages due to any seaman who enters Her Majesty's service during the voyage:

11. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

12. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold and of the sum received for it:

13. Every collision with any other ship and the circumstances under which the same occurred.

CVI. The entries hereby required to be made in official log-books shall be signed as follows, (that is to say), every such entry shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, death, or birth shall be also signed by the surgeon or
medical practitioner on board (if any); and every entry of wages due to, or of the sale of the effects of, any seaman or apprentice who dies, shall be signed by the master and by the mate and some other member of the crew, and every entry of wages due to any seaman who enters Her Majesty's service shall be signed by the master and by the seaman, or by the officer authorized to receive the seaman into such service.

CVII. The following offences in respect of official log-books shall be punishable as hereinafter mentioned, (that is to say)—

1. If in any case an official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding fifty Rupees.

2. Every person who makes or procures to be made or assists in making any entry in an official log-book, in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge in India, more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding Three Hundred Rupees.

3. Every person who wilfully destroys or mutilates or renders illegible an entry in any official log-book, or who wilfully makes, or procures to be made or assists in making, any false or fraudulent entry or omission in any such log-book, shall for each such offence be liable to imprisonment, with or without hard labor, for a term not exceeding one year.

CVIII. All entries made in any official log-book as hereinbefore directed shall be received in evidence in any proceeding in any Court of Justice, subject to all just exceptions.

CIX. The master of every Foreign-going ship shall, within forty-eight hours after the ship's arrival at her final
port of destination in India, or upon the discharge of the crew, whichever first happens, deliver to the Shipping Master before whom the crew is discharged, the official log-book of the voyage; and the master or owner of every Homemake ship of a burden exceeding three hundred tons shall, within twenty-one days after the thirtieth day of June and the thirty-first day of December in every year, transmit or deliver to some Shipping Master in India the official log-book for the preceding half year; and every master or owner who refuses or neglects to deliver his official log-book, as hereby required, shall be subject to a penalty not exceeding Two Hundred Rupees.

CX. If any ship ceases, by reason of transfer of ownership or change of employment, to fall within the operation of Section CIII of this Act, the master or owner thereof shall, if such ship is then in any port in India, within one month, and if she is elsewhere, within six months, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book duly made out to the time at which she ceased to be within such operation, and in default shall for each offence incur a penalty not exceeding One Hundred Rupees, and if any ship is lost or abandoned, the master or owner thereof, shall, if practicable, and as soon as possible, deliver or transmit to the Shipping Master at the port to which the ship belonged, the official log-book (if any) duly made out to the time of such loss or abandonment, and in default shall for each offence incur a penalty not exceeding One Hundred Rupees.

PROCEDURE, &c.

CXI. Whenever, in the course of any legal proceedings instituted at any port or place in India before any Judge or Magistrate or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, any deposition that such witness may have previously made in relation to the same subject matter before
any Justice or Magistrate in Her Majesty's Dominions (including all parts of India other than those subject to the same local Government as the port or place where such proceedings are instituted), or any British Consular Officer elsewhere, shall, if authenticated by the signature of the Justice, Magistrate, or Consular Officer, be admissible in evidence on due proof that such witness cannot be found within the jurisdiction of the Court in which such proceedings are instituted. Provided that, if the proceeding is Criminal, such deposition shall not be admissible, unless it was made in the presence of the person accused and the fact that it was so made is certified by the Justice, Magistrate, or Consular Officer. It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any Criminal proceeding, such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CXII. All offences under this Act, made punishable by any penalty, may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act XIII of 1856, relating to the adjudication of fines and penalties and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca.

CXIII. In all cases where any Court or Magistrate has power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then if the party so directed to pay the same is the master or owner of a ship and the same is not paid at the time and in manner prescribed in the order, the Court or Magistrate who made the order may, in addition to any other powers which such Court or Magistrate may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.
MISCELLANEOUS.

CXIV. Nothing in this Act shall extend to any ship belonging to or in the service of Her Majesty, or to any ship belonging to any Foreign Prince or State; and nothing in this Act, except as otherwise hereinafter provided, shall extend to any ship belonging to the subjects of any Foreign Prince or State.

CXV. When the master of a Foreign ship, being at any Port in India, engages any lascar or other native seaman to proceed to any Port out of India, he shall enter into an agreement with such seaman, and the agreement shall be made before a Shipping Master in the manner hereinbefore provided for the making of agreements in the case of Foreign-going ships, and all the provisions of Sections XXI and XXII of this Act, respecting the form of such agreements and the stipulations to be contained in them and the making and signing of the same, shall be applicable to the engagement of such seaman; and the master of such Foreign ship shall give to the Shipping Master a bond with the security of some approved person resident in India for an amount calculated at the rate of One Hundred Rupees for every such seaman and conditioned for the due performance of the said agreement and stipulations.

CXVI. The fees prescribed in Section VI of this Act shall be payable in respect of every such engagement, and deductions from the wages of seamen so engaged may be made to the extent and in the manner allowed by the said Section.

CXVII. If any lascar or other native seaman is engaged by the master of any Foreign ship otherwise than as allowed in the two last preceding Sections, such master shall be liable to a penalty of One Hundred Rupees for every such seaman so engaged. It shall be lawful for the Shipping Master, by himself or his deputy, to enter on board any Foreign ship upon which he shall have reason to believe that any such seaman has been shipped, and the provisions of Section XXX
of this Act shall be applicable in respect of every such ship.

CXVIII The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be some thing in the subject or context repugnant to such construction, (that is say), the word "India" shall mean the territories which are or may become vested in Her Majesty by the Statute 21 and 22 Vic c 106, entitled "An Act for the better Government of India", the expression "local Government" shall mean the person or persons for the time being immediately administering the Executive Government of any portion of the said territories. The expression "Home-trade ship" shall include every ship employed in trading between any ports of the said territories or between any port of the said territories and any port or place on the Continent of India or in the Island of Ceylon. The expression "Foreign-going ship" shall include every ship employed in trading between any port of the said territories and any port or place not in the said territories, nor on the Continent of India, nor in the Island of Ceylon. The word "master" shall include every person (except a Pilot) having command or charge of any ship. The word "seaman" shall include every person (except masters, pilots, and apprentices) employed or engaged in any capacity on board any ship. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number. Words importing the masculine gender shall include females. The word "person" shall include a corporation.
TABLE A. (See Section V.)

Fees to be charged for matters transacted at Shipping Offices.

1. Engagement or discharge of crews.

<table>
<thead>
<tr>
<th>In Ships under</th>
<th>Tons</th>
<th>Rs.</th>
<th>As.</th>
<th>P.</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td></td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>From 100 to</td>
<td></td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>200</td>
<td></td>
<td>10</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>300 to 400</td>
<td></td>
<td>12</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>400 to 500</td>
<td></td>
<td>15</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>500 to 600</td>
<td></td>
<td>17</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>600 to 700</td>
<td></td>
<td>20</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>700 to 800</td>
<td></td>
<td>22</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>800 to 900</td>
<td></td>
<td>25</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>900 to 1,000</td>
<td></td>
<td>27</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td>above 1,000</td>
<td></td>
<td>30</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

and so on for ships of larger tonnage, adding for every one hundred tons above one thousand, two Rupees and eight annas.

2. Engagement or discharge of seamen separately, one Rupee for each seaman.

TABLE B. (See Section VI.)

Sums to be deducted from wages by way of partial repayment of fees in Table A.

1. In respect of engagements and discharges of crews, upon each engagement and each discharge.

<table>
<thead>
<tr>
<th>Rs.</th>
<th>As.</th>
<th>P.</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>From wages of any Mate, Purser, Engineer, Surgeon, Carpenter, or Steward</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. In respect of engagements and discharges of seamen, separately, upon each engagement and each discharge.

<table>
<thead>
<tr>
<th>Rs.</th>
<th>As.</th>
<th>P.</th>
</tr>
</thead>
<tbody>
<tr>
<td>...</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>From wages of all others except apprentices...</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
ACT NO. II OF 1859.

1. Time limited for filing particulars of claim, when declaration has been filed.
2. If particulars be insufficient, Court on application may order further particulars to be filed within a specified time.
3. If particulars be not filed within the time limited, claimant to be barred from proceeding.
4. Time limited for filing documents to be used in support of claim.
5. Memorandum to be made on particulars of claim or documents, of the date when they are filed.
6. Solicitor to Government may examine and take copies of particulars, &c.
7. No document to be received in evidence in support of claim, unless filed as required by this Act. Claimants to be bound by particulars filed.
8. If particulars of claim are filed under this Act, particulars under Act XXX of 1858 not necessary.
9. Supreme Court to appoint a day for ascertaining the amount due to any person who has filed a declaration under Act XXX of 1858.
10. Proceedings, if claimant appear on day fixed.
11. Proceedings, if claimant do not appear on day fixed.

An Act to amend Act XXX of 1858 to provide for the administration of the estate, and for the payment of the debts of the late Nabob of the Carnatic.

WHEREAS, in pursuance of the provisions of Section XIV of Act XXX of 1858, numerous declarations were filed in the office of the Registrar of the Supreme Court of Judicature at Madras, within three months from the passing of the Act, by persons claiming to be creditors of the late Nabob of the Carnatic, but as yet, with very few exceptions, such persons have not made any application to the Court under the provisions of Section XIX of the said Act, to appoint a day for ascertaining the amount of their debts, or furnished any particulars of their claims; and whereas, since the passing of the said Act, two of the seals formerly belonging to the said Nabob have been unlawfully taken away by some person or persons unknown and there is reason to
believe that they have been feloniously stolen, and it is necessary, in order to guard against fraud, to limit the time within which particulars of the said claims shall be furnished, and to require all documents intended to be used in support thereof to be filed, and also to enable the Court upon the application of the Government of Madras to fix a day for the investigation of any of the said claims: It is enacted as follows:—

I. Every person who has filed a declaration under the provisions of Section XIV of the said Act shall file, in the office of the Registrar of the Supreme Court at Madras, full particulars of his claim with dates and items, within one week after the publication of this Act in the Fort Saint George Gazette, or within such time, not exceeding one month after such publication, as may be allowed by the said Court or a Judge thereof, for any special reason which may appear to the said Court or Judge to be sufficient.

II. If the particulars filed as above provided be insufficient, the said Court or a Judge thereof may, upon an application on the part of Government, make an order for the filing, within a time to be specified in such order, of such further particulars as the said Court or Judge may consider necessary.

III. If the particulars be not filed within the time limited by Section I of this Act—or in the case of an order for further particulars under Section II of this Act, if such further particulars be not filed within the time limited by the order—the said Court or a Judge thereof, upon an application on behalf of Government, shall make an order barring the claimant from proceeding under Section XIV or any subsequent Section of Act XXX of 1858, and from the benefits of the provisions of Section XXV of the said Act; and in such case the claimant shall not be entitled to proceed under Section XIV or any subsequent Section of the said Act, or to be paid under the provisions of Section XXV of the said Act.
IV. Every person who has filed a declaration under the provisions of Section XIV of the said Act shall file, in the office of the Registrar of the said Court, all documents intended to be used on the investigation in support of his claim (whether the same are intended to be used as independent or corroborative evidence or otherwise) within one week after the publication of this Act in the Fort Saint George Gazette, or within such time, not exceeding one month from the time of such publication, as may be allowed by the said Court, or a Judge thereof, for any special reason which may appear to the said Court or Judge to be sufficient.

V. Whenever the particulars of a claim or any document is filed under the provisions of this Act, a memorandum shall be made thereon of the date on which the same is filed.

VI. The Solicitor to Government, and such other persons as may be authorized by him, may examine and take copies of the particulars of any claim or of any document filed under the provisions of this Act.

VII. No document shall be admitted in evidence in support of any claim, or used by the claimant upon the investigation thereof under Section XXII of the said Act, unless the same shall have been filed in the manner and within the time required by this Act; and upon every investigation under Section XXII of the said Act, the claimant shall be bound by the particulars of his claim, in the same manner and to the same extent as a plaintiff is bound by the particulars of his demand in an action brought in the said Court.

VIII. Whenever particulars of a claim shall have been filed under the provisions of this Act, it shall not be necessary for the claimant to furnish particulars under Section XX of the said Act.

IX. The Supreme Court of Judicature at Madras or a Judge thereof may, upon application on behalf of the Gov-
vernum of Madras, appoint a day for ascertaining the amount due to any of the persons who have filed a declaration under Section XIV of the said Act, and in such case notice of the day so appointed shall be given to the claimant. The day so appointed shall not be less than twenty-one days from the time when the said application shall be made.

X. If the claimant shall appear on the day so fixed, or on any other day to which the Court may think fit to postpone the investigation, all such proceedings shall be had for ascertaining and determining the amount due to the claimant, and for payment of the amount so ascertained, as if the day for ascertaining the amount of the debt had been appointed upon the application of the claimant under Section XIX of the said Act, except that it shall not be necessary for the claimant to furnish particulars under Section XX of the said Act.

XI. If the claimant do not appear on the day fixed as provided by Section IX of this Act, or upon the day to which the Court may postpone the investigation, the Court, upon proof of service of the notice required by Section IX of this Act, shall make an order barring the claimant from proceeding under Section XIV or any subsequent Section of Act XXX of 1858 and from the benefit of the provisions of Section XXV of the said Act; and in such case the claimant shall not be entitled to proceed under Section XIV or any subsequent Section of the said Act, or to be paid under the provisions of Section XXV of the said Act, unless within one week from such day, or within such time as the said Court or a Judge thereof shall appoint for investigating the excuse for not appearing, the Court shall be satisfied that he had a reasonable excuse for not appearing and shall fix another day for the hearing of his claim.
ACT No. III OF 1859.

(Received the assent of the Governor General on the 25th January 1859.)

1. Executive Government may invest Cantonment Joint Magistrates with Civil jurisdiction in certain cases.

2. Part of Act XI of 1841 suspended in Cantonments where Joint Magistrates are so invested with Civil jurisdiction.

3. Also, the Rules in force in the Madras and Bombay Presidencies for the trial of small suits in Military Bazars.

4. Persons amenable to the Articles of War for the Native Army, to be sued before Cantonment Joint Magistrates invested with Civil jurisdiction, and not elsewhere.

5. Saving of Rules in force in the Madras Presidency for the trial by Puntchayet of suits against Military persons.

6. Trader not to recover any debt unless registered as a Military Bazar-man.

7. Procedure in cases under this Act. No revision or appeal. Execution of decrees.

8. Compensation may be awarded to a defendant, if suit be groundless and instituted without probable cause.

9. Cantonment Joint Magistrates may be appointed Registers of Deeds, within the limits of their jurisdiction.

10. Rules applicable to Registers of Deeds to be applicable to Cantonment Joint Magistrates appointed Registers.


An Act for conferring Civil Jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds.

WHEREAS it is expedient that Cantonment Joint Magistrates should be invested with Civil jurisdiction in certain cases within the local limits of their Criminal jurisdiction, and that they should also be appointed Registers of Deeds within the same limits; It is enacted as follows:

I. It shall be competent to the Governor General in Council, and to the Executive Government of any Presidency or place, to invest the Joint Magistrate of any Military Cantonment Bazar or Station, within the limits of their respective Governments, with Civil jurisdiction. Every Joint Magistrate so invested shall have power to hear and determine actions of debt and other personal actions, in which
the value in question shall not exceed the sum of two hundred Rupees, and which shall not involve any dispute of caste or any right of real property, against any person who at the time when the cause of action arose, and at the time of the institution of the suit, shall have been or shall be subject to the Articles of War for the Native Army, or residing or carrying on trade or business within the limits of such Military Cantonment Bazar or Station, and not subject to any Articles of War made by Her Majesty.

II. Whenever the Joint Magistrate of any Military Cantonment Bazar or Station shall be invested with Civil jurisdiction under the provisions of the preceding Section, and so long as he shall remain so invested, so much of Act XI of 1841, as authorizes the Commanding Officers of Stations or Cantonments to convene Military Courts of Requests for the trial of actions of debt and other personal actions as aforesaid, shall be suspended within the limits of such Cantonment Bazar or Station.

III. Whenever in either of the Presidencies of Madras or Bombay an Officer shall be invested with Civil jurisdiction as aforesaid, and so long as he shall remain so invested, the Rules for the trial of small suits in Military Bazars at Cantonments and Stations occupied by the Troops of those Presidencies respectively shall cease to have effect within the jurisdiction of such Officer.

IV. Whenever the Joint Magistrate of any Military Cantonment Bazar or Station shall be invested with Civil jurisdiction under the provisions of this Act, no person amenable to the Articles of War for the Native Army, who may be liable to be sued before such Joint Magistrate for any cause of action cognizable by him, shall be sued elsewhere.

V. Provided that, nothing in the preceding Sections shall be held to alter or affect the Rules in force in the Madras Presidency for the trial by Punchayet of suits against Military persons belonging to that Presidency.
VI. No person carrying on trade or business within the limits of any Military Cantonment, or who shall have carried on trade or business within any such limits, shall be allowed to recover in any Court held under this Act any debt contracted, in the way of such trade or business or the loan of money within any such Cantonment, by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall, at the time of contracting the same, have been registered as a Military Bazar-man within such Cantonment.

VII. In cases instituted under the provisions of this Act, the plaintiff shall prefer his claim in writing to the Court of the Joint Magistrate having jurisdiction over the same, and if the defendant be a Native Officer or Soldier or a mustered Camp Follower, the summons to appear and answer to the claim shall be transmitted, for the purpose of being served on the defendant, to the Commanding Officer of the Corps or Detachment to which such defendant may belong; and the Commanding Officer shall return the summons to the Joint Magistrate, with the acknowledgment of the defendant endorsed thereon; or if the summons cannot be served, the reason of the non-service shall be stated. In other respects the rules of procedure and all other rules contained in Act XI of 1841 (for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company) shall be applicable to such cases, and to the execution of the decrees passed therein, so far as the same are applicable; provided, that the decisions of the Joint Magistrate in cases cognizable by him under this Act shall not be open to revision or appeal; and provided further, that it shall not be necessary to publish in Station Orders the decrees passed in such cases before they are carried into execution, and the Joint Magistrate passing the decree shall determine whether the execution shall be general or special, and shall proceed of his own authority with the execution.
VIII. If the claim of the plaintiff be dismissed, and it shall appear to the Joint Magistrate that the suit was groundless, and that there was no probable cause for instituting the same, it shall be competent to such Joint Magistrate to award against the plaintiff in favor of the defendant, such sum as he may consider a reasonable compensation to the defendant for the loss of time and expense to which he may have been subjected by the institution of the suit against him, and to proceed to recover the amount so awarded under the rules applicable to execution of decrees passed under this Act.

IX. It shall further be lawful for the Governor General in Council or for the Executive Government of any Presidency or place, to appoint the Joint Magistrate of any Military Cantonment Bazar or Station, subject to their respective Governments, Register of Deeds within the limits of such Cantonment Bazar or Station; and when such appointment is made, and so long as it shall continue in force, the powers of the Register of Deeds of the Zillah or District in which such Cantonment Bazar or Station is situate, shall be suspended within the limits thereof.

X. Whenever the Joint Magistrate of any Military Cantonment Bazar or Station shall be appointed Register of Deeds under this Act, all Rules for the time being in force applicable to Registers of Deeds, shall be applicable to such Joint Magistrate and to the deeds registered by him, or brought to him for registry.

XI. Every Joint Magistrate who shall be invested with Civil jurisdiction, or who shall be appointed Register of Deeds under the provisions of this Act, shall, previously to entering upon the performance of his duties, make and subscribe before the Chief Civil Officer, or, where there may be no Civil Officer, before the Chief Military Officer of the District or Zillah in which such Cantonment Bazar or Station is situate, the oaths required by law to be made and subscribed by Civil Judges and Registers of Deeds respectively, or the declarations substituted for such oaths.
Act No. IV. of 1839,

Expired.

Act No. V of 1839.

(Received the assent of the Governor General on the 4th March 1839.)

1. Ghatwals of Beerbhum to have the same right of granting leases as is allowed to other proprietors of lands. *Proviso.*

2. Court of Wards and Revenue authorities to have the like power in certain cases.

An Act to empower the holders of Ghatwalee lands in the District of Beerbhum to grant leases extending beyond the period of their own possession.

Whereas it has been held that the Ghatwals of the District of Beerbhum who pay the revenue of their lands directly to Government under the provisions of Regulation XXIX. 1814 of the Bengal Code have not the power of alienating their lands; and whereas, for the development of the mineral resources of the country in which the said Ghatwalee lands are situate, and for the improvement of the said lands, it is expedient that the power of granting leases for periods not limited by the term of their own possession, should in certain cases be extended to the possessors of such lands; It is enacted as follows:

I. Ghatwals, holding lands in the District of Beerbhum under the provisions of the aforesaid Regulation, shall have the same power of granting leases for any period which they may deem most conducive to the improvement of their tenures, as is allowed by law to the proprietors of other lands. Provided, that no lease of Ghatwalee lands for any period extending beyond the life-time or incumbrancy of the grantor of the lease shall be valid and binding on the successors of the grantor, unless the same shall be granted for the working of mines, or for the clearing of jungle, or for the erection of dwelling houses or manufactories, or for tanks, canals, and similar works, and shall be approved by the Commissioner of the Division, such approval being cer-
trified by an endorsement on the lease under the signature of
the Commissioner.

II. If any of the said Ghatwalee lands be at any time
under the superintendence of the Court of Wards, or other-
wise subject to the direct control of the officers of Govern-
ment, it shall be lawful for the Court of Wards or the
Commissioner to grant leases for any such purpose as aforesaid;
and every lease so granted shall be valid and binding on all
future possessors of the said lands, anything in the existing
law to the contrary notwithstanding.

Act No. VI of 1859.

(Revised the assent of the Governor General on the 4th March 1859)

1. Governor in Council empowered to appoint a Magistrate for
the Districts mentioned in Schedule Powers of Magistrate. Exem-
ption of Districts from jurisdiction of the Magistrate of Ahmedabad.
Assistants to the Magistrate.

2. Jurisdiction of the Session Judge of Ahmedabad and the Sud-
der Court.

An Act to empower the Governor of Bombay in Council to ap-
point a Magistrate for certain Districts within the Zillah
Ahmedabad.

Whereas it is expedient to provide specially for the
Criminal and Police Administration of such portions of the
Zillah Ahmedabad as are mentioned in the Schedule to this
Act; It is enacted as follows:—

I. It shall be lawful for the Governor of Bombay in
Council to appoint a Magistrate for the Districts mentioned
in the Schedule to this Act; and such Magistrate, when so
appointed, shall exercise within the said Districts all the
powers of a Magistrate as defined in the general Regulations
Upon the appointment of a Magistrate under this Act, the
said Districts shall be exempt from the jurisdiction of the
Magistrate of Ahmedabad. It shall also be lawful for the
said Governor in Council to appoint so many Assistants to
the said Magistrate as may be required.
II. Nothing contained in the preceding Section shall be held to remove the said Districts from the jurisdiction of the Session Judge of Ahmedabad or of the Sudder Fouzdarree Adawlut.

SCHEDULE OF DISTRICTS.

[See Section I.]

Names of Villages under the Gogo Pergunnah:

<table>
<thead>
<tr>
<th>1</th>
<th>Bhawanipatnâ</th>
<th>2</th>
<th>Buparte</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Joona Wadwa</td>
<td>3</td>
<td>Puchpepâ</td>
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<tr>
<td>3</td>
<td>Rocha</td>
<td>4</td>
<td>Rappoor 1st.</td>
</tr>
<tr>
<td>4</td>
<td>Ukwara</td>
<td>5</td>
<td>Rappoor 2nd.</td>
</tr>
<tr>
<td>5</td>
<td>Ullawatnâ</td>
<td>6</td>
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<td>6</td>
<td>Tummanâ</td>
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<td>Ralittu</td>
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<td>7</td>
<td>Malinka</td>
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<tr>
<td>8</td>
<td>Bhoswadnâ</td>
<td>9</td>
<td>Ralittu</td>
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<tr>
<td>9</td>
<td>Bhoobhula</td>
<td>10</td>
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<td>10</td>
<td>Rattupoor</td>
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<td>11</td>
<td>Rattupoor</td>
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<td>Holik</td>
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<td>14</td>
<td>Huk bô</td>
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<td>Motewaynâ</td>
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<td>Paimâ</td>
<td>26</td>
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<td>26</td>
<td>Tagy</td>
<td>27</td>
<td>Ralittu</td>
</tr>
</tbody>
</table>

Names of Villages under the Dhumdeoo Pergunnah

| 1 | Patta  |
| 2 | Bhumblee  |
| 3 | Goolnpoor  |
| 4 | Rattupoor  |
| 5 | Kor  |
| 6 | Jumalâ  |
| 7 | Sunmdeeli, 1st. |
| 8 | Kooor  |
| 9 | Litchedhun  |
| 10 | Sarvam  |
| 11 | Siahwuddur  |

Names of Villages under the Rappoor Pergunnah:

| 1 | Botal.  |
| 2 | Burdhr  |
| 3 | Sarwam  |

Dukkamal, Koon, Rappoor, Toorkha.
Act No. VII of 1859.

(Received the assent of the Governor General on the 14th March 1859.)

2. Provisions of certain Acts to have reference to Schedules annexed to this Act. Proviso.
3. Exception.
5. When this Act shall take effect. Indemnity to Collectors.

An Act to alter the Duties of Customs on goods imported or exported by sea.

I. From and after the 12th day of March 1859 inclusive, so much of Schedules A and B annexed to Act XIV of 1836 (for the levy of duties on imports and exports by sea in the Bengal Presidency), so much of Schedules A and B annexed to Act VI of 1844 (for revising the duties on imports and exports by sea in the Presidency of Fort St. George), so much of the Schedule annexed to Act IX of 1845 (for amending the Schedules of import duties), so much of Schedules A and B annexed to Act I of 1852 (for the consolidation and amendment of the laws relating to the Customs under the Presidency of Bombay), and so much of Sections II, III, and IV, Act XXX of 1854 (for the levy of duties of Customs in the Arakan, Pegu, Martaban, and Tenasserim Provinces), as prescribe the rates of duty to be charged on goods imported into or exported from any Port in India by sea, except the articles of Salt and Opium—are repealed.

II. From and after the 12th day of March 1859 inclusive, all the provisions now in force of the abovementioned Acts, which have reference to the duties of Customs now charged and leviable on goods imported into or exported from any Port in India by sea, shall be taken to have reference to the duties of Customs prescribed in the Schedules* annexed

*Schedules A and B of this Act (and of Act X, 1860, modifying this Act) have been repealed by Act XI, 1862, which has substituted for them other Schedules. These will be found annexed to Act X, 1860, the latter Act not being within the scope of this publication.
to this Act; Provided, that nothing in this Act shall authorize the levy of duties of Sea Customs at any free port, or be deemed to affect the provisions of Acts VI and VII of 1848.

III. Nothing in this Act shall apply to Teak Timber exported from the Arracan, Pegu, Martaban, and Tenasserim Provinces.

IV. And whereas contracts or agreements may have been made for the sale or delivery of goods on which increased or additional duties are imposed by this Act, and which contracts or agreements may have been made without reference to such increased duties, and thereby the several contractors may be materially affected—It is therefore further enacted, that, if any person shall by virtue of any contract entered into before the passing of this Act be bound to deliver, at any time after the passing of this Act, goods hereby made liable to an increased or additional rate of duty, and shall, upon the importation or exportation of any goods which he may deliver in performance of such contract, pay a rate of duty higher than that which was imposed by law on such goods at the time when the contract was entered into, every such person is hereby authorized and empowered to add to the price of such goods a sum equal to the difference between the duty paid under this Act, and the duty which would have been payable under the laws in force when the contract was entered into, and shall have the same remedy for the recovery of such sum as if the same had been part of the price agreed upon.

V. This Act shall take effect on and after the 12th day of March 1859; and every Collector of Customs and other officer is hereby indemnified for any thing done on or after that day in collecting or enforcing the duties imposed by this Act, or in otherwise carrying into effect the provisions hereof, and no action or other proceeding shall be maintained against any such Collector or other officer in respect of any thing so done.

SCHEDULES A and B.

Repealed by Act X, 1860.
GENERAL.

ACT No. VIII. OF 1859.*

(Received the assent of the Governor General on the 22nd March 1859.)

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271. Surplus to be rateably distributed among decree-holders who have taken out execution prior to the order for distribution. Proviso where property is sold subject to a Mortgage.
272. Court may on application order another decree-holder to be satisfied out of proceeds of property attached under a decree obtained fraudulently.

273. On what grounds, application for discharge may be made. Form of application. Verification.

275. Defendant liable to be again arrested, if proved guilty of fraudulent concealment of property, &c.

276. Subsistence-money of a defendant in gaol, how fixed and furnished.

277. Court may vary the allowance in case of illness, or for other special cause.

278. Release of defendant. Imprisonment not to be longer than 2 years. Six months, if decree for money not exceeding 500 Rupees. Three months, if not exceeding 50 Rupees.

279. Subsistence-money to be added to amount of decree.

280. Application by person imprisoned under a decree, for discharge on a surrender of the whole of his property. Verification.

281. Procedure on such application. Defendant to be discharged on plaintiff failing to prove fraud or concealment by defendant. If guilty of fraud or concealment, debtor's imprisonment may be extended to two years; and he may be further dealt with criminally.

282. Though the defendant be discharged, his property is liable for the decree. When Court may declare a defendant absolved from further liability.

284. How a decree of one Court may be executed within the jurisdiction of another Court.

285. Application for such execution.

286. Copy of decree and order for execution to be transmitted.

287. Decree or order transmitted, to be executed as that of the Court.

288. Execution how to be enforced by Court applied to.

289. Wrongful acts or irregularities in executing decree to be punished by Court applied to.

290. Court applied to may in certain cases stay execution, &c.

291. Before staying execution, Court may require security from, or impose conditions upon, defendant.

292. Order of Court passing decree, or of Appellate Court, to be binding upon Court applied to.

293. Liability of defendant discharged, to be re-taken.

294. What appeal from orders for execution under this Act.

295. Warrant of arrest or other process in execution of decrees, how to be enforced in Military Cantonments, &c.

296. Rules contained in this Chapter to be applicable to all Civil process for sale of property, &c.
297. Suits may be brought in formâ pauperis.
298. What suits excepted.
299. Application to be by petition on stamp paper.
300. Petition what to contain.
301. How to be presented. Examination of petitioner, if a female, how to be taken.
302. Petition to be rejected if not in form.
303. If in form, Court how to proceed. If presented by an agent, Court may order petitioner to be examined in like manner as an absent witness.
304. Court may reject the application.
305. Notice to opposite party.
306. After a summary enquiry, the Court to pass a final order.
307. Court may direct a local enquiry.
308. Course of proceeding, if application be admitted.
309. On the decision of the suit, costs how to be calculated.
310. Refusal to allow to sue as a pauper, to bar any subsequent application of the like nature.
311. No appeal from orders under this Chapter.
312. Reference to arbitration on application of the parties.
313. Application how to be made.
314. Nomination and appointment of arbitrators.
316. When the reference is to two or more, the order shall provide for difference of opinion.
318. Extension of time for making award.
319. In case of death, incapacity, or refusal to act of Arbitrators or Umpire, Court may appoint others instead.
320. Award how to be submitted to Court.
321. Arbitrator may state special case.
322. Court may, on application, modify or correct an award in certain cases. And make order respecting the costs of arbitration.
323. In what cases Court may remit the award, or any of the matters referred to arbitration, for reconsideration.
324. Award not to be set aside, except on ground of corruption. Application to set aside the award.
325. Judgment to be according to the award.
326. Agreement of parties to refer to arbitration may be filed in the Court. Provisions of this Chapter applicable.
327. Filing in Court an award, when the matter was referred to arbitration without intervention of Court. Enforcement of such award.
328. Questions of fact, or of law or equity, may be raised by agreement for the decision of any Court having jurisdiction.
329. Agreement to be filed and numbered as a suit.
330. Parties to be subject to the Court's jurisdiction.
331. Hearing and disposal of the case.
332. Appeal to be preferred by a memorandum to be presented to the Appellate Court within specified time.
333. What the memorandum is to contain.
334. Form of memorandum.
335. If memorandum be not in form or not duly presented.
336. One of several plaintiffs or defendants may appeal and obtain a reversal of the whole decree, if it proceed on a ground common to all.
337. Execution of decree may be stayed on appeal, but only if sufficient cause be shown. Court, before making such order, shall require security for due performance of decree or order of Appellate Court.
338. No such security to be required from Government or from any public Officer.
339. How the appeal is to be entered. Form of the Register.
340. Appellate Court may, at its discretion, require security for costs from appellant. Proviso.
341. Appellate Court to send intimation to Lower Court of appeal being registered. Lower Court to transmit papers to Appellate Court. Either party may give notice of Exhibits of which he requires copies to be made and deposited in the Lower Court.
342. Day for hearing the appeal, how to be fixed.
343. Publication and service of notice of the day fixed for hearing the appeal. Form of notice.
344. Consequence of non-appearance.
345. Re-admission of appeals dismissed for default of prosecution.
346. Respondent may object to decision of Lower Court in the same manner as if he had preferred a separate appeal.
347. The Appellate Court how to give judgment.
348. No decision to be reversed for irregularity.
349. When a case may be remanded by Appellate Court.
350. Power to remand limited as above.
351. When the evidence is sufficient, the Appellate Court must determine the case, though the Lower Court has decided on other grounds.
352. Trial of issues by Lower Court on reference from Appellate Court.
355. Parties not allowed to produce additional evidence in Appellate Court, but Court may call for such evidence.
356. How additional evidence is to be taken.
357. Points to be defined.
358. Repealed.
359. Judgment of the Appellate Court In what language it is to be written. Dissent to be recorded
360. What the decree is to contain.
361. A certified copy to be transmitted to the Lower Court.
362. How to be executed.
363. No appeal from order passed before decree, but error or defect therein may be set forth as an objection, if the decree be appealed against.
364. No appeal from order passed after decree and relating to the execution thereof, except as provided.
365. Appeal from orders as to fines or imprisonment.
366. Procedure in appeals from orders
367. Who may appeal as pauper.
368. Application to whom and when to be presented.
369. Form of application.
370. Procedure.
371. Effect of order by Appellate Court.
372. Special appeals to Sudder Court. Grounds of special appeal.
373. Application to be presented to the Sudder Court.
374. Form of application
377. Within what time and on what paper the application should be made.
378. The order for granting or refusing Review to be final.
379. Application for a Review in the Sudder Court must be made to the Judge or Judges that passed the decree.
380. Procedure on application for a Review being granted.
382. Act not to extend, except in certain cases, to Supreme and Presidency Small Cause Courts
383. Saving of jurisdiction and procedure of Village Moonsiffs and Village and District Punchayets in Madras—of Military Courts of Request—of single Officers appointed to try small suits in Madras and Bombay—and of Military Punchayets in Madras.
384. Saving of certain special or local Laws. To what extent this Act applies to them.
385. Act not to take effect in places not subject to the general Regulations, until extended thereto.
An Act for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.

WHEREAS it is expedient to simplify the Procedure of the Courts of Civil Judicature not established by Royal Charter; It is enacted as follows:—

CHAPTER I.

OF THE JURISDICTION OF THE CIVIL COURTS.

I. The Civil Courts shall take cognizance of all suits of a Civil nature, with the exception of suits of which their cognizance is barred by any Act of Parliament, or by any Regulation of the Codcs of Bengal, Madras, and Bombay respectively, or by any Act of the Governor General of India in Council.

II. The Civil Courts shall not take cognizance of any suit brought on a cause of action which shall have been heard and determined by a Court of competent jurisdiction in a former suit between the same parties or between parties under whom they claim.

III. The judgments of the Civil Courts shall not be subject to revision otherwise than by those Courts under the rules contained in this Act applicable to reviews of judgment, and by the constituted Courts of Appellate Jurisdiction.

IV. No person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever excepted from the jurisdiction of any of the Civil Courts.

V. Subject to such pecuniary or other limitations as are or shall be prescribed by any law for the time being in force,
the Civil Courts of each grade shall receive, try, and determine all suits hereby declared to be cognizable by those Courts, if, in the case of suits for land or other immoveable property, such land or property shall be situate within the limits to which their respective jurisdictions may extend, and in all other cases if the cause of action shall have arisen, or the defendant at the time of the commencement of the suit shall dwell, or personally work for gain, within such limits.

VI. Every suit shall be instituted in the Court of the lowest grade competent to try it. But it shall be lawful for the District Court to withdraw any suit instituted in any Court subordinate to such District Court, and to try such suit itself, or to refer it for trial to any other Court subordinate to its authority and competent in respect of the value of the suit to try the same, whenever it may see sufficient cause for so doing. In like manner the Sudder Court may order that the cognizance of any suit or appeal, which may be instituted in any Court subordinate to such Sudder Court, shall be transferred to any other Court subordinate to its authority and competent in respect of the value of the suit or appeal to try the same.

VII. Every suit shall include the whole of the claim arising out of the cause of action, but a plaintiff may relinquish any portion of his claim in order to bring the suit within the jurisdiction of any Court. If a plaintiff relinquish or omit to sue for any portion of his claim, a suit for the portion so relinquished or omitted, shall not afterwards be entertained.

VIII. Causes of action by and against the same parties, and cognizable by the same Court, may be joined in the same suit, provided the entire claim in respect of the amount or value of the property in suit do not exceed the jurisdiction of such Court.

IX. If two or more causes of action be joined in one suit, and the Court shall be of opinion that they cannot con-
veniently be tried together, the Court may order separate trials of such causes of action to be held.

X. A claim for the recovery of land, and a claim for the mesne profits of such land, shall be deemed to be distinct causes of action within the meaning of the two last preceding Sections.

XI. If the suit be for land or other immovable property situate within the limits of a single District, but within the jurisdiction of different Courts, the suit may be brought in the Court within the jurisdiction of which any portion of such land or other immovable property is situate, provided the entire claim in respect of the value of the property in suit be cognizable by such Court; but in such case the Court in which the suit is brought shall apply to the District Court for authority to proceed with the same.

XII. In like manner, if the property be situate within the limits of different Districts, the suit may be brought in any Court, otherwise competent to try it, within the jurisdiction of which any portion of the land or other immovable property in suit is situate, but in such case the Court in which the suit is brought shall apply to the Sudder Court for authority to proceed with the same; if the suit is brought in any Court subordinate to a District Court, the application shall be submitted through the District Court to which the Court is subordinate.

XIII. If the Districts within the limits of which the property is situate are subject to different Sudder Courts, the application shall be submitted to the Sudder Court to which the District, in which the suit is brought, is subject; and the Sudder Court to which such application is made, may, with the concurrence of the Sudder Court to which the other District is subject, give authority to proceed with the same.

XIV. If, in a suit for land situate on the borders of the Court's local jurisdiction, the defendant object to the hear.
ing of the suit on the ground that the land is not included within the local jurisdiction of the Court, the Court shall have power to determine the point; and if the Court shall find that the land is included within its local jurisdiction, it shall proceed to try the suit. Provided that, if it be shown that the land in dispute has been adjudged by competent authority to belong to an estate, village, or other known division of land situate within the local jurisdiction of another Court, the Court in which the suit is brought shall reject the plaint or return it to the plaintiff in order to its being presented in the proper Court.

XV. No suit shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be lawful for the Civil Courts to make binding declarations of right without granting consequential relief.

CHAPTER II.

PRELIMINARY RULES.

XVI. All applications to any Civil Court, and all appearances of parties in any Civil Court, except when otherwise specially provided by this Act, shall be made by the party in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf.

XVII. The recognized agents of parties by whom such applications and appearances may be made are—

1st. Persons holding general powers of attorney from parties not within the jurisdiction of the Court, authorizing them to make such applications and appearances on behalf of such parties.

2ndly. Persons carrying on trade or business for and in the name of parties not within the jurisdiction of the Court, in matters connected with such trade or business only, where no other agent is expressly authorized to make such applications or appearances.
3rdly.—Persons being ex-officio or otherwise authorized to act for Government in respect of any suit or judicial proceeding.

4thly.—Persons specially appointed by order of Government, at the request of any Sovereign Prince or Independent Chief, whether residing within or without the British Territories, to prosecute or defend a suit on his behalf.

Whenever the personal appearance of a party to a suit is required by this Act, such appearance may be made by his recognized agent, unless the Court shall otherwise direct; and anything which by this Act is required or permitted to be done by a party in person may be done by his recognized agent. Notices given to or processes served on a recognized agent relative to a suit shall be as effectual, for all purposes in relation to the suit, as if the same had been given to or served on the party in person, unless the Court shall otherwise direct; and all the provisions of this Act relative to the service of notices or processes on a party to a suit shall be applicable to the service of notices and processes on such recognized agent.

XVIII. The appointment of a pleader to make any such application or appearance as aforesaid shall be in writing, and shall be filed in the Court. When so filed, it shall be considered to be in full force, until revoked by a writing filed in the Court. All notices given to, or processes served on the pleader of any party, or left at the office or ordinary residence of such pleader, relative to a suit, and whether the same be for the personal attendance of the party or not, shall be presumed to be duly communicated and made known to the party whom the pleader represents, and shall be as effectual, for all purposes in relation to the suit, as if the same had been given to or served on the party in person, unless the Court shall otherwise direct.

XIX. When an Officer or Soldier in the service of the Government is a party to a suit, and cannot obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person, he may authorize any member
of his family or any other person to commence, conduct, and manage the suit or the defence, as the case may be, in his stead. The authority shall be in writing, and shall be signed by the Officer or Soldier in the presence of his Commanding Officer, who shall countersign the same, and it shall be filed in the Court. When so filed, the counter-signature of the Commanding Officer shall be sufficient proof that the authority was duly executed, and that the Officer or Soldier by whom it was granted could not obtain a furlough or leave of absence for the purpose of prosecuting or defending the suit in person.

XX. Any person who may be authorized, as in the last preceding Section mentioned, by an Officer or Soldier, to prosecute or defend a suit in his stead, shall be competent to prosecute or defend it in person, in the same manner as the Officer or Soldier could do, if present; or he may appoint a pleader of the Court to prosecute or defend the suit on behalf of such Officer or Soldier. And all notices or processes relative to the suit, which may be served upon any person who shall be so authorized, as aforesaid by an Officer or Soldier, or upon any pleader who shall be appointed as aforesaid by such person to act for or on behalf of such Officer or Soldier, shall be as effectual for all purposes relative to the suit as if the same had been served on the party in person, or on a pleader appointed by him.

XXI. Women, who according to the custom and manners of the country ought not to be compelled to appear in public, shall be exempt from personal appearance in Court.

XXII. The Government may at its discretion exempt from personal appearance in Court any person whose rank in the opinion of the Government entitles him to the privilege of exemption, and may at its discretion withdraw such privilege. The names of the persons so exempted (if any) residing within the jurisdiction of the principal Civil Court of each District shall from time to time be forwarded to such Court by the local Government, and a list of such persons
(if any) shall be kept in such Court and in the several subordinate Courts of the District.

XXIII. Repealed by Act XXIII, 1861, Section 1.

XXIV. If any plaint, written statement, or declaration in writing required by this Act to be verified shall contain any averment which the person making the verification shall know or believe to be false, or shall not know or believe to be true, such person shall be subject to punishment according to the provision of the law for the time being in force for the punishment of giving or fabricating false evidence.

CHAPTER III.

OF A SUIT TILL FINAL DECREE.

OF THE INSTITUTION OF SUITS.

XXV. All suits shall be commenced by a plaint, which, except when otherwise specially provided by this Act, shall be presented to the Court by the plaintiff in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf.

XXVI. The plaint shall be distinctly written in the language in ordinary use in proceedings before the Court, and shall contain the following particulars:—

1.—The name, description, and place of abode of the plaintiff.

2.—The name, description, and place of abode of the defendant, so far as they can be ascertained.

3.—The relief sought for, the subject of the claim, the cause of action and when it accrued: and, if the cause of action accrued beyond the period ordinarily allowed by any law for commencing such a suit, the ground upon which exemption from the law is claimed.

The following are instances:

If the suit be for money due on a bond or other written instrument:—Payment of

Punishment for false verification of plaint, statement, &c.

Suits to be commenced by plaint.

Particulars to be given in the plaint.

due on (a bond

4 z
or other written instrument as the case may be) for the sum of , bearing date the day of , and payable on the day of namely,—

Principal.................................................................
Interest .................................................................
Amount paid (if any) .................................................

Balance due.

If the plaintiff claim exemption from any law of limitation, say—"The plaintiff was an infant (or as the case may be) from the day of to the day of ."

If the suit be for the price of goods sold:—Payment of , on account of maunds of (rice, indigo, sugar, or as the case may be,) sold on the day of , and the price of which became payable on the day of as per account at foot.

If the suit be for damages for an injury done:—Payment of on account of injury done to the plaintiff, [here set out the nature of the injury, and state the particulars of the pecuniary loss (if any)].

4.—When the claim is for any property other than money, its estimated value.

The following is an instance:—

If the suit be for an estate or for a share in an estate paying revenue to Government:—Possession of the estate (or of share in the estate,) called , situate in the Zillah of the sudder jumma of which is and estimated value , of which the plaintiff was dispossessed (or forcibly or fraudulently dispossessed if the case be so,) on the day of ; (or to which the plaintiff became entitled by inheritance from or by gift, purchase, or otherwise, as the case may be, on or about the day of .)

5.—When the claim is for land or for any interest in land, the nature of the tenure or interest must be specified ;
and if the claim be for land forming part of a village or other known division, or for a house, garden, or the like, its situation shall be described by the setting forth of boundaries, or in such other manner as may suffice for its identification.

6.—In all suits by or against the Government, or one of its Officers in his official capacity, or any corporation, or any Company authorized to sue and be sued in the name of an Officer or Trustees, the words “The Government,” or “The Collector of ,” or otherwise as the case may be, or the name of the Corporation, or the name or names of the Officer or Trustees of the Company, shall be inserted in Nos. 1 and 2, instead of the name and description of the plaintiff or defendant. But in all other cases it shall be necessary to specify the names of all the parties.

XXVII. The plaint shall be subscribed by the plaintiff and his pleader (if any), and shall be verified at the foot by the plaintiff in the manner following, or to the like effect:—

I (A. B.) the plaintiff named in the above plaint do declare that what is stated therein is true to the best of my information and belief.

XXVIII. If the plaintiff, by reason of absence or for other good cause, be unable to subscribe and verify the plaint, the Court may allow the plaint to be subscribed and verified on behalf of the plaintiff by any person whom the Court may consider competent to make the verification. In suits by a Corporation or a Company authorized to sue and be sued in the name of an Officer or Trustees, the plaint shall be subscribed and verified on behalf of the Corporation or Company by any Director, Secretary, or other principal Officer of the Corporation or Company who may be able to depose to the facts of the case.

XXIX. If the plaint do not contain the several particulars hereinbefore required to be specified therein, or if it contain particulars other than those required to be specified, whether relevant to the suit or not, or if the statement of particulars be unnecessarily prolix, or if the plaint be not subscribed
and verified as hereinbefore required, the Court may reject the plaint, or at its discretion may allow the plaint to be amended.

XXX. If the amount or estimated value of the claim, as stated by the plaintiff, be beyond the jurisdiction of the Court, the plaint shall be returned to the plaintiff in order to its being presented in the proper Court.

XXXI. If it appear to the Court that the claim is improperly valued, or, being properly valued, that the plaint is written upon stamped paper of inadequate value, and the plaintiff, on being required by the Court to correct such improper valuation or to supply such additional stamp paper as may be necessary, shall not comply with the requisition, the Court shall reject the plaint.

XXXII. If upon the face of the plaint, or after questioning the plaintiff, it appear to the Court that the subject matter of the plaint does not constitute a cause of action, or that the right of action is barred by lapse of time, the Court shall reject the plaint. Provided, that the Court may in any case allow the plaint to be amended, if it appear proper to do so.

XXXIII. Repealed by Act XXIII, 1861, Sec. 1.

XXXIV. A suit by a party ordinarily residing out of the British territories in India, and not possessing any land or other immovable property within those territories independent of the property in suit, shall not be entertained, unless the plaintiff, at the time of presenting the plaint or within such time as the Court shall order, furnish security for the payment of all costs that may be incurred by the defendant in the suit. In the event of such security not being furnished, the Court shall return the plaint to the plaintiff.

XXXV. If in any stage of a suit it shall appear to the Court, that the plaintiff (being sole plaintiff) is a person residing out of the British territories in India, the Court may order him, within a time to be fixed by such order, to furnish security for the payment of all costs incurred and to be
incurred by the defendant in the suit. In the event of such security not being furnished within the time so fixed, the Court shall pass judgment against the plaintiff by default, unless he be permitted to withdraw from the suit under the provisions of Section 97.

XXXVI. Whenever a plaint is rejected under any of the foregoing Sections, an appeal shall lie from the order rejecting the plaint. The rejection of a plaint on any of the grounds mentioned in Sections 29 and 31 shall not preclude a plaintiff from presenting a fresh plaint in respect of the same cause of action.

XXXVII. If the suit be for land or other immovable property, situate partly within the jurisdiction of the Court and partly within the jurisdiction of some other Court or Courts, the Court shall proceed according to the rules contained in Section 11, Section 12, or Section 13, as the case may be.

XXXVIII. If the Court consider the plaint admissible, the particulars mentioned in Section 26 shall be entered in a book to be kept for the purpose, and called the Register of Civil Suits; and the entries shall be numbered in every year according to the order in which the plaint is presented. The Register shall be kept in the form contained in the Schedule (A) hereunto annexed.

XXXIX. When the plaintiff sues upon any written document, or relies upon any such document as evidence in support of his claim, he shall produce the same in Court when the plaint is presented, and shall at the same time deliver a copy of the document to be filed with the plaint; if the document be an entry in a shop-book or other book, the plaintiff shall produce the book to the Court together with a copy of the entry on which he relies. The Court shall forthwith mark the document for the purpose of identification; and, after examining and comparing the copy with the original, shall return the document to the plaintiff. The plaintiff may, if he think proper, deliver the original document to be filed instead of the copy. The Court may, if it see sufficient cause, direct
any written document so produced to be impounded and kept in the custody of some Officer of the Court, for such period and subject to such conditions as to the Court shall seem meet. Any document, not produced in Court by the plaintiff when the plaint is presented, shall not be received in evidence on his behalf at the hearing of the suit without the sanction of the Court.

XLI. If the plaintiff require the production of any written document in the possession or power of the defendant, he may, at the time of presenting the plaint, deliver to the Court a description of the document, in order that the defendant may be required to produce the same.

Of Summoning the Defendant.

XLII. When the plaint has been registered, a summons, under the signature of the Judge and the seal of the Court, shall be issued to the defendant to appear and answer the claim, on a day to be therein specified, in person or by a pleader of the Court duly instructed and able to answer all material questions relating to the suit, or by a pleader who shall be accompanied by some other person able to answer all such questions. The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of issues only, or for the final disposal of the suit, and the summons shall contain a direction accordingly.

XLIII. If the Court see reason to require the personal attendance of the defendant, the summons shall order the defendant to appear personally in Court on the day therein specified. If the Court see reason to require the personal attendance of the plaintiff on that day, it may make an order for such attendance. Provided, that no plaintiff or defendant shall be ordered to attend in person, who at the time is bond fide residing at a distance of more than fifty miles from the place where the Court is held, unless he be resident within the limits of the jurisdiction of the Court.

XLI. The summons to appear shall order the defendant to produce any written document in his possession or
power, of which the plaintiff demands inspection, or upon which
the defendant intends to rely in support of his defence.

XLIV. The summons shall be in the Form contained in
the Schedule (B) hereunto annexed, or to the like effect.

XLV. The day for the appearance of the defendant shall
be fixed by the Court with reference to the place of residence
of the defendant, and the time necessary for the service of
the summons; and the day shall be so fixed as to allow the
defendant a sufficient time to enable him to appear and an-
swer in person or by a pleader on such day

XLVI. In suits against a Corporation or a Company
authorized to sue and be sued in the name of an Officer or
Trustees, the Court may, if it think proper, require the per-
sonal attendance of any Director, Secretary, or other principal
officer of the Corporation or Company, who may be able to
answer all material questions relating to the suit.

SERVICE OF SUMMONS ON THE DEFENDANT.

XLVII. The summons shall be delivered to the Nazir,
or other proper officer of the Court, to be served by himself or
one of his subordinates, and such officer shall be responsible
for its due service.

XLVIII. Service of the summons shall be made by deli-
vering or tendering a copy thereof under the signature of the
Judge and seal of the Court; and when there are more de-
fendants than one, service of the summons shall be made on
each defendant.

XLIX. Whenever it may be practicable, the service shall
be on the defendant in person, unless he have an agent em-
powered to accept the service, in which case service on such
agent shall be sufficient.

L. Besides the recognized agents described in Section
17, any person residing within the jurisdiction of the Court
may be appointed an agent to receive the service of summon-
ses and other processes.
LI. The appointment of such agent shall be in writing, and the original appointment, or a copy thereof if the appointment be a general one, shall be filed in the Court.

LII. The Government pleader in each Court shall be accounted the agent of the Government for the purpose of receiving services of summonses and other judicial processes against the Government, issuing out of the Court in which he may be the pleader of Government.

LIII. When the defendant cannot be found, and has no agent empowered to accept the service of the summons, it may be made on any adult male member of his family residing with him.

LIV. In all cases where the summons is served on the defendant personally, or any agent or other person on his behalf, the serving Officer shall require the signature of the person on whom the service may be made, to an acknowledgment of service, to be endorsed on the original summons or on a copy thereof under the seal of the Court. If such person refuse to sign the acknowledgment, the service of the summons shall nevertheless be held sufficient, if it be otherwise proved to the satisfaction of the Court.

LV. When the defendant cannot be found, and there is no agent empowered to accept the service, nor any other person on whom the service can be made, the serving Officer shall fix the copy of the summons on the outer door of the house in which the defendant is dwelling; and, if he is not dwelling in the place mentioned in the summons, the serving Officer shall return the summons to the Court from whence it issued, with an endorsement thereon that he has been unable to serve it. Provided that, if the serving Officer is informed that the defendant is to be found or has his dwelling in a place within the jurisdiction of the Court other than that indicated in the summons, the Officer may proceed to that place to serve the summons.

LVI. The serving Officer shall, in all cases in which the summons has been served, endorse on the original summons
or on a copy thereof under the seal of the Court, the time when and the manner in which it was served.

LVII. When a summons is returned to the Court without having been served, if the plaintiff shall satisfy the Court that there is reasonable ground for believing that the defendant is keeping out of the way of its Officer for the purpose of avoiding the service of the summons, the Court shall order the summons to be served by fixing up a copy thereof upon some conspicuous place in the Court-house, and also upon the door of the house in which the defendant shall have last resided, if it be known where he last resided; or that the summons shall be served in such other manner as the Court shall think proper. And the service which shall be substituted by order of the Court, shall be as effectual to all intents and purposes as if it had been effected in the manner above specified.

LVIII. Whenever service shall be substituted by order of the Court by virtue of the power contained in the last preceding Section, the Court shall fix such time for the appearance of the defendant as the case may require.

LIX. If the defendant be resident within the jurisdiction of any Court other than that in which the suit is instituted, and have no agent empowered to accept the service, the Court in which the suit is instituted shall transmit the summons, either by an Officer of the Court or by post, to any Court having jurisdiction at the place where the defendant resides, by which it can be most conveniently served, and shall fix such time for the appearance of the defendant as the case may require; and the Court to which the summons is transmitted, shall, upon receipt of the summons, deliver the same to the Nazir or other proper Officer of such Court, to be served in the manner above directed; and upon the return of the summons by the serving Officer, it shall be re-transmitted to the Court from whence it originally issued.

LX. If the defendant be resident out of the British territories in India, and have no agent empowered to accept the service, the summons shall be addressed to the defendant
at the place where he may reside, and forwarded to him by post. In such case the time for the appearance of the defendant shall be regulated by the time which may be required for communication by post between the place at which the Court is held and the place where the defendant resides; and if, on the day fixed for the hearing of the suit, or on any day to which the hearing may be adjourned, the defendant shall not appear in person or by pleader, the plaintiff may apply to the Court, and it shall be lawful for the Court to direct that the plaintiff shall be at liberty to proceed with his suit in such manner and subject to such conditions as to the Court may seem meet.

LXI. When the suit is for land or other immovable property, and the summons for any reason cannot be served on the defendant in person, and the defendant has no agent empowered to accept the service, the summons may be served on any agent of the defendant in charge of such land or other immovable property.

LXII. When the defendant is in the service of the Government, the Court may transmit a copy of the summons to the head Officer of the office in which the defendant is employed, for the purpose of being served on him, if it shall appear to the Court that the summons may be most conveniently so served. If the defendant be an Officer, or Soldier, the Court shall transmit a copy of the summons to the Commanding Officer of the Corps to which the defendant belongs, for the purpose of being served on him. The Officer to whom the summons is transmitted, after causing the summons to be served on the person to whom it is addressed if practicable, shall return it to the Court with the written acknowledgement of such person endorsed thereon. If from any cause the summons cannot be served upon the person to whom it is addressed, it shall be returned to the Court by which it was transmitted with information of the cause which has prevented the service. In such case the Court shall adopt such other means of serving the summons as it may deem proper.
LXIII. When the suit is against a Corporation, or a Company authorized to sue and be sued in the name of an Officer or Trustees, the summons may be served by leaving the same at the registered Office (if any) of the Company, or sending it through the Post Office by a letter addressed to such Office, or by giving it to any Director, Secretary, or other principal Officer of the Corporation or Company.

LXIV. Nothing contained in the preceding rules shall be construed to prevent the Court from substituting for the summons, a letter or other appropriate communication under the signature of the Judge and seal of the Court, when the person whose appearance is required is of a rank which entitles him to such mark of consideration. The letter or other communication shall contain all the particulars required to be stated in the summons, and shall be treated in all respects as a summons.

LXV. When a letter or other communication is substituted for a summons under the authority of the last preceding Section, it may be transmitted through the Post Office, or by a special messenger selected by the Court, or in any other manner which the Court may deem sufficient; unless the party shall have an agent empowered to accept service of judicial process, in which case delivery to such agent shall be deemed sufficient service.

LXVI. Whenever it is provided that any summons, letter, or other communication may be transmitted to the person to whom it is addressed through the Post Office, proof that the same was correctly addressed to such person at his place of residence, and that it was duly posted and registered according to Section XXXVIII of Act XVII of 1834 (for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office), shall be sufficient proof of the due service and delivery of the summons, letter, or other communication, in the absence of evidence to the contrary.
OF SUITS AGAINST GOVERNMENT AND PUBLIC OFFICERS.

LXVII. If the suit be against the Government, the summons shall be served on the Government Pleader. The Court, in fixing the day for the Government to answer to the plaint, shall allow a reasonable time for the necessary communication with the Government through the proper channels, and for the issue of instructions to the Government Pleader to appear and answer on behalf of the Government, and may extend the time at its discretion on the application of the Government Pleader. The Court may also, if it think proper, direct the attendance of a person who may be able to answer all material questions relating to the suit.

LXVIII If the suit be against an Officer of the Government for an act which the plaintiff alleges to have been done by such Officer in his official capacity, the summons shall be served upon such Officer in the manner hereinbefore provided.

LXIX If the Officer on receiving the summons shall consider it proper to make a reference to Government before answering to the plaint, he may move the Court to grant such extension of the time fixed in the summons as may be necessary to enable him to make such reference and to receive orders thereon through the proper channels; and the Court upon such motion may extend the time for so long as shall appear to it to be requisite.

LXX. If the Government shall undertake the defence of the suit, the Government Pleader shall be furnished with authority to appear and answer to the plaint; and, upon motion made by him, the Court shall order a note to that effect to be entered in the Register.

LXXI. If such motion shall not be made by the Government Pleader on or before the day fixed in the notice for the defendant to appear and answer to the plaint, the case shall proceed as in a suit between private parties, except that the defendant shall not be liable to arrest before judgment.

LXXII. If in any such suit the Court shall require the personal appearance of the defendant, and the defendant
shall satisfy the Court that he cannot absent himself from his duty without injury to the public service, the Court shall exempt him from such appearance but he shall be liable to be examined in any way in which an absent witness may be examined.

**HOW PERSONS NOT BEFORE THE COURT MAY BE MADE PARTIES TO A SUIT.**

LXXIII. If it appear to the Court, at any hearing of a suit, that all the persons who may be entitled to, or who claim some share or interest in the subject matter of the suit, and who may be likely to be affected by the result, have not been made parties to the suit, the Court may adjourn the hearing of the suit to a future day to be fixed by the Court, and direct that such persons shall be made either plaintiffs or defendants in the suit as the case may be. In such case the Court shall issue a notice to such persons in the manner provided in this Act for the service of a summons on a defendant.

**OF ARREST BEFORE JUDGMENT.**

LXXIV. If in any suit, not being a suit for land or other immovable property, the defendant, with intent to avoid or delay the plaintiff, or to obstruct or delay the execution of any decree that may be passed against him, is about to leave the jurisdiction of the Court, or has disposed of or removed from the jurisdiction of the Court his property or any part thereof, the plaintiff may, either at the institution of the suit, or at any time thereafter until final judgment, make an application to the Court that security be taken for the appearance of the defendant to answer any judgement that may be passed against him in the suit.

LXXV. If the Court, after examining the applicant and making such further investigation as it may consider necessary, shall be of opinion that there is probable cause for believing that the defendant is about to leave its jurisdiction with the intent of avoiding or delaying the plaintiff, or that he has disposed of or removed from the jurisdiction of the Court his property or any part thereof with the intent to
obstruct or delay the execution of any decree, it shall be lawful for the Court to issue a warrant to the proper Officer, enjoining him to bring the defendant before the Court, that he may show cause why he should not give good and sufficient bail for his appearance.

LXXVI. If the defendant fail to show such cause, the Court shall order him to give bail for his appearance at any time when called upon while the suit is pending, and until execution or satisfaction of any decree that may be passed against him in the suit; and the surety or sureties shall undertake, in default of such appearance, to pay any sum of money that may be adjudged against the defendant in the suit, with costs. Any order made by the Court under the provisions of this Section shall be open to appeal by the defendant.

LXXVII. Should a defendant offer, in lieu of bail for his appearance, to deposit a sum of money or other valuable property sufficient to answer the claim against him, with the costs of the suit, the Court may accept such deposit.

LXXVIII. In the event of the defendant neither furnishing security nor offering a sufficient deposit, he may be committed to custody until the decision of the suit, or, if judgment be given against the defendant, until the execution of the decree if the Court shall so order.

LXXIX. If it shall appear to the Court that the arrest of the defendant was applied for on insufficient grounds, or if the suit of the plaintiff is dismissed or judgment is given against him by default or otherwise, and it shall appear to the Court that there was no probable ground for instituting the suit, the Court may (on the application of the defendant) award against the plaintiff in its decree such amount, not exceeding the sum of One Thousand Rupees, as it may deem a reasonable compensation to the defendant for any injury or loss which he may have sustained by reason of such arrest. Provided that the Court shall not award a larger amount of compensation under this Section than it is com-