Gun carriages, ordnance carts and waggons.
Cavalry horses of mounted Police.
Horses belonging to Officers doing regimental duty at the Presidency or in the said suburbs or station, at the rate of one horse for each Officer.
Carriages and animals kept for sale and not used for any other purpose, if kept by bond-fide dealers in such carriages or animals.

IV. The Lieutenant-Governor of Bengal may appoint such person as he shall deem fit to be Collector of the carriage and horse-tax in the said suburbs and in the said station.

V. Every person who may have owned or had charge of any carriage or animal kept within the said suburbs or station for any number of days in any quarter, shall be liable to the whole tax for that quarter.

VI. If a carriage shall have been under repair at a carriage-maker's for the whole period contained in any quarter, no tax shall be leviable in respect of such carriage for that quarter.

VII. The Collector, at his discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the rates specified in the Schedule.

VIII. Carriages and horses, let out for hire and kept for the time being in premises situated within the said suburbs or station, although owned by livery stable-keepers or others not residing within the limits of the said suburbs or station, shall be subject to the tax; and the sums to be charged for such carriages and horses shall be recoverable from the persons in whose premises they are for the time being kept.

IX. Every carriage of the description rated in the Schedule at one Rupee and eight annas, kept within the...
said suburbs or station and let out for hire, shall be registered in the Office of the Collector, and shall bear, in such manner as the Collector shall direct, the number of such registration. The registration shall be made and the number assigned annually upon such day in each year as the Collector shall appoint. Any person becoming possessed, within the year, of any such carriage which has not been registered, may obtain registration on application to the Collector at his office. When any registered carriage is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

X. Whosoever keeps any such carriage, required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate, be liable to a fine not exceeding Ten Rupees, and the Collector or any officer duly authorized by him may seize or cause to be seized any such carriage (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the horses or other animals drawing the same, and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the Collector or his officer as aforesaid, to seize and detain the same. If the carriage as aforesaid be not claimed, or if the fine be not paid within ten days, such carriage, together with the animals seized with it, may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale, and the surplus (if any), if not claimed by the owner within a further period of twenty days, shall be paid to the Collector.

XI. The Collector shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at his office, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax, a description of the carriages and
animals in respect of which they are liable, and the amount of the tax assessed thereon.

XII. In order to enable the Collector to make such list, the Collector or any officer authorized by him may send to all persons supposed to be liable to the payment of the tax a Schedule, to be filled up with such information respecting the carriages and animals kept by them as the Collector may judge necessary for the assessment of the tax. The Schedule shall be filled up in writing, and signed and dated, and returned to the office of the Collector by every person to whom it is sent, whether or not liable to the payment of the tax; and whoever refuses, neglects, or omits duly to fill up and return such Schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable, on conviction before a Magistrate, to a penalty not exceeding Two Hundred Rupees.

XIII. The Magistrate on the report of the Collector may, if he think proper, summon any person supposed to be liable to the payment of the tax, or any servant of such person, to appear before the Collector: and the Collector may examine such person or his servant as to the number and description of the carriages and horses in respect of which such person is liable to be assessed. If the person summoned shall, without lawful excuse, fail to appear in pursuance of the summons, or shall refuse to answer any lawful question of the Collector, or knowingly give an incorrect answer, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Two Hundred Rupees.

XIV. Any person who may dispute his liability for any assessment made under the foregoing provisions of this Act or the amount of any such assessment, may appeal to the Magistrate. Provided, that such appeal shall be commenced within ten days after the receipt by such person of a bill for the sum claimed from him in respect of such assessment.

XV. The decision of the Magistrate upon every such appeal shall be final and conclusive; and no person shall be
entitled to contest any assessment made under the foregoing provisions of this Act, in any other manner than by appeal to the Magistrate as hereinbefore provided.

XVI. When any sum is due on account of the said tax, the Collector shall cause to be presented to the person liable to the payment thereof a bill for the amount, which shall also contain a statement of the period and a description of the carriages and animals for which the charge is made, together with a notice of the time within which an appeal may be preferred.

XVII. If the bill is not paid by the person liable to pay the same within five days from the presentation thereof, the Collector may cause to be served upon such person a notice of demand in the form (A) contained in the Schedule to this Act, or to the like effect; and if such person shall not, within five days from the service of such notice of demand, pay the sum due or show sufficient cause for non-payment of the same to the satisfaction of the Collector, and if no appeal shall have been preferred, such sum with all costs may be levied by distress and sale of the goods and chattels of the defaulter under a warrant in the form (B) in the Schedule, or to the like effect, to be issued for that purpose by the Collector.

XVIII. The Officer charged with the execution of the warrant of distress shall make an inventory of the goods and chattels seized under any such warrant, and shall at the same time give a notice in writing in the form (C) contained in the Schedule annexed to this Act, to the person in possession thereof at the time of the seizure, that the said goods and chattels will be sold as therein mentioned.

XIX. If the arrear is not paid with costs, or the warrant is not discharged or suspended by the Collector, the goods and chattels seized shall be sold under the orders of the Collector, who shall apply the proceeds or such part thereof as may be necessary in discharge of the said arrears and costs; and the surplus (if any) shall be returned on demand to the
person in possession of the goods and chattels at the time of
the seizure. The fees payable upon distrains under this Act
shall be such as are set forth in the Table of Fees (D) in the
said Schedule.

XX. Instead of proceeding by distress and sale, or in
case of failure to realize by distress the whole or part of any
sum due in respect of the tax, the Collector may sue the
person liable for the same in any Court of competent juris-
diction.

XXI. Previously to the first day of May of each year,
an estimate shall be prepared of the amount required during
the year for the purpose of making and repairing roads in the
said suburbs and in the said station respectively; and such
estimate, when sanctioned by the Lieutenant-Governor of
Bengal, shall be published in the Official Gazette for general
information. The Governor General of India in Council, on
the report of the Lieutenant-Governor, shall determine
whether any and (if any) what proportion of the said esti-
mate shall be paid out of the public Revenues. If, after
deducting such proportion (if any), the said estimate shall
exceed the sum which the carriage and horse-tax is estimated
to produce, with the addition of such further sums as may
be assigned by the Lieutenant-Governor for the said purpose
out of the Ferry Fund, or any other public fund, such excess
shall be added to the amount of the assessment or rate to be
levied in the said suburbs and in the said station under Act
XX of 1856, and such additional assessment or rate shall be
made and recovered according to the provisions of that Act.
Provided that the amount levied by an assessment or rate
under this Section shall not in any case exceed a sum equal
to one-half of the amount levied under the said Act XX of
1856 for the purposes of that Act.

XXII. The proceeds of any assessment or rate made as
aforesaid shall be kept distinct from the proceeds of the as-
essment or rate made for the purposes of the said Act XX of
1856; and such proceeds, together with all sums received by
the Collector of the carriage and horse-tax, and all sums
Collector may
sue in stead of
distress

Estimate of
probable ex-
panse of making
and repairing
roads, to be pre-
pared annually,
and published, if
exceed estimated
produce of tax,
excess how to be
levied.

Collections and
fines to be paid to
Roads Fund. Ap-
propriation of
Fund. No pay-
ment to be made
for certain roads.
assigned by Government as above provided, and all fines and penalties levied under this Act, shall form a Fund which shall be called the suburbs of Calcutta "The Suburban Roads Fund," and in the station of Howrah "The Station Roads Fund." All expenses incurred for the purpose of this Act shall be defrayed from the said Fund, and the residue shall be applied exclusively to making, repairing, and improving roads within the limits of the said suburbs and station. Provided that no payment shall be made from the said Fund for the repair of such roads or parts of roads as are hereinafter described, namely —

In the said Suburbs——

The Barrackpore road with the Lock gate road
The road from the Cossipore gun- foundry to Dum-Dum.
The Belgachya or Dum-Dum road
The Behala or Diamond Harbour road, southward from the cross road to Alipore and Tollygunge
The Bridge Bridge road
The Gurralah or Vulpec road from the end of Old Ballygunge road

The Canal road, and the roads leading from the Canals and Salt-water lake into the Town, namely, the Ballaghatta, Narkool mekh, Ooltaching, Gooreeparah, South Studdah, Khooleh Nintollah, Jonnjoy Buboo’s, Khopagunge, and Khodaghitt roads, and the Soorah road between the Ballaghatta and Narkooldangah roads.

In the said Station——

The Heoghly road northward from the point where it is crossed by the Old Benares road.

The Old Benares road westward from the same point.

Or for making or maintaining any part of any other main road of communication between the Town of Calcutta and the interior of the country which may hereafter be constructed.

XXIII. The Lieutenant-Governor of Bengal shall cause statements to be prepared annually of all expenses incurred on account of making, repairing, and improving the roads of the
said suburbs and of the said station, and of all sums credited to and disbursed from the Suburban Roads Fund and the Howrah Station Roads Fund; and the said statements shall be published in the Official Gazette for general information.

SCHEDULE.

<table>
<thead>
<tr>
<th>Rupees per Quarter</th>
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<tbody>
<tr>
<td>For every 4-wheel carriage on springs, drawn by two horses</td>
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<tr>
<td>For every 4-wheel carriage on springs, drawn by one horse, or pony, or a pair of ponies, under thirteen hands</td>
</tr>
<tr>
<td>For every 4-wheel carriage without springs</td>
</tr>
<tr>
<td>For every 2-wheel carriage on springs</td>
</tr>
<tr>
<td>For every 2-wheel carriage without springs, drawn by a horse, pony, or mule</td>
</tr>
<tr>
<td>For every horse</td>
</tr>
<tr>
<td>For every pony under thirteen hands, or mule</td>
</tr>
</tbody>
</table>

Ponies under eleven hands and children's carriages the wheels of which do not exceed twenty-four inches in diameter, exempt.

A.

NOTICE OF DEMAND.

Take notice that the Collector of the Horse and Carriage-tax for demands from you the sum of due from you for

for the months of 185; and that, if the sum due is not paid into the said Collector's office at

or if sufficient cause for the non-payment of the sum is not shown to the Collector within five days from the service of this notice, a Warrant of Distress will be issued for the recovery of the same with costs.

(Signature of the Collector)

Date.

B.

DISTRESS WARRANT.

To (here insert the name of the Officer charged with the execution of the warrant)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rupees due for the taxes mentioned in the margin for the months of 185, although the said sum has been duly demanded in writing from the said and five days have elapsed since the service of the notice of demand; This is to command you to distrain the goods and chattels of the said to the amount of the said sum
of Rupees and such further sum as may be sufficient to defray the charges of taking, keeping, and selling such distress; and if, within five days next after such distress, the said sum shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distress, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of Rupees and the charges of taking, keeping, and selling such distress, to return the surplus (if any) on demand to the person whom you shall find in possession of the said goods and chattels. If sufficient distress cannot be found of the goods and chattels of the said , you are to certify the same to me together with this Warrant.

(Signature of the Collector.)

C.

FORM OF INVENTORY AND NOTICE.

(State particulars of goods seized.)

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rupees due for the taxes mentioned in the margin for the months of 185 ; and that unless you pay into the office of the Collector of the Horse and Carriage-tax for the amount due together with the costs of this distress, within five days from the day of the date of this notice, the goods and chattels will be sold.

(Signature of the Collector.)

Date______________
D.

Table of Fees payable upon distrains under this Act.

<table>
<thead>
<tr>
<th>Sum distrained for</th>
<th>Fee</th>
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<tbody>
<tr>
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<td>Rs.</td>
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<tr>
<td>Under 1 Rupee</td>
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<tr>
<td>1 and under 3 Rupees</td>
<td>0</td>
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<td>3</td>
<td>1</td>
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<td>3 &quot; 10 &quot;</td>
<td>1</td>
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<td>10 &quot; 15 &quot;</td>
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<td>20 &quot; 25 &quot;</td>
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<td>35 &quot; 30 &quot;</td>
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<td>50 &quot; 60 &quot;</td>
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<td>60 &quot; 80 &quot;</td>
<td>7</td>
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<td>80 &quot; 100 &quot;</td>
<td>9</td>
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<tr>
<td>Above &quot; 100 &quot;</td>
<td>10</td>
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</tbody>
</table>

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

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Act XIII of 1858.

Expired.

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Act No. XIV of 1858.

1. General superintendence and control of the education of male Minor Wards vested in Zillah Judges.


3. The right to the custody of the person of a male Minor vested in Guardian appointed by the Zillah Judge with the confirmation of Sudder Court.

4. Appeal from the orders of a Zillah Judge to lie to Sudder Court.
An Act to extend the provisions of Act XXI of 1855 in the Presidency of Fort Saint George to Minors not subject to the superintendence of the Court of Wards.

Whereas, by Section XX Regulation V. 1804 and Section III Regulation X. 1831 of the Madras Code, the Zillah Courts, subject to the confirmation of the Sudder Adawlut, are authorized and required to appoint guardians to the Minor heirs of property of every description not subject to the jurisdiction of the Court of Wards, and by Clause 9 Section XXI of the former Regulation the guardians are required to provide for the education of their Wards in a manner suitable to their rank and condition, and whereas, by Act XXI of 1855, better provision has been made for the education of Minors subject to the superintendence of the Court of Wards, and it is expedient that the same powers which are thereby given to the Collectors and Court of Wards in respect of the Minors under their superintendence should be exercised by the Zillah Courts, subject to the control of the Sudder Adawlut, in respect of the Minors for whom they are required to appoint guardians; It is enacted as follows:

I. The general superintendence and control of the education of every male Minor, for whom a guardian has been or shall be appointed by the Zillah Court, is hereby vested in the Judge of the Zillah Court of the district within whose jurisdiction such Minor’s estate is situate; or, if such Minor is possessed of immoveable property within the jurisdiction of more than one Zillah Court, in the Judge of such Court as the Sudder Adawlut shall direct.

II. The Judge of the Zillah Court, subject to the control of the Sudder Adawlut, is hereby authorized to exercise in respect of such Minor and the guardian of such Minor all the powers and authorities which, by Sections II, III, IV, and V, Act XXI of 1855, the Collector of Revenue or the Court of Wards is authorized to exercise in respect of Minors and guardians of Minors whose property is under the management of the Court of Wards.
III. The right to the custody of the person of every male Minor, for whom a guardian is appointed by the Judge of the Zillah Court, is hereby vested in the person appointed by the Judge of the Zillah Court, with the confirmation of the Court of Sudder Adawlut, either originally or upon the removal of a former guardian, to be the guardian of such Minor.

IV. All orders and proceedings of a Judge of a Zillah Court under the provisions of this Act shall be subject to the revision of the Court of Sudder Adawlut, and every person aggrieved by any such order or proceeding may prefer an appeal therefrom to the Court of Sudder Adawlut.

**Act No. XV of 1858.**

1. *Port-due on vessels of ten tons and upwards entering Port.*
2. *No Port-due on vessels compelled to put back.*
3. *No vessel to pay Port-due oftener than once a month.*
4. *Port-due on vessels leaving Port within seven days without breaking bulk.*
5. *Vessels entering the Port in ballast.*
6. *Commencement of Act. Rates of Port-dues to be published. No other Port-dues or fees to be levied.*
7. *Act to be read as part of Act XXII of 1855.*

"An Act for the levy of Port-dues in the Port of Aden."

WHEREAS it is necessary to fix the amount of the Port-dues to be hereafter levied and taken in the Port of Aden in accordance with the provisions of Act XXII of 1855; It is enacted as follows:—

I. A Port-due, at a rate not exceeding the rate of one anna for every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of ten tons and upwards (except fishing boats) which shall enter the said Port.

II. Provided, that no such due shall be chargeable in respect of any vessel which, having left the Port, is compelled to re-enter it by stress of weather, or in consequence of having sustained any damage.
III. The Port-due chargeable under this Act shall not be chargeable oftener than once in the same calendar month in respect of the same vessel.

IV. Vessels entering the Port, and leaving the same within seven days, without discharging or taking in any cargo or passenger therein, shall be charged with one-half only of the Port-due which would otherwise be chargeable.

V. Vessels entering the Port in ballast shall be charged with three-fourths of the Port-due which would otherwise be chargeable.

VI. This Act shall commence and have effect on the first day of May 1858; and the local Government shall on or before that date, pursuant to Section XLII, Act XXII of 1855, declare, by notification to be published in the Bombay Gazette, the rates at which Port-dues shall be levied in the said Port, subject to the provisions of and within the limits prescribed by this Act; and from and after the said date, no Port-due or fee shall be levied at the said Port, except under the authority of Act XXII of 1855 and of this Act.

VII. This Act shall be read with and taken as a part of Act XXII of 1855.

Act No. XVI of 1858.

An Act to extend Act XXV of 1855.

Whereas it may be found expedient to establish at Ootacamund on the Neilgherry Hills a Subordinate Criminal Court constituted according to Regulation II. 1827 of the Code of Fort Saint George; It is enacted as follows:

When the Governor in Council of Fort Saint George shall establish at Ootacamund on the Neilgherry Hills a Subordinate Court constituted according to Regulation II. 1827 of the Code of Fort Saint George, the provisions of Sections I and II of Act XXV of 1855 shall apply to commitments made by such Court; and it shall be lawful for the Judge of such Court to exercise, by appointment of the
Government of Fort Saint George, all the powers of a Joint Magistrate.

**ACT NO. XVII OF 1858**

1. **Laws repealed.**
2. **Commencement of Act.**

An Act to repeal the Laws relating to the levy of Light dues at Ports within the limits of the Gulf of Cambay.

**WHEREAS** provision has been made by law for raising a Fund by the levy of Port-dues in certain Ports within the limits of the Gulf of Cambay, which Fund will be available as well for the construction and maintenance of Light-houses within the said limits, as for expenses incurred on account of any of the said Ports; and it is therefore no longer necessary to levy Light-dues at any Ports within the said limits; It is enacted as follows:—

I. Regulation VI. 1831 of the Bombay Code and Act I of 1836 are hereby repealed.

II. This Act shall commence and have effect from and after the 1st day of May 1858

**ACT NO. XVIII OF 1858.**

1. **Sections XVI and XXIV Act XXII of 1855 to be applicable to certain Ports. Recovery of penalties and expenses.**
2. **Consent of Principal Officer of Customs or other Officer necessary for discharging ballast, &c.**

An Act for the regulation of certain Ports within the Presidency of Fort St. George.

**WHEREAS** it is expedient to provide for the safety of vessels and the convenience of traffic in ports within the Presidency of Fort St. George declared under Section XXIV Act VI of 1844 to be Ports for the landing and shipment of merchandise, but to which the general provisions of Act XXII of 1855 are not suitable; It is enacted as follows:—

I. The provisions contained in Sections XVI and XXIV of Act XXII of 1855 shall be applicable to the Ports men-
tioned in the Schedule to the Act annexed, being Ports declared by the Governor in Council of Fort St. George under Section XXIV Act VI of 1844, to be Ports for the landing and shipment of merchandise; and may be enforced by any Magistrate to whose ordinary jurisdiction any such Port is subject: and any penalties imposed by such Magistrate, and any expenses incurred by his order under the said provisions, shall be recoverable respectively in the manner provided in Sections LV and LVII of the said Act XXII of 1855.

II. In any of the said Ports, the consent referred to in Section XXIV of the said Act XXII of 1855 may be given by the principal Officer of Customs at such Port, or by any other officer in that behalf appointed by Government.

SCHEDULE.

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**Act No. XIX of 1858.**

1. After passing of Act, no document required by Regulation X. 1829 to be stamped, shall be filed, &c., unless bearing stamps authenticated as prescribed.


3. Notification to be published of distinguishing mark on stamps issued after 6th January 1858.

4. Proclamation to be made requiring unused paper bearing stamps issued prior to the 6th January 1858, to be sent in for authentication.

5. Such unused stamped paper, if proved to have been honestly acquired, shall be authenticated by the Government Officer.

6. Such unused stamped paper, if not proved to have been honestly acquired, or if not sent in within prescribed time, to be detained as Government property.

7. Police Officer empowered to search for and seize unauthenticated stamped paper.

8. Interpretation.
An Act to provide for the authentication of Stamped Paper issued from the Stamp Office in Calcutta.

WHEREAS, during the recent disturbances, a large quantity of Stamped Paper issued from the Stamp Office in Calcutta, and remaining unsold in several of the Collector's Treasuries and in the possession of divers Stamp vendors was plundered; and it is necessary to provide against the unlawful use of such Stamped Paper, and the loss which would ensue to Government from such use thereof; It is enacted as follows:—

I. After the passing of this Act, no deed, instrument or other writing specified in Schedule A Regulation X. 1829 of the Bengal Code and required by that Regulation to be stamped, and which shall bear date or shall appear to have been written after the passing of this Act, shall be filed, exhibited, or received in any Court of Justice or in any public Office, unless the stamped paper, vellum, parchment, or other material upon which such deed, instrument, or other writing is written, shall either bear such stamp, signature, or other mark as hath been or shall be prescribed by the Governor General in Council or by the Lieutenant-Governor of Bengal for the purpose of distinguishing stamps issued from the Stamp Office in Calcutta after the 6th day of January 1858, or be authenticated as having been duly purchased by having thereon the signature and official designation either of the Superintendent of Stamps in Calcutta, or of the Collector of some District, or of his Deputy or Assistant, together with the date of such signature.

II. After the passing of this Act, no law-paper specified in Schedule B of the said Regulation and required by such Regulation to be stamped, shall be filed, exhibited, or received in any Court of Justice or in any public Office unless such law-paper shall either bear the stamp, signature or other mark required for distinguishing stamps issued subsequently to the said 6th day of January 1858, or be authenticated as having been duly purchased by having thereon the signature and official designation either of the

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No document required by Reg. X. 1829 to be stamped shall be filed, &c., unless bearing stamps authenticated as prescribed.

Authentication of stamps on law-papers mentioned in Schedule B of Reg. X. 1829.
Superintendent of Stamps in Calcutta, or of the Collector of
some District, or of his Deputy or Assistant, together with
the date of such signature.

III. A notification of the stamp, signature, or other
mark prescribed for distinguishing stamps issued from the
Stamp Office in Calcutta after the 6th day of January 1858,
shall be published in the Calcutta Government Gazette and
in such other Gazettes as shall be published or shall circulate
in any District in which stamps issued from the Stamp Office
in Calcutta are used.

IV. In every District in which stamps issued from the
Stamp Office in Calcutta are required by the said Regulation
X. 1829 to be used, a proclamation shall be issued by
the Collector requiring all persons, within a time to be
specified in the proclamation, not being less than one month
from the date of such proclamation, to cause all unused pa-
paper, vellum, parchment, or other material stamped under the
provisions of the said Regulation, which may be in their
possession, not bearing the stamp, signature, or other mark
required for distinguishing stamps issued after the 6th day
of January 1858, and which shall not have been authenticated
in the manner above required, to be sent in to, or produced
at, the office of such Collector or of his Deputy or Assistant
for the purpose of being authenticated or exchanged for new
stamps.

V. Every person who, within the time specified in the
proclamation, or within such further time as the Collector or
his Deputy or Assistant shall consider reasonable under the
circumstances of any particular case, shall cause to be pro-
duced at such Office as aforesaid, any such unused stamped
paper, parchment, vellum, or other material as aforesaid, and
shall prove to the satisfaction of the Collector or of his Deputy
or Assistant that such stamp was honestly obtained from
Government and paid for, shall be entitled to have the same
authenticated by such officer in manner aforesaid, or to have
the same exchanged by such officer for new stamps of the
same amount.
VI. Any such unused stamped paper, parchment, vellum, or other material so sent in or produced as aforesaid, which shall not either bear the stamp, signature, or other mark required for distinguishing stamps issued after the said 6th day of January 1858, or have been authenticated in manner aforesaid, and which shall not be proved to the satisfaction of the Collector or of his Deputy or Assistant to have been honestly obtained from Government and paid for, shall be detained by such officer as Government property; and any such stamped paper, parchment, vellum, or other material, which shall be found in the possession of any person, may be seized by any Magistrate or by any Officer of Police or Revenue Officer, and sent in to the Collector's office; and if such paper, parchment, vellum, or other material shall be so found after the time required for sending in the same for authentication or exchange, it may be detained as the property of Government.

VII. Any Officer of Police having power by law to search for stolen property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or places in which there may be reasonable cause to suspect that there is any such stamped paper, parchment, vellum, or other material not bearing the stamp, signature, or other mark required for distinguishing stamped paper issued after the 6th day of January 1858, and not authenticated in manner aforesaid as having been duly purchased from Government, and may seize and transmit to the Collector any such stamped paper as aforesaid.

VIII. The words "Collector" or "his Deputy or Assistant" shall be deemed to include any officer exercising the powers of a Collector or of his Deputy or Assistant respectively.

Act No. XX of 1858.

Expiring.
ACT No. XXI of 1858.*

1. What shall be deemed a "Native Passenger Ship," within the meaning of this Act.
2. Native Passenger Ship to sail only from Ports appointed by Government.
3. Not to sail without having obtained a certificate.
4. Penalty.
5. Appointment of Officers to carry out this Act.
6. Master to give notice of day of sailing, &c.
7. Power to enter and inspect Ship.
8. Ship may be surveyed.
9. Officers to be satisfied before giving certificate.
10. Number of passengers.
11. List of passengers.
12. Ship taking additional passengers and touching at intermediate Port.
13. Penalty for fraudulent alteration in Ship after certificate obtained.
14. Information to be transmitted to ports of embarkation.
15. Report of Consul, &c., to be admissible in evidence.
16. Length of voyage to be fixed by proclamation.
17. Quantity of provisions and water to be shipped.
18. Contract by passenger for supply of their own provision
19. Penalty on Ships bringing excessive number of passengers from certain foreign Ports to Indian Ports.
20. Act not to apply to Ships of War, &c., nor to sea-going Steam Vessels conveying public Mails.
21. Certificates to be furnished to Coasting Steam Vessels intended to carry passengers.
22. Certificates to Coasting Steam Vessels how to be granted, &c.
23. Copy of certificate to be placed in conspicuous part of Ship.
24. Penalty for excess of number specified in certificate.
25. Penalty for proceeding without certificate.
26. Grant of certificate to be subject to control of Government.
27. Penalty on landing Passenger at a place other than that at which he has contracted to land.
29. Adjudication of offences and recovery of penalties. Sum ordered to be paid, leviable by distress on Ship.
30. Jurisdiction.
31. By whom proceedings for penalties to be instituted.
32. Application of penalties.

34. Commencement of Act.

An Act for the regulation of Native Passenger Ships, and of Steam Vessels intended to convey Passengers on coasting voyages.

Whereas abuses have occurred in the over-crowding of Ships conveying Native Passengers between ports and places within the territories in the possession and under the government of the East India Company and ports and places in the Red Sea or Persian Gulf; and whereas it is expedient to prevent such abuses, and to provide for the regulation of all Ships carrying Native Passengers as aforesaid which shall depart from or arrive at any of the ports or places within the said territories, and also for the regulation of Steam Vessels intended to carry passengers on coasting voyages, it is enacted as follows—

I. Every Vessel carrying more than thirty passengers being natives of Asia or Africa, which may depart or proceed on any voyage from a port or place within the said territories to any port or place in the Red Sea or Persian Gulf, or which may arrive at any port or place within the said territories from any port or place in the Red Sea or Persian Gulf, having on board more than thirty such passengers, shall be deemed a Native Passenger Ship within the meaning of this Act.

II. No Native Passenger Ship shall depart or proceed upon any voyage to which this Act extends from any port or place within the said territories other than such ports and places as the Local Government may from time to time appoint; and after any Native Passenger Ship has departed or proceeded upon any such voyage from a port or place so to be appointed, no person whatsoever shall be received on board as a passenger, except at some other duly appointed port or place.

III. No Native Passenger Ship shall depart or proceed upon any such voyage from any port or place appointed

What shall be deemed a "Native Passenger Ship."

Native Passenger Ship to sail only from appointed Ports.

Not to sail without certificate.
under this Act, until the Master shall have obtained a certificate from an officer authorized to grant the same.

IV. If any Native Passenger Ship depart or proceed upon a voyage from any port or place within the said territories, or if any person is received as a passenger on board a Native Passenger Ship in contravention of the provisions of the last two preceding Sections, the Owner or Master shall be liable to a penalty not exceeding One Hundred Rupees for every passenger conveyed on a ship unlawfully departing or proceeding on such voyage; or for every passenger unlawfully received on board; and the Ship, if found within two years in any place within the said territories, may be seized and detained by any Chief Officer of Customs until the penalties incurred under this Act have been adjudicated, and the payment thereof, with all costs, have been enforced under the provisions of Section XXIX.

V. The Local Government shall appoint such persons as it may deem proper to exercise or perform the powers and duties conferred or imposed by this Act.

VI. The Master of any Native Passenger Ship sailing from any port or place appointed under this Act shall give notice to the proper Officer that the Ship is to carry Native Passengers, and of her destination, and of the proposed day of sailing; such notice shall be given not less than three days before the proposed day of sailing.

VII. After receiving such notice, the Officer aforesaid, or any person authorized by him, shall be at liberty at all times to enter and inspect the Ship and the fittings, provisions, and stores therein; and any person impeding or refusing to allow such inspection, shall be liable, on conviction, to a penalty not exceeding Five Hundred Rupees for each offence.

VIII. The Officer aforesaid may, if he think fit, cause the ship to be surveyed at the expense of the Master by a competent surveyor, who shall report whether the ship is, in his opinion, sea-worthy and fit for her intended voyage.
IX. The Officer aforesaid shall not give his certificate, unless he shall be satisfied—

1. That the Ship is sea-worthy and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage to prejudice the health or safety of the passengers.

2. That the space appropriated to the passengers in the between-decks contains at the least nine superficial and fifty-four cubical feet of space for every adult passenger on board, that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years.

3. That a space of four superficial feet per adult is left clear on the upper deck for the use of the passengers.

4. That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the scale herein-after contained.

X. No such Ship shall carry any greater number of passengers than, together with the Master and crew, shall amount to the proportion of two persons for every three tons of the registered or estimated tonnage of the Ship.

XI. The Master of any such Ship, before departing or proceeding on any such voyage from any port or place within the said territories, shall sign two lists, specifying (as accurately as may be) the names of all the passengers, and stating the number of the crew; and shall deliver them to the Officer aforesaid, who shall thereupon (after having first mustered the passengers and compared the number and names of such passengers with the lists) countersign and return to the Master one of such lists. The Master shall note in writing on such last mentioned list, and on any additional list to be made under this Act, the date and supposed cause of death of any passenger who may die on the voyage and shall forthwith, on the arrival of the Ship at her destination or at any port in the said territories at which
it may be proposed to land passengers, and before any passengers are landed, produce the list, with any additions thereto made, to any person lawfully exercising Consular authority on behalf of Her Majesty at the port of arrival, if it be a Foreign Port, or to the Chief Officer of Customs, or the Officer (if any) appointed under this Act, at any port or place within the said territories at which it shall be intended to land the passengers or any of them. In case of non-compliance with any of the requirements of this Section on the part of the Master, or if any false entry be wilfully made in any such list, the Master shall be liable to a penalty not exceeding Five Hundred Rupees for each offence.

XII. If, after the Ship shall have departed or proceeded on any such voyage, any additional passengers are taken on board at a port or place, within the said territories, appointed under this Act for the embarkation of passengers, or if such Ship shall, upon her voyage, touch or arrive at any such port, having previously received on board additional passengers at any place out of the said territories, the Master shall obtain a fresh certificate from the Officer at such port, and lists of all such additional passengers shall be made; and all the provisions hereinbefore contained in that behalf shall be applicable to any certificate to be granted or any list to be made under this Section.

XIII. If any Master of a Ship, after having obtained a certificate under Section III or Section XII of this Act, shall fraudulently do or suffer to be done any act or thing whereby such certificate shall become inapplicable to the altered state of the ship, its passengers, or other matters to which such certificate relates, he shall be liable to a penalty not exceeding Two Thousand Rupees.

XIV. The Chief Officer of Customs, or the Officer (if any) appointed under this Act at any port or place within the said territories at which the ship shall touch or arrive, shall, with adverscence to the requirements of this Act, transmit any particulars which he may deem important respecting the ship and the passengers conveyed therein, to the Officer at
the port from which the ship commenced her voyage, and also to the Officer at any other port within the said territories where the passengers or any of them embarked.

XV. In any proceeding for the adjudication of any penalty incurred under this Act, any document purporting to be a report of such particulars as are referred to in the last preceding Section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising Consular authority on behalf of Her Majesty in any Foreign Port, shall be received in evidence, if the same appears to have been officially transmitted to any Officer at or near the place where the proceeding 'under the Act is had.

XVI. It shall be lawful for the local Government, by any proclamation to be from time to time issued for that purpose and published in the Government Gazette (if any) or in one of the public newspapers, to declare what shall be deemed, for the purposes of this Act, the duration of the voyage of any Native Passenger Ship from any port or place to any other port or place.

XVII. Every Native Passenger Ship, at the time of departure from the port or place at which passengers shall be embarked under this Act, shall have on board good and wholesome provisions for the use and consumption of the passengers, over and above the victualling of the crew, to the amount or in the proportion following, that is to say, a supply or water to the amount of five gallons to every week of the computed voyage for every passenger on board, such water being carried in tanks or sweet casks, and a supply of rice, flour, oatmeal, or bread stuffs to the amount of seven pounds weight to every week of the computed voyage for every such passenger; Provided always, that, when any such Ship shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water-casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this Act. The provision of...
this Section regarding food shall be deemed to have been complied with in any case where it shall appear that, by the special authority of the local Government, any other articles of food were substituted for the articles above enumerated as being equivalent thereto.

XVIII. The requirements of this Act respecting the supply of provisions for passengers shall not, except as to the supply of water, be applicable to any passenger who may have contracted to furnish his own provisions.

XIX. If any Ship, bringing passengers from any port or place in the Red Sea or Persian Gulf to any port or place within the said territories, shall have on board a greater number of passengers or persons than in the proportion prescribed by this Act, the Master of such Ship shall, in addition to any other penalty which he may have incurred under the provisions of this Act, be liable, on conviction, to a penalty not exceeding Fifty Rupees for each person in excess of such proportion.

XX. Nothing in the foregoing provisions of this Act contained shall apply to any Ship of War or Transport belonging to or in the service of Her Majesty or of the East India Company, or to any Ship of War belonging to any Foreign Prince or State, or to any Ship under contract with the Government of any European State, or to any sea-going Steam Vessel regularly employed in the conveyance of the public Mails under a contract.

XXI. Steam vessels which may be intended to carry passengers on coasting voyages from or to any port or place whatsoever within the said territories, shall, before proceeding on such voyages, be furnished with certificates to be granted in the manner hereinafter provided.

XXII. Every such certificate shall be granted at the discretion of an Officer authorized to grant the same by the local Government, and shall remain in force for the period herein specified, unless sooner revoked. The Officer so authorized shall not grant such certificate, or suffer the same to
remain in force, unless he is satisfied, by inspection or survey (to be made at least twice in each year at the expense of the Master or Owner, and upon payment of a fee not exceeding twenty Rupees), that such Steam Vessel is sea-worthy and properly equipped with boats and otherwise, and that the engines and machinery are in a fit state to enable her to proceed on her voyage. The certificate shall state the limits (if any) within which the Vessel is to ply, and the number of Native Passengers which the Vessel is permitted to carry: such number to be subject to such conditions and variations according to the time of year, the nature of the voyage, and the cargo carried, as the case requires.

XXIII. The Owner or Master of any such Steam Vessel shall put up in a conspicuous part of the ship, so as to be visible to persons on board the same, a copy of the said certificate, and shall cause it to be continued in such position so long as the certificate remains in force; and in default, such Owner or Master shall for each offence be liable to a fine not exceeding Two Hundred Rupees.

XXIV. If such Steam Vessel has on board thereof any number of passengers which, having regard to the time of the year and other circumstances, is greater than the number allowed by the certificate, the Owner or Master shall be liable to a fine not exceeding Twenty Rupees for every passenger over and above the number allowed by the certificate.

XXV. If any such Steam Vessel shall proceed on any such voyage without such certificate as aforesaid, the Owner or Master shall be liable to a fine not exceeding Five Hundred Rupees.

XXVI. In the grant or revocation of any certificate whatsoever under this Act, the Officer granting the same shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

XXVII. If any Native passenger in any ship shall be landed at any port or place other than the port or place at
which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or other unavoidable accident, the Master shall, for each offence, be liable to a penalty not exceeding Two Hundred Rupees.

XXVIII. Nothing in this Act contained shall take away or abridge any right of action which may accrue to any Native Passenger, or to any other person, in respect of the breach or non-performance of any contract made with the Master or Owner of the ship or his agent.

XXIX. All offences against this Act shall be punishable in a summary manner by a Magistrate. If the person directed to pay any penalty is the Master or Owner of a ship, and the same is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the said ship, her tackle, furniture, and apparel.

XXX. For the purpose of the adjudication of penalties under this Act, any offence shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

XXXI. The penalties to which Masters and Owners of ships are liable by this Act, shall be enforced only by information laid at the instance of the officers appointed to grant certificates under this Act; or at any port or place where there is no such officer, by the Chief Officer of Customs.

XXXII. Any Magistrate imposing any penalties under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage, which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings.

XXXIII. The word "Magistrate" in this Act shall include a Magistrate of Police appointed under Act XIII of
1856, a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate, and at the Port of Aden the Political Resident and his Assistant.

The words "Local Government" shall mean the person or persons for the time being immediately administering the Executive Government of that portion of the said territories where the port or place in question is situate.

The word "Master" shall include every person having command or charge of a Ship or Steam Vessel.

XXXIV. This Act shall commence and take effect from and after the 1st day of August 1858.

Act No. XXII of 1858.

EXPIRED.

Act No. XXIII of 1858.

1. Act repealed.

2. Kurnool placed under the operation of the general Laws.

An Act for bringing the District of Kurnool under the Laws of the Presidency of Fort Saint George.

WHEREAS it is expedient that the District of Kurnool should be brought under the laws of the Presidency of Fort Saint George; It is enacted as follows:—

I. Act X of 1843 is hereby repealed.

II. It is hereby enacted that, from and after the first day of July 1858, the District of Kurnool shall be subject to the Laws in force for the administration of Justice and collection of the Revenue in the several Zillahs and Collectories under the Presidency of Fort Saint George.
Act No. XXIV of 1838.

 Expired.

Act No XXV of 1838

1. Repeal of laws
2. Present assessment to remain in force until revised
3. Act XXV of 1836 incorporated Constructions
4. Number, appointment, and election of Commissioners
5. Commissioners incorporated
6. Tenure of office by Commissioners.
7. Meetings of Commissioners.
8. Pay of Commissioners
9. Commissioners not to be under control of the Justices.

10. Rate on houses and lands
11. Exemptions
12. Government buildings
13. Power to exempt small holdings
14. Remission on account of vacant houses.
15. Tax on vehicles and animals
16. Exemption of certain vehicles and animals
17. What constitutes liability to the tax for a whole quarter

18. Carriages under repair.
19. Commissioners may compound with livery stable-keepers & others.
20. Registry and numbering of hired carriages.
21. Penalty for not registering
22. Levy of Town-Duties.
23. Town-Duties by whom to be levied and collected.
24. Town-Duties to be paid into the Treasury.
27. Charges previously incurred for Municipal purposes to be borne by present Municipal Fund.
29. Contribution to the annual expenses of the Police.
30. Annual payment on account of Water-works.
31. Annual payment on account of Drainage-works.
32. **Recovery of expenses incurred by the Commissioners in the execution of certain works required by Act XIV of 1856 to be executed by the owners of property.**

An Act for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay.

Whereas it is expedient to make better provision for the appointment of Commissioners for the Conservancy and improvement of the Town of Bombay, and for assessing and levying rates and taxes for Municipal purposes in the said Town; and whereas it is also expedient to provide additional funds for improving the Drainage of the said Town, and for repaying the expense incurred by Government in the construction of works for supplying water to the said Town; It is enacted as follows.—

I. So much of the 158th Section of the Act of Parliament 33 Geo III., Cap 52 as remains in force; so much of Chapters II, IV, and VI of Regulation XIX 1827 of the Bombay Code as remains in force, except Section XIII of Chapter II, and so much of Act VII of 1836 as relates to the repealed portions of those Chapters; Regulations XXXII 1827 of the same Code; and Act XI of 1845—are hereby repealed, except so far as they repeal any other Act, and except as to any assessment or tax which shall be unpaid, and as to any proceeding for the recovery of the same which shall have been commenced before this Act comes into operation.

II. The assessment on houses, buildings, and grounds, made under the said Statute and the said Act XI of 1845, shall, until revised and altered under the provisions of this Act, remain in full force and effect, and shall be levied and recovered as a rate payable under this Act.

III. Act XXV of 1836, entitled "An Act to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," is incorporated with this Act. In construing the said
Act, the expression “the Special Act” shall mean this Act; the expression “the Commissioners” shall mean the Municipal Commissioners constituted by this Act; and the expression “the Local Government” shall mean the Governor of Bombay in Council.

IV. There shall be three Commissioners for the purposes of this Act, and for the Conservancy and improvement of the Town of Bombay under Act XIV of 1836. The Governor in Council shall appoint one of the Commissioners, who shall be President of the Board of Commissioners. The other two Commissioners shall be elected by Her Majesty’s Justices of the Peace in Sessions assembled.

V. The Commissioners shall be styled “The Municipal Commissioners for the Town of Bombay,” and shall by such name be a body corporate and have perpetual succession and a common seal, and by such name shall sue and be sued.

VI. The Commissioner appointed by the Governor in Council shall be removable at his pleasure. The two elected Commissioners shall remain in office for a period of three years, and at the end of every three years successively a like new election shall take place, but the same persons or either of them may be re-elected; and in the event of a vacancy occurring, by death or otherwise, within the said period, the Justices in Sessions assembled shall, as soon as convenient, elect a person to supply the vacancy until the next triennial election.

VII. The Municipal Commissioners shall meet once at least in every week. The attendance of two shall be necessary to constitute a meeting. At a meeting of two, on questions on which they are divided in opinion, if the President be one of them, he shall have a casting vote; otherwise the question shall be reserved for the decision of a future meeting.

VIII. The Municipal Commissioners may receive such allowances out of the funds to be raised under this Act as
shall be, from time to time, fixed by the Governor in Council. Provided, that the allowances for any Commissioner shall not exceed the rate of ten thousand Rupees a year, if the Commissioner holds no other appointment or occupation; or the rate of four thousand Rupees a year, if he holds any other appointment or occupation.

IX. In the execution of this Act and the incorporated Act, and of Act XIV of 1856, the Commissioners shall not be subject to any check or control on the part of the Justices. Provided that, in respect of any work for the execution of which the consent or sanction of the local Government is necessary under any of the said Acts, and in respect of the regulation of the salaries of officers appointed under any of the said Acts, the Commissioners shall, before making application to Government, submit a plan of the work or a Schedule of the salaries for the approval of the Justices. When any such plan or Schedule is disapproved by the Justices, the Commissioners, if they see fit, may refer the matter for the decision of the Governor in Council.

X.* An annual rate of five per centum of the annual value shall be imposed upon houses, buildings, and lands in the said Town, and shall be payable by the owners thereof in quarterly instalments. Provided, that it shall be lawful for the Governor in Council, on the representation of the Justices, to fix, from time to time, in lieu of the said annual rate of five per centum, any higher annual rate not exceeding seven and a half per centum. Any rate so fixed shall be published in the Government Gazette before the commencement of the year in which such rate is to have effect.

XI. Religious edifices, and buildings devoted to charitable purposes, and temporary buildings, occupied by European and Native Officers and Soldiers in the service of Her Majesty or of the East India Company doing Regimental duty in the Garrison of Bombay, shall not be liable to the rate.

* This Section has been modified by Act XX, 1861 Sec. 2.
XII. Buildings owned by Government shall be exempt from the rate so long as the sum of thirteen thousand Rupees, now annually paid by Government in lieu thereof, shall continue to be so paid.

XIII. The Commissioners may exempt from assessment any house, building, or land, the annual value whereof is less than twenty-four Rupees, if the same be the sole rateable property of the owner.

XIV. When any house shall have been vacant for sixty consecutive days during any year, the Commissioners shall remit so much of the rate for that year as may be proportionate to the number of days the said house may have remained unoccupied; provided, that the owner of such house or his agent, shall have given notice in writing of the vacancy thereof to the Commissioners, and that the amount of rate to be remitted shall be calculated from the date of the delivery of such notice.

XV. A tax shall be imposed on all carriages, carts, hackeries, horses, ponies, and mules kept within the said Town, and upon all carts and hackeries plying for hire within the said Town or let for hire and used within the said Town and kept at any place beyond the limits thereof, at the following rates; and shall be payable quarterly by the owners or persons having charge of the same:—

<table>
<thead>
<tr>
<th>Rates per quarter.</th>
<th>Rs.</th>
<th>As.</th>
</tr>
</thead>
<tbody>
<tr>
<td>On every four-wheeled carriage on springs</td>
<td>...</td>
<td>3 0</td>
</tr>
<tr>
<td>On every two-wheeled carriage on springs, except native hackeries</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>On every native hackery on springs used for riding in, and drawn by bullocks</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>On every native hackery not on springs</td>
<td>...</td>
<td>...</td>
</tr>
<tr>
<td>On every labor-cart and labor-hackery not on springs, and drawn by bullocks, and having wheels with tires of the breadth of 2½ inches and upwards</td>
<td>...</td>
<td>0 12</td>
</tr>
</tbody>
</table>
Rates per Quarter.
Rs. As.

On every labor-cart and labor-hackery not on springs, and drawn by bullocks, and having wheels with tires less in breadth than 2\(\frac{1}{2}\) inches, ... 2 4

On every horse, pony, or mule of the height of 12 hands or upwards, ... ... ... 7 8

XVI. Provided that the several vehicles and animals hereinafter mentioned shall be exempt from the tax, namely:
—Gun-Waggons.

Cavalry Horses, and Horses of the mounted Police.

Horses belonging to Officers doing Regimental duty at the Presidency, at the rate of one horse for each Officer.

Conservancy Carts, Horses, Ponies, and Mules belonging to the Commissioners.

Vehicles and animals kept for sale and not used for any other purpose, if kept by bona fide dealers in such vehicles and animals.

XVII. Every person who may have owned or had charge of any vehicle or animal kept within the said Town for any portion of a quarter shall be liable to the whole tax for that quarter. Provided that, in case any such person has kept or had charge of any vehicle or animal for a period less than thirty days, the Commissioners may remit any portion of the tax payable in respect of such vehicle or animal not exceeding two-thirds of the tax for the quarter.

XVIII. If a carriage shall have been under repair at a carriage-maker's for the whole period contained in any quarter, no tax shall be leviable in respect of such carriage for that quarter.

XIX. The Commissioners, at their discretion, may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons, in lieu of the taxes specified in Section XV.
XX Every carriage kept and let out for hire within the said Town; and every cart and hackery kept and used within the said Town; and every cart and hackery plying for hire within the said Town, or let out for hire and used within the said Town, and kept at any place beyond the limits thereof—shall be registered in the office of the Commissioners with the name and residence of the owner; and shall bear, in such manner as the Commissioners shall direct, the number of such registration. The registration shall be made and the numbers assigned annually, upon such day in each year as the Commissioners shall appoint. Any person becoming possessed within the year of any such carriage, cart, or hackery, which has not been registered, may obtain registration on application to the Commissioners at their office. When any registered carriage, cart, or hackery is transferred within the year, it shall be registered anew in the name of the person to whom it has been transferred. A fee of four annas shall be paid for each registration.

XXI. Whoever keeps any carriage, cart, or hackery required to be registered by the provisions of the last preceding Section, without being so registered, shall, on conviction before a Magistrate liable to a fine not exceeding Ten Rupees, and the Commissioners, or any officer duly authorized by them, may seize or cause to be seized any such carriage, cart, or hackery (provided the same be not employed at the time of seizure in the conveyance of any passengers or goods) together with the horses, bullocks, or other animals drawing the same and may deliver them over to the Police; and all Police Officers are hereby required, on the application of the Commissioners or their Officer as aforesaid, to seize and detain the same. If the carriage or other vehicle as aforesaid be not claimed, or if the fine be not paid within ten days, such carriage or vehicle, together with the animals seized with it, may be sold by auction by order of the Magistrate, and the proceeds applied to the payment of the fine and all costs and charges incurred on account of the detention and sale; and the surplus (if any), if not claimed by the owner within a further period
of twenty days, shall be paid to the Municipal Commiss-
ioners.

XXII. Duties, at the rates specified in the Schedule
annexed to this Act, shall be levied in respect of the several
things therein mentioned, when imported from any place into
the Town of Bombay and intended for consumption or use
therein. The said Duties shall be called the Town-Duties,
and shall be leviable in addition to any Customs Duties pre-
scribed by law.

XXIII. The said Town-Duties shall be levied and col-
lected by and under the management of the Commissioner of
Customs of Bombay and his subordinate officers, who shall
have the same powers for collecting and enforcing payment
of the said Town-Duties as they now have or shall have in
respect of Customs-Duties; and such Commissioner and his
subordinate officers shall have the same privileges and be
subject to the same liabilities in respect of anything done
by them in collecting and enforcing payment of the said
Town-Duties under this Act, as they now have or are sub-
ject to under the provisions of any Act in force relating to
the said Customs.

XXIV. All monies received by the Commissioner of
Customs on account of the Town-Duties shall from time
to time, after deducting the charges of collection, be paid
into the General Treasury to the credit of the Municipal
Commissioners.

XXV. The Governor of Bombay in Council shall have
power from time to time to make rules for keeping the ac-
counts of the said Town-Duties, and from time to time to
alter or revoke the same; and may by such rules direct what
books, accounts, and statements shall be kept by the Com-
missioner of Customs and at the General Treasury in relation
to the said Town-Duties. The Governor in Council may also
from time to time fix the charges which the Commissioner of
Customs shall be entitled to deduct for the necessary expenses.
of collecting the said Town-Duties and accounting for the same.

XXVI All monies received by the Commissioners or paid to their credit by virtue of this Act or of Act XIV of 1856 or of any other Act or Regulation, and all fines and penalties imposed and levied by the Court of Petty Session, or by any Magistrate of Police or Justice of the Peace within the said Town, and all sums of money collected on account of fees for licences granted under Act V of 1842, or Section XIII, Chapter II, Regulation XIX 1827 of the Bombay Code, shall form a Fund which shall be called the Municipal Fund of Bombay.

XXVII All charges and liabilities duly incurred for Municipal purposes, and which would, but for the passing of this Act, be payable from the Municipal Fund as constituted under the provisions of Act XI of 1845, shall be paid from the Municipal Fund constituted under the provisions of this Act.

XXVIII The Municipal Fund shall be under the direction and management of the Commissioners, who shall submit quarterly, for the information of the Justices, an account of all sums paid into, and disbursed from, the said Fund. Subject to the deductions and appropriations herein after mentioned the said Fund shall be applied to the purposes of this Act and the Incorporated Act and of Act XIV of 1856, and to the execution of any public works tending to the improvement of the said Town which may be sanctioned by the Governor in Council, although not expressly mentioned in any of the said Acts.

XXIX From and out of the Municipal Fund, an annual sum, bearing the same proportion to the annual expenses of the Police of the Town of Bombay as the sum of forty-five thousand Rupees bore to the annual expenses of the Police aforesaid (namely, one hundred and sixty-seven thousand five hundred and fifty-three Rupees) at the period
of the passing of Act XI of 1845, shall in the first instance be deducted and paid by equal monthly instalments and carried to the credit of the Governor in Council in the General Treasury, to be applied by the Governor in Council for and on account of the expenses of the Police of the Town of Bombay.

XXX. The Commissioners shall pay to the Governor in Council out of the Municipal Fund an annual sum not less than one hundred and seventy-five thousand Rupees, on account of the expense which has been or may be incurred by Government in the construction of the works called the Vehar Water-works; and such annual payment shall continue to be made until the whole of the expense so incurred (except such portion thereof, if any, as shall be defrayed by Government out of the public revenue), with interest thereon at the rate of four per centum per annum, shall have been re-paid. The Commissioners shall also pay to the Governor in Council in each year such further sum as shall be equal to the cost of the maintenance of the said works during the preceding year.

XXXI. The Commissioners shall, (until such a complete system of sewerage and drainage within the said Town as shall be agreed upon between the Governor in Council and the Bench of Justices, shall have been completed and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon shall have been re-paid), set apart for the purposes above-mentioned, out of the Municipal Fund, an annual sum not less than two hundred and fifty thousand Rupees. If such system of sewerage and drainage has been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon have been re-paid, before the expenses incurred by Government for the construction of the said Vehar Water-works shall have been re-paid, the said annual sum of two hundred and fifty thousand Rupees shall be added to the sum of one hundred and
seventy-five thousand Rupees directed by the preceding Section to be appropriated annually to the re-payment of the expenses of the said works.

XXXII. Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which, under Sections XXIV, LI, and LIII of the said Act XIV of 1856, the owners of any premises, houses, or buildings are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of six per centum per annum, within a period not exceeding five years; and such sums, when due, may be recovered by the same process by which rates may be recovered under the Incorporated Act.

SCHEDULE.

Rates of Town-Duty to be charged upon the following articles imported into Bombay.

<table>
<thead>
<tr>
<th>Names of Articles</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cows, Calves, Oxen and Buffaloes, ... ... each</td>
<td>Rs. 0 8 0</td>
</tr>
<tr>
<td>Sheep, Lambs, Goats, and Kids, ... ...</td>
<td>0 2 0</td>
</tr>
<tr>
<td>Ghee, ... ... ... ... ... per maund</td>
<td>0 6 2</td>
</tr>
<tr>
<td>Grain of all sorts, ... ... ... per candy</td>
<td>0 4 0</td>
</tr>
<tr>
<td>Chumun, on value to be fixed from time to time by the Commissioner of Customs, with the sanction of Government, ... ... ...</td>
<td>5 0 0 per cent</td>
</tr>
<tr>
<td>Timber, on market-value at the time of import,</td>
<td>5 0 0 per cent</td>
</tr>
<tr>
<td>Wood, Fire-wood, ... ... ... ... per candy</td>
<td>0 2 0</td>
</tr>
</tbody>
</table>
Act No. XXVI of 1858,
Expire

Act No. XXVII of 1858,
Expire

Act No. XXVIII of 1858

1. Additional charge on the hire of boats carrying cargo or goods.
2. No cargo to be conveyed unless the boat be accompanied by a Police Officer.
3. Penalties.
4. Owner to make a weekly return of trips.
5. Penalty for making false return.
6. Boat owner to pay weekly to the Commissioner of Police the sums charged under this Act.
7. Monies received under this Act to be paid into the General Treasury.
8. Conviction to be quashed on merits only. Term of conviction.
9. Act not to apply to boats conveying only mails or passengers with their baggage.
11. When this Act shall take effect.

An Act for the maintenance of a Police Force for the Port of Madras.

Whereas it is expedient to make further provision for the security of the traffic between the shore and the shipping in the Port of Madras, by increasing the Police Force, and whereas it is just and expedient that the said traffic should contribute towards the expenses and maintenance of the said Force, it is enacted as follows:

1. To meet the expense of such an increase to the Police Force, established under the provisions of Act XIII of 1856.
for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales’ Island, Singapore, and Malacca) as may be necessary for the purposes of this Act, the sum of three annas shall be charged and taken by the owner of every boat employed to convey cargo or goods to or from any ship or vessel in the Port of Madras, in addition to the hire payable under Act IV of 1842 (for the better management of boats and catamarans in the Madras Roads and for the amendment of certain Harbour Regulations).

II. No cargo or goods of any description shall be conveyed in any boat to or from any ship or vessel in the Port of Madras, unless accompanied by an officer of the Police Force, and it shall be the duty of the Commissioner of Police to provide every such boat with an officer of the Police Force for this purpose.

III. The owner of any boat, and the tindal and boatmen for the time being employed in any boat, in which any cargo or goods shall be conveyed to or from any ship or vessel in the Port of Madras without having an officer of the said Force on board of such boat, and every boat owner, tindal, and boatman, who shall either hinder any such officer from accompanying any such boat or shall obstruct him in the performance of his duty when in any such boat, shall, on conviction before a Magistrate, be liable as follows: every boat-owner for the first offence to a penalty not exceeding Fifty Rupees, and for a second or any subsequent offence to a penalty not exceeding One Hundred Rupees; every tindal for the first offence to corporal punishment not exceeding twenty stripes of a rattan, and for a second or any subsequent offence to corporal punishment not exceeding twenty-five stripes of a rattan; and every boatman for the first offence to corporal punishment not exceeding fifteen stripes of a rattan, and for a second or any subsequent offence to corporal punishment not exceeding twenty stripes of a rattan.
IV. Every boat-owner shall on every Monday make to the Commissioner of Police, or to such other person as the said Commissioner of Police shall appoint to receive the same, a return in writing, signed by such boat-owner, of the number of trips made by each of his boats on each day during the preceding week.

V. Every boat-owner, who shall neglect to make such return as in the next preceding Section specified, shall, on conviction before a Magistrate, be liable for a first offence to a penalty not exceeding Fifty Rupees, and for a second or any subsequent offence to a penalty not exceeding One Hundred Rupees; and every boat-owner who shall make a false return shall be liable to a penalty not exceeding Three Hundred Rupees, and to the forfeiture of all licenses which he may hold under the provisions of Act IV of 1842.

VI. Every boat-owner shall on every Monday pay to the said Commissioner of Police, or to such other person as the said Commissioner of Police may appoint to receive the same, the said sum of three annas for every trip made by any boat belonging to him, employed in conveying cargo or goods, according to the weekly return to be made by him as hereinbefore directed; and in default of such payment, one or more of the boats of any boat-owner making such default may be seized and sold by virtue of a warrant under the hand and seal of a Magistrate, until the amount so due by such boat-owner and the expenses of sale shall be realized, and such amount, when realized, shall be forthwith paid to the said Commissioner of Police.

VII. All monies paid to or received by the said Commissioner of Police under this Act shall be paid by him, at least once a month, into the General Treasury of Fort Saint George.

VIII. No conviction, order, or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state on the face of the conviction, order, or
judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment in obedience to any writ of
certiorari; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken
supply that defect, the conviction, order, or judgment shall be
aided by what so appears in such depositions.

IX. None of the foregoing provisions of this Act shall
be taken or deemed to extend or apply to any boat which
shall convey only mails or passengers with their baggage to
or from any ship or vessel in the Madras roads.

X. From and after the passing of this Act, it shall be
lawful for the Commissioner of Police and the Members of
the Police Force at Madras to exercise, within the limits of
the Port of Madras as defined under the provisions of Act
XXII of 1855 (for the regulation of Ports and Port-dues),
all powers given to them respectively by Act XIII of 1856,
or which may be lawfully exercised by Constables within the
local limits of the jurisdiction of the Supreme Court; and
all provisions of the last mentioned Act applicable to the
said Commissioner and Police Force at Madras shall apply to
them respectively in the execution of the powers hereby
given.

XI. This Act shall take effect from and after such day
as shall be notified in the Official Gazette by the Governor
in Council of Fort Saint George.

ACT NO. XXIX OF 1858.

1. Further time allowed for instituting or prosecuting certain
suits and appeals in consequence of the suspension of the sittings of the
Civil Courts.

2. Further time allowed for prosecuting certain suits and
appeals in consequence of the difficulty of access to the Courts.

3. Application for admission of special appeals to whom to be
presented.

4. Stamps in what cases necessary.
5. Suit instituted after 10th May 1857 not to be dismissed, if the time allowed by law for its institution had expired while the sittings of the Court were suspended.

6. Certificate of Zillah Judge to be conclusive evidence of the suspension of the sittings of the Court, &c.*


An Act for the relief of persons who, in consequence of the recent disturbances, have been prevented from instituting or prosecuting suits or appeals in the Civil Courts of the North-Western Provinces within the time allowed by law.

WHEREAS, during the recent disturbances, many of the Civil Courts in the North-Western Provinces were compelled to suspend their sittings for considerable periods; and whereas, during this interval, the time allowed by law for instituting and prosecuting original suits and appeals has in many cases expired, and it is proper to provide relief for the plaintiffs and appellants in such cases; It is enacted as follows:—

1. Whenever, subsequently to the 10th May 1857, the sittings in any Civil Court in the North-Western Provinces may have been suspended in consequence of the disturbed state of the country, it shall be competent to such Court to receive and try, or to re-admit any original suit or appeal within its jurisdiction, in which the period allowed by law for instituting or prosecuting the same may have expired during the time that the sittings of such Court were so suspended, provided that the plaintiff or appellant, according as the case may be, shall present his petition of plaint or appeal, or, if the suit or appeal shall have been previously instituted but shall have abated for want of prosecution, shall make an application for the re-admission of the same within the period of three months from the date on which the principal Civil Court of original jurisdiction in the District shall issue a proclamation, copies of which shall be affixed in some conspicuous place in the several Courts and in the office of the Collector and Magistrate of the District, notifying that the Courts of the District, or such of them as it is intended to re-establish, have resumed their sittings.
II. In like manner any Civil Court in the North-Western Provinces may receive and try, or re-admit any original suit or appeal in which the period allowed by law for instituting or prosecuting the same may have expired subsequently to the said 10th May 1857, if it shall appear to the satisfaction of such Court that the plaintiff or appellant in such suit or appeal was precluded from instituting or prosecuting it within the limited period, owing to the disturbed state of the country whereby access to such Court was rendered dangerous or difficult; Provided, that the plaintiff or appellant, according as the case may be, shall present his petition of plaint or appeal, or, if the suit or appeal shall have been previously instituted but shall have abated for want of prosecution, shall make an application for the re-admission of the same within three months from the passing of this Act, or from the time when the cause above stated shall cease to exist.

III. If the application be for the admission of a special appeal, the appellant may present his application either in the Sudder Court, or in the Court from whose decision the appeal is made for transmission to the Sudder Court.

IV. The petition of plaint or appeal in any original suit or regular or special appeal falling within the provisions of this Act, which may be instituted, for the first time, under Section I or Section II, shall be written on stamp paper of the value prescribed for regular suits and appeals; but an application for the re-admission of an original suit or appeal, which shall have been previously instituted but shall have abated for want of prosecution, may be written on plain paper.

V. No original suit or appeal, which may have been instituted or re-admitted in any Civil Court in the North-Western Provinces subsequently to the said 10th May 1857, shall be liable to be dismissed, nor shall any decision passed in such suit or appeal be reversed, on the ground that at the date of its institution the period allowed by law for the admission of the suit or appeal had expired, or that the suit
or appeal had abated for want of prosecution (according as the case may be), if, at the time the period allowed by law for instituting or prosecuting such suit or appeal expired, the sittings in the Court by which it was cognizable, or in which it was pending were suspended, or access to such Court was rendered dangerous or difficult by reason of the disturbed state of the country.

VI. For the purposes of this Act, the certificate of the Zillah Judge that the sittings in any Court within his jurisdiction were suspended or that access to any such Court was rendered dangerous or difficult owing to the disturbed state of the country during my particular period, shall be deemed conclusive evidence of the fact.

VII. This Act may be extended by the Governor General in Council or by the Executive Government of my Presidency or place to my District within the limits of their respective jurisdictions.

Act No. XXX of 1878

1. Appointment of person, designated Receiver of Court's property to administer the estate.
2. Remuneration of Receiver.
3. Suspension, removal, &c. of Receiver.
4. Receiver to represent the State in all proceedings.
5. Receiver to collect suet, and take possession of the property.
6. Receiver, selling immovable property with the sanction of the Court, may execute conveyance there for if purchaser. Effect of such conveyance.
7. Upon a suit being instituted under this Act, Receiver to be subject to the orders of the Court.
8. Suit for administration of estate. Special directions to be given as to creditors holding mortgages or other securities.
9. Accounts to be taken by the Court—of the debts, property, and mortgages.
10. Creditor or mortgagee not coming in to establish claim or mortgage, to be barred from all benefit thereof.

* This Act has been modified by Acts II & XVI, 1878.
11. Court may order a person claiming under a conveyance, executed by the Nabob under circumstances rendering the same void as against creditors, to come in and establish his claim.

12. Property conveyed by the Nabob for the purpose of raising money for his use may be declared part of his estate subject to bona fide mortgages created thereon. Mortgages, &c., of such property to come in and establish their mortgages. Notices to be issued. Persons holding under such mortgages who fail to come in and establish their claims, shall be barred from all benefit thereof.

19. No suit to be instituted against any representative of the Nabob otherwise than in accordance with this Act. Pending suits to abate.

14. Special application by creditor for immediate investigation of his claim by the Court.

15. Payments made by the Nabob in discharge of interest not to be questioned. From what period interest at the rate of 6 per cent. shall be calculated.

16. Creditor not entitled to make special application in respect of a part only of his claims.

17. No assignment of such claims to be valid, if made after passing of this Act, or since the Nabob’s death, unless made bona fide and for valuable consideration.

18. Persons claiming in respect of Istufa Cutcherry Bonds to be deemed creditors of the Nabob within the meaning of Section XII of this Act.

19. Court, upon application, to fix a day for the investigation, and to give notice thereof to the Company’s Solicitor at Madras.

20. Particulars of claim to be furnished to the Solicitor.

21. Government may, seven clear days before hearing, give notice of consent to an order for payment.

22. Claim to be summarily investigated by Court. Amount due how to be ascertained—in respect of money lent—in respect of goods supplied, &c. Court to order payment of amount so ascertained, with costs. Proviso.

23. Fees to Officers of Court.

24. Upon every investigation, East India Company may appear by Counsel. Claimant may appear in person, or by Counsel, or by Attorney, &c.

25. Amount found due with interest and costs how to be paid. Adjudication of amount to be prima facie evidence of the debt in the administration suit.

26. Provision if payment be made to a creditor under the preceding Section in respect of the amount receivable by him.
27. No action in respect of certain things done under this Act, or before the passing thereof, if done with the sanction of Government.

28. No property to be taken by the Receiver out of possession of privileged persons without the order of Government.

An Act to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.

Whereas by Act 1 of 1844 it is enacted, that no writ or process shall at any time be sued forth or prosecuted against the person, goods, or property of His Highness the Nabob of the Carnatic, or of such other person as therein mentioned, unless such writ or process shall be so sued forth with the consent of the Governor in Council of Fort Saint George first had and obtained as therein mentioned; and that any writ or process which shall at any time be sued out or prosecuted against the person or goods or property of His Highness or of any such person without such consent, shall be utterly null and void: and whereas the Nabob died leaving debts and liabilities to a large amount unsatisfied, some of which were contracted by himself and some by Azeem Jah Bahadoor as Nabob Regent or Naib-i-Mooktar during the infancy of the late Nabob: and whereas it is doubtful whether the creditors of the Nabob have, without the consent of the Governor in Council of Fort Saint George, any remedy for enforcing their claims against the goods or property which belonged to the said Nabob at the time of his death; and especially, whether any part of the property left by the said late Nabob, which was of the nature of State or Public Property, is liable for the payment of such claims: and whereas the East India Company is willing to give up any right which it has to any part of such property which is in the nature of State or Public Property, and to allow the whole property, moveable and immovable of whatever kind, left by the late Nabob, after appropriating to the payment of his debts such portion thereof as is liable to the payment thereof, to be applied towards making provision for the family and dependants of the late Nabob: and whereas the said East India Company is also willing to pay in full, to such of the
creditors as shall be willing to accept the same, in the manner herein mentioned, all such debts as shall be proved to have been fairly and justly contracted by the said Nabob or on his behalf during his infancy by the said Azeem Jah as Nabob Regent, such debts to be estimated in respect of moneys at the amounts which may be proved to have been actually advanced or paid by such creditors respectively, and in respect of goods supplied or other matters at the amount which shall be proved to have been the fair and actual value thereof at the time when such debts were incurred, together with interest on such debts at a rate not exceeding six per centum per annum, the property of the said Nabob being applied in the first instance for that purpose, but any deficiency thereto being made good by the said East India Company: And whereas the said Nabob is alleged to have mortgaged and created divers liens and securities upon certain portions of his property, of which or some of which the validity and extent of operation, especially as against the creditors of the said Nabob, is doubtful and it may also be doubtful whether the same can be enforced in any of the ordinary Courts of Justice; and it is expedient that provision should be made for giving effect to the said mortgages, liens, and securities so far as the same shall have been created bonâ fide and for valuable consideration, and for affording a simple mode of ascertaining the rights of the parties claiming under such mortgages, liens, and securities: And whereas it is also alleged that various conveyances, deeds, and instruments have been executed by the late Nabob without valuable consideration in favor of persons, who have, under color thereof, executed or created mortgages or assignments of, or securities or liens on the property comprised therein: And whereas it is expedient that provision should be made for investigating all such claims, and for protecting the bonâ fide creditors of the said Nabob from the effect of any conveyances executed by the Nabob under such circumstances as rendered them void as against such creditors, and for affording a simple mode of ascertaining the rights of the parties.
claiming in respect thereof as well as of parties claiming to be creditors of the Nabob: It is enacted as follows:—

I. The Governor in Council of Fort Saint George shall, immediately after the passing of this Act, appoint such person as he may think fit to act under the orders of the Supreme Court of Judicature at Madras in the administration of the property of whatever nature left by the said late Nabob. The person so appointed shall be designated "The Receiver of the Carnatic property," and shall have power to collect and take possession of all such property, and shall hold the same according to the provisions of this Act; and shall give such security (if any) as the said Governor in Council may require.

II. The said Receiver shall be entitled to receive such commission, not exceeding five per centum upon the amount or value of the property collected by and distributed under the the provisions of this Act, as the said Governor in Council shall appoint, which commission shall be charged to the estate.

III. The Governor in Council shall have full power to suspend or remove any person appointed such Receiver as aforesaid, and also from time to time to fill up any vacancy in such office which may be occasioned by death, retirement, suspension, or removal.

IV. Such Receiver shall represent the estate of the said late Nabob in all proceedings relating thereto under this Act or otherwise, and shall do and perform all acts in performance of his duties or office under his official designation, and in all proceedings, whether at Law or in Equity, he shall be so styled and designated; and no proceedings in which the Receiver may be a party shall abate by reason of the death, retirement, suspension, or removal from office of any such Receiver, but the same shall be continued and carried on by his successor as if no such death, resignation, suspension, or removal had occurred.

V. The Receiver shall have full power to collect, take possession of, and get in all property, moveable or immovable,
and whether of the nature of State or Public Property or not, to which the said late Nabob at the time of his death was entitled either at Law or in Equity, or which is liable either at Law or in Equity to satisfy the debts of the said Nabob; and, if necessary, to sue for and recover the same as representing the said estate of the said Nabob under this Act, and to realize by sale or otherwise the value of the said property: and he shall proceed to collect and take possession of the same with all convenient speed immediately after the passing of this Act.

VI. Whenever the Receiver, by the order or with the sanction of the Court, shall sell any immovable property to which the Nabob was entitled either at Law or In Equity at the time of his death, or which is liable either at Law or in Equity to satisfy the debts of the said late Nabob, he shall execute a conveyance thereof to the purchaser; and such conveyance shall be valid and effectual and give a good title as against the heirs of the said Nabob, and all persons claiming under them, and also as against all persons claiming under the said Nabob by virtue of any conveyance or instrument declared by the said Court to be void as against the creditors of the said Nabob, or by virtue of any mortgage or security, the benefit of which has been barred under the provisions of this Act.

VII. Upon a suit being instituted as hereinafter mentioned, the said Receiver shall be deemed subject to the orders of the said Court, and so far as such orders shall not extend, to the general practice of the said Court, in the same manner as any other Receiver specially appointed by the said Court, except that he shall not be called upon by the said Court to give security.

VIII. It shall be lawful for any creditor or person interested in the proper administration of the estate and effects of the said Nabob, to apply for and obtain in a summary way, in the manner provided by Act VI of 1854, upon a summons to be served upon the said Receiver,
an order for the administration of the estate and effects of the said Nabob; and such order, in addition to the ordinary directions contained in the usual order for the administration of the moveable and immovable estate of a deceased Mahomedan, shall direct that all creditors, who may hold any mortgage or security upon any part of the property mentioned in Section V of this Act, shall come in and prove their claims and establish their securities and the consideration for the same, or in default thereof that they shall be barred and excluded from all benefit of their said securities; and the said Court shall also by the said order give such directions as to the notices to be issued to such creditors and otherwise, and shall direct such enquiries, as to the Court shall seem fit.

IX. Upon such order being made, the Court shall take an account of all debts and liabilities which were due from the said Nabob at the time of his death, and also of all property, moveable or immovable, and whether of the nature of State or Public Property or not, to which the said late Nabob at the time of his death was entitled either at law or in equity, or which is liable either at law or in equity to satisfy the debts of the said Nabob; and shall also determine whether any and which of the said creditors had any and what mortgage or security upon any and what portion of the property of the said Nabob, and for any and what consideration or amount, and whether such mortgage or security constituted a valid charge upon the whole, or any and what portion, of the property included therein.

X. Every creditor of the said Nabob, who shall not come in and establish his claim under and according to the said order, shall be barred from all benefit of the said claim; and all persons who may hold or claim under any mortgage or security as aforesaid, who shall fail to come in and establish the same and (if required by the Court so to do) to prove the consideration for the same under and according to such order, shall be barred from all benefit of such mortgage or security; and the said Court may order the property affected thereby to be delivered up to the said Receiver.
XI. In case it shall appear to the satisfaction of the Court, that there is good reason to believe that any conveyance or other instrument executed by the said late Nabob in his life time was executed under circumstances which rendered the same void as against creditors, the said Court may, at any time pending the suit, order the person or persons claiming under such conveyance or instrument to come in and establish his claim under the same; and in default of compliance with the said order, the said Court may declare the said conveyance or instrument to be void as against the creditors of the said Nabob, and may order the property thereby conveyed to be delivered up to the said Receiver.

XII. In case it shall appear to the satisfaction of the Court, that there is good reason to believe that any property was conveyed by the said Nabob in his lifetime to any person or persons in order that he or they might raise money thereon for the use of the said Nabob, the said Court may declare that, subject to any mortgages or securities which may have been bona fide created thereon, the said property is part of the estate of the said Nabob and shall be administered accordingly, and may also order all persons who may hold or claim under any mortgage or security executed by the person or persons to whom the said property was so conveyed by the said Nabob to come in and prove their claims and establish their securities and the consideration for the same, or in default thereof that they shall be barred and excluded from all benefit of their said securities; and the said Court shall also by the said order give such directions as to the notices to be issued to such creditors and otherwise, and shall direct such enquiries as to the Court shall seem fit; and all persons who may hold or claim under any mortgage or security executed by or on behalf of the person or persons to whom such property was conveyed as aforesaid, who shall fail to come in and establish the same and (if required by the Court so to do) to prove the consideration for the same under and according to such order, shall be barred from all benefit of such mort-
gage or security; and the said Court may order the property affected thereby to be delivered up to the said Receiver.

XIII. No action or suit shall be commenced or prosecuted by any creditor of the said Nabob against any person as the representative of the said Nabob, otherwise than in accordance with the provisions of this Act; and all actions and suits, which at the time of the commencement of this suit shall be pending at the suit of any such creditor against any person as representative of the said Nabob, shall abate; the costs of such suit, if the said Court shall consider it reasonable, to be paid out of the assets of the said late Nabob.

XIV. * Any person claiming to be a creditor of the said late Nabob, who, within the period of three months from the passing of this Act, shall file in the office of the Registrar of the said Supreme Court a written declaration, stating that he is willing to receive in full discharge of all his claims against the said late Nabob or any property to which the said late Nabob at the time of his death was entitled either at law or in equity, or which is liable either at law or in equity to satisfy the debts of the said Nabob, such amount as shall be ascertained by the said Supreme Court to have been justly and fairly due to him from the said late Nabob at the time of his death, or to be a charge upon such property and to remain unpaid (the amount to be estimated in respect of money at the amount which shall be proved to have been actually advanced to or paid for the use of the said Nabob, and in respect of goods supplied or other matters at the amount which shall be proved to have been the fair and actual value thereof at the time when such debts were incurred) together with such interest (if any) not exceeding the rate of six per centum per annum as shall be awarded by the said Court; and that he is willing to give up any mortgage or security which he may hold upon any part of such property as aforesaid, or which shall have been charged with the said debt—

* This Section has been modified by Act XXXVIII, 1860.
shall be entitled, upon giving up such mortgage or security to the said Receiver, to have the amount of his claim ascertained by the said Court in manner hereinafter mentioned.

XV. When any sum of money shall have been paid by the said Nabob in his lifetime in specific discharge of interest at a higher rate than six per centum per annum, such payment shall not be re-opened or questioned; but interest at the reduced rate of six per centum per annum (as by this Act provided) shall be calculated from the period up to which interest shall have been specifically discharged by any such payment by the said Nabob.

XVI. No person claiming to be a creditor of the said late Nabob, or in respect of any property whatsoever to which the said late Nabob was entitled either at law or in equity or which is liable either at law or in equity to satisfy the debts of the said Nabob, shall be entitled to avail himself of the provisions of Section XIV in respect of a part only of his claims upon the said late Nabob or upon any such property as aforesaid.

XVII. No assignment of any such claim as aforesaid upon the said Nabob, or upon any property whatsoever to which the said late Nabob was entitled either at law or in equity or which is liable either at law or in equity to satisfy the debts of the said Nabob, shall be or be deemed to be valid or effectual, if made or executed subsequently to the date of the passing of this Act, or if made or executed since the death of the said late Nabob, unless proved to have been made bona fide and for valuable consideration, the proof whereof shall lie upon the person claiming under such assignment.

XVIII. Every person claiming to be a creditor of the said late Nabob in respect of any security, commonly called and known as an Istufa Cutcherry Bond, issued by order of the said late Nabob in discharge of or connected with the debts of Moontauzool Moolk Bahadoor, otherwise called Ghoolam Moortaza Khan Bahadoor, shall be deemed a credi-
tor of the Nabob within the meaning of Section XIV of this Act.

XIX. The said Court, upon the application of such creditor, shall appoint a day for ascertaining the amount of his debt, and notice of the day so appointed shall forthwith be given by the applicant to the Solicitor of the East India Company at Madras. The day so appointed shall not be less than twenty-one days from the time of the application.

XX. At the time of giving such notice, the creditor shall also furnish to the said Solicitor full particulars of his claim. If the particulars so furnished are insufficient, the said Court or a Judge thereof may make an order for further particulars. In case any such order be made, the Court shall not proceed to investigate the claim until fourteen days from the time when sufficient particulars have been furnished, and if necessary shall appoint a further day for the hearing.

XXI. At any time not less than seven days before the hearing, the Government may give notice to the claimant that it is willing to consent to an order for the payment of an amount to be specified in the notice in full discharge of what is justly and fairly due.

XXII. * Upon the day so fixed, or upon any other day to which the Court may think fit to postpone the investigation, the Court, after proof of the service of the notice required by Section XIX of this Act, shall proceed to ascertain and determine in a summary way what amount is justly and fairly due from the estate of the said Nabob at the time of his death to the claimant, whether the debt be payable by instalments or not, and whether or not the day or days fixed for the payment thereof shall have arrived. In ascertaining such amount, the said Court shall not allow to any person claiming to be a creditor in respect of money lent or advanced, any larger sum than the amount which shall be proved to have been actually advanced to or for the said late Nabob,

* This Section has been modified by Act XXXVIII, 1860.
or, in the case of such Istufa Cutcherry Bonds as aforesaid, to or for the said Ghoolam Moortaza Khan Bahadoor, together with simple interest thereon not exceeding the rate of six per centum per annum (to be calculated up to the date of the order for payment), notwithstanding any higher rate of interest may have been agreed to be paid; and shall not allow to any person claiming to be a creditor in respect of goods supplied or of any other matters, any larger sum than the amount which shall be proved to have been the fair and actual value thereof at the time when such debt was incurred by or on behalf of the said late Nabob, or, in the case of such Istufa Cutcherry Bonds as aforesaid, by or on behalf of the said Ghoolam Moortaza Khan Bahadoor, without reference to the price or sum which may have been agreed to be paid for or in respect thereof, together with simple interest thereon not exceeding the rate aforesaid, if the Court shall consider that the claimant is entitled to recover interest. The said Court shall issue an order for the payment of the amount so ascertained to be due, together with the costs of proving the debt if it shall think fit to award costs. Provided that, if the amount so ascertained to be due shall not exceed the amount specified in the notice (if any, given under Section XXI, the Court shall not award costs to the claimant.

XXIII. For the issue of subpoenas or other process, for preparing orders of payment, or for any other business connected with the ascertaining the amount of any debt or claim under the last preceding Section, the officers of the said Court shall be entitled to charge the like fees as would be chargeable in an ordinary suit in the said Court for such debt or claim for business of a like nature, or such other fees as the Court with the sanction of the Governor in Council shall appoint in that behalf.

XXIV. Upon every investigation under Section XXII of this Act, the East India Company may appear and be heard by Counsel; and the claimant may appear in
person or by Counsel or, if the Court shall think fit to allow the same, by Attorney or any other Agent.

XXV. The amount ascertained by the Court to be due to the claimant upon the investigation under Section XXII, together with such interest and costs (if any) as shall be awarded by the Court, shall be paid to the claimant by the said Receiver within ten days after a copy of the order of the said Court shall have been served upon him. In case no sufficient assets belonging to the estate of the said late Nabob shall be in the hands of the Receiver to enable him to pay such amount, the same shall be forthwith paid out of the Public Treasury of the East India Company, and the said Company shall be entitled to be repaid by the Receiver out of any assets which may afterwards come to his hands. The judgment of the Court as to the amount due to such creditor as aforesaid for principal and interest shall, in taking an account of the debts and liabilities and of the estate and effects of the said Nabob in such administration suit as aforesaid, be treated as prima facie evidence that a debt to that amount was due to such creditor.

XXVI. If it shall appear that the amount paid out of the assets of the said Nabob to any such creditor or to the East India Company under the provisions of the last preceding Section, exceeds the amount which such creditor, independently of the provisions of this Act, would have been entitled to receive out of the assets of the estate, the difference between the amount so paid and the amount which would have been so receivable shall be made good by the East India Company, and shall be paid to the Receiver for the benefit of the persons interested in the estate.

XXVII. No action or suit shall be brought against the East India Company or any person for any thing done under the provisions of this Act, or for or by reason of any act, reasonable or proper for the protection of any property, moveable or immovable, and whether of the nature of State or Public Property or not, to which the said late Nabob at
the time of his death was entitled either at Law or in Equity, or which is liable either at Law or in Equity to satisfy the debts of the said Nabob, or for realizing the assets thereof, which may have been done before the passing of this Act by any person under the orders or with the sanction of the said Governor in Council.

XXVIII. No property shall be taken by the said Receiver out of the possession of any person mentioned in the list last published in the Government Gazette at Madras of persons entitled to privileges under the provisions of Act I of 1844, without the previous order of the said Governor in Council.

**BENGAL**

ACT NO XXXI OF 1858

1. In how far the revenue assessed upon alluvial land may be added to the jumma of the original estate. In what cases there shall be a separate settlement

2. Rights of under-tenants in alluvial lands

3. Separate settlements of alluvial lands here to for made Puposo.

An Act to make further provisions for the settlement of land granted by Allison in the Presidency of Fort William in Bengal.

WHEREAS, for the removal of doubts respecting the course proper to be followed in the settlement of land added by alluvial accession to estates paying revenue to Government, it is expedient to lay down certain rules to be observed in the settlement of such land, it is enacted as follows:

I. When land added by alluvial accession to an estate paying revenue to Government becomes liable to assessment, if it be so agreed on between the Revenue authorities and the proprietor or proprietors, the revenue assessed upon the alluvial land may be added to the jumma of the original estate, and in such case a new engagement shall be executed for the payment of the aggregate amount, and that amount shall be substituted in the Collector's rent-roll for the former jumma of the original estate. If the proprietor or proprietors object to such an arrangement, or if the Revenue authorities are of opini
on that a settlement of the alluvial land cannot properly be
made for the same term as the existing settlement of the ori-
ginal estate, the alluvial land shall be assessed and settled as
a separate estate with a separate jumma, and shall thencefor-
ward be regarded and treated as in all respects separate
from and independent of the original estate, whether the se-
parate settlement be made with the proprietor or proprietors;
or the land be let in farm in consequence of the refusal of the
proprietor or proprietors to accept the terms of settlement.
The separate settlement may be permanent, if the settlement
of the original estate is permanent.

II. Nothing contained in the preceding Section shall
affect the rights of any under-tenant in any alluvial land under
the provisions of Clause I Section IV Regulation XI. 1825.
It shall be the duty of all Officers making settlements of such
land, whether the land be settled separately or incorporated
with the original estate, to ascertain and record all such rights
according to the rules prescribed in Regulation VII. 1822;
and to determine whether any and what additional rent shall
be payable in respect of the alluvial land by the person or
persons entitled to any underrenture in the original estate.
The provisions of the said Regulation, so far as the same may
be applicable, are hereby declared to extend to all settlements
made under this Act.

III. Every separate settlement of alluvial land hereto-
fore made shall be as good and effectual for the purposes
specified in Section I, as the same would have been if made
subsequently to the passing of this Act. Provided, that no-
thing contained in this Act shall be held to affect the rights
which any person may have acquired, under a judicial deci-
sion or otherwise, before the passing of this Act.
ACT No. XXXII OF 1858.

1. Fort of Tanjore and adjacent territory placed under the general laws of the Madras Presidency.

2. No Court to try or determine any case respecting which a final decision has been pronounced by any of the Rajah's Courts before this Act comes into operation.

3. Decisions of such Courts in original Civil suits to be considered final, if no appeal is made within thirty days.

4. Pending suits, appeals, and proceedings to be transferred to Courts to be established by Government.

5. Appeals presented to the Zillah Court within thirty days after the decision appealed against, to be treated as pending appeals.

6. Application of the general laws to the trial of such suits, appeals and proceedings.

7. Execution of decrees passed by the Rajah's Courts.


An Act for bringing the Fort of Tanjore and the adjacent territory under the Laws of the Presidency of Fort St. George.

WHEREAS it is expedient to bring the Fort of Tanjore and the adjacent territory, which have lapsed to the East India Company in consequence of the death of the Rajah of Tanjore, under the general laws of the Presidency of Fort St. George, and to make provision for the trial and determination of suits, appeals, and proceedings pending in any of the Courts established by the said Rajah; It is enacted as follows:—

I. From and after the day when this Act shall come into operation, the Fort of Tanjore and adjacent territory shall be subject to the general laws which are or shall be in force within the territories subject to the Presidency of Fort St. George.

II. No Court shall try or determine any case, Civil or Criminal, with respect to which a final decision may have been pronounced before this Act shall come into operation by any of the Courts established by the said Rajah, exercising jurisdiction within the said Fort of Tanjore and adjacent territory at the time of the passing of this Act.
III. A decision passed by any such Court in an original Civil suit shall be considered as final, if no appeal have been or shall be made against it within thirty days after the decision was passed.

IV. All original suits and appeals and all proceedings, when shall be pending in any of the Courts mentioned in Section II at the time when this Act shall come into operation, shall be transferred to the Courts and Officers to be established and appointed for the administration of Civil and Criminal justice within the said Fort and adjacent territory, according to their respective jurisdictions.

V. Appeals from decrees in original suits, and second appeals from decrees passed in appeal, not pending at the time when this Act shall come into operation, but presented to the Zillah Court within thirty days after the passing of the decision appealed against, shall be received by such Court, and disposed of in the same manner as pending appeals.

VI. The general laws in force within the territories subject to the Presidency of Fort St. George shall be applied and administered by the said Courts and Officers in the trial and determination of such suits, appeals, and proceedings. Provided that, if in any Civil case it shall appear that the application of the said laws would operate unjustly if applied to the trial and determination thereof, it shall be lawful for the said Courts to try and determine the same according to equity and good conscience. Provided also, that no act committed within the said Fort and adjacent territory, before this Act comes into operation, shall be deemed an offence punishable under the provisions hereof, if at the time of the commission of such act the same was not contrary to the laws then in force within the said Fort and adjacent territory.

VII. Decrees passed by any of the Courts mentioned in Section II of this Act may be executed according to the law in force for the execution of decrees within the territories subject to the Presidency of Fort St. George, or as near thereto as may be.
VIII. This Act shall come into operation from such day as shall be fixed by the Governor of Fort St. George in Council, by notice to be published in the Government Gazette.

ACT No. XXXIII of 1858

1. Sect. III Act XII of 1814 not to prevent the trial of Naval Officers by Courts Martial for certain offences, whether committed at sea or on shore.

An Act to amend Act XII of 1814 (for better securing the observance of an exact discipline in the Indian Navy).

WHEREAS, by Section III Act XII of 1814, it was provided that nothing in that Act contained should extend or be construed to extend to empower any Court Martial, to be constituted by virtue of that Act, to proceed to the punishment or trial of any of the offences specified in the several Articles contained in that Act, or of any offence whatsoever, (other than the offences specified in the 5th, 34th, and 35th of the said Articles and Orders) which should not be committed upon the main sea, or in great rivers only beneath the bridges of the said rivers nigh to the sea, or haven, river, or creek within the jurisdiction of the Admiralty, and which should not be committed by such person as, at the time of the offence committed, should be in actual service and full pay in the Indian Navy, such persons only excepted and for such offences only as were described in the 5th of the said Articles and Orders, and whereas it is expedient that every superior Officer, Captain or Commander, or Lieutenant belonging to the Indian Navy, should be amenable to Naval Courts Martial for the offences specified in Article 33 of the said Act, whether the same be committed on the main sea or on shore.

It is enacted as follows:—

1. Nothing contained in the 3rd Section of Act XII of 1814 shall extend to any of the offences specified in Article 33 of the said Act, which, after the passing of this Act, shall
be committed by any superior Officer, Captain or Commander, or Lieutenant, belong to the Indian Navy

At I No XXXIV or 1858

1 Court may order enquiry as to persons alleged to be insane. Orders for enquiry may also direct concerning priority, &c, of alleged Lunatics.

2 Application by whom to be made.

3 Ordinary enquiry to be by the Court. Court may for sufficient cause direct enquiry by a single Judge. Notice of enquiry to be given to Lunatic, whose Lunacy may demand enquiry before such Court.

4 Court may, at any time after the application require attendance of Lunatic for the purpose of being personally examined.

5 And may authorize persons to have access to the Lunatic for the purpose of examination.

6 Rules respecting attendance and examination, where the alleged Lunatic is a woman of rank.

7 Powers of Judge executing the enquiry. Judge to report.

8 Court may in certain cases direct enquiry to be made before any principal Court of original jurisdiction, within whose local jurisdiction the alleged Lunatic may be.

9 If report of Judge or finding of Court appear defective or insufficient in form, it may be amended by the Court directing the enquiry.

10 Court may direct new to be

11 Costs of enquiry.

12 Finding of Court or report by Judge to be recorded on, in regard to appointment of Committees as an inquiry.

13 On appointment of Committee the Court may give certain powers for management of Lunatic's estate.

14 Master to receive proposals concerning management, sale, &c, of estate, without an order of reference.

15 Court to make order upon the report of the Master.

16 Master to determine what relatives to attend at any enquiry, at the cost of the estate. Appointment of guardian of infant relative.

17 Court may make order on application concerning any matter connected with the Lunacy.

18 Lunatic's property may be sold for debts, maintenance, &c.

19 Committee to execute conveyances and powers.

20 Court may order performance of contract.
21. Member of partnership becoming Lunatic.
22. Disposal of business premises.
23. Committee may dispose of lease.
24. When and to what extent Court of Wards may assume charge of land belonging to a Lunatic. Proviso. Surplus income of the land, after payment of Government Revenue, &c., to be disposed of as the Supreme Court shall direct. Provisions of this Section not to affect certain powers given to the Supreme Court by the Act.
25. Stock, transferable in India, belonging to Lunatic, may be ordered to be transferred.
26. Stock belonging to Lunatic residing out of India, and not within the United Kingdom, may be ordered to be transferred.
27. Court may in certain cases apply property for Lunatic's maintenance without appointing Committee.
28. Like power in case of temporary Lunacy.
29. Proceedings in Lunacy to cease, or to be set aside, if Court after enquiry find that the unsoundness of mind has ceased.
30. Power of Court to make general orders.
31. Powers of Master to be exercised by a Judge or Recorder.
32. Interpretation. "Lunatic," Number, Gender

An Act to regulate proceedings in Lunacy in the Courts of Judicature established by Royal Charter.

Whereas the several Courts of Judicature established by Royal Charters within the British Territories in India are authorized and empowered by their respective Charters to appoint guardians and keepers of the persons and estates of Lunatics, and to inquire into, hear, and determine questions of alleged Lunacy by inspection of the person, or by such other ways and means by which the truth may best be discovered and known; and whereas, according to the practice of the said Courts, questions of alleged Lunacy are determined by inquisition taken before a jury, and it is expedient to lessen the cost and to alter the mode of enquiry into such questions, and also to empower the said Courts to make provision for the due management of the estates of Lunatics; It is enacted as follows:

I. It shall be lawful for any of the said Courts of Judicature, on such application as is hereinafter mentioned, to make an order directing an enquiry whether any person
subject to the jurisdiction of the Court, who is alleged to be Lunatic, is or is not of unsound mind and incapable of managing himself and his affairs. The order may also contain directions for other enquiries concerning the nature of the property belonging to the alleged Lunatic, the persons who are his relatives or next of kin, the time during which he has been of unsound mind, or such other matters as to the Court shall seem proper.

II. Application for such enquiry may be made by any persons related by blood or marriage to the alleged Lunatic, or by the Advocate General.

III. The order made by the Court upon such application shall direct the enquiry to be by the Court itself. It shall nevertheless be lawful for the Court, if it see sufficient cause for so doing, to direct the enquiry to be executed in Chambers before a single Judge, of the Court. Reasonable notice of the time and place appointed for the enquiry shall be given to the alleged Lunatic. If it shall appear that the alleged Lunatic is in such a state that personal service on him would be ineffectual, the Court may direct such substituted service of the notice as it shall think proper. The Court may also, if it think fit, direct a copy of such notice to be served upon any person related by blood or marriage to the alleged Lunatic. If the enquiry be directed to be executed before a single Judge, it shall be lawful for the alleged Lunatic, at any time before the day fixed for the enquiry, to demand an enquiry before the full Court. In such case the enquiry shall be by the Court, and a further day shall be appointed for making such enquiry; and in such case the Court may direct such further notices (if any) to be given, as it may think requisite.

IV. The Court may, at any time after the application, require the alleged Lunatic to attend at such convenient time and place, within twenty miles of the place of residence of the said Lunatic, as it may appoint, for the purpose of being personally examined by the Court or by any person

Application by whom to be made.

Ordinarily, enquiry to be by the Court. Court may direct enquiry by a single Judge. Notice to be given to Lunatic. Lunatic may demand enquiry before full Court.

Courts may, at any time, require attendance of Lunatic for personal examination.
from whom the Court may desire to have a report of the mental capacity and condition of such alleged Lunatic.

V. The Court may likewise, at any time after the application for such enquiry, make an order authorizing any person or persons, to be therein named, to have access to the alleged Lunatic for the purpose of a personal examination.

VI. The attendance and examination of the alleged Lunatic under the provisions of the two last preceding Sections shall, if the alleged Lunatic be a woman who, according to the custom and manners of the country, ought not to be compelled to appear in public, be regulated by the rules in force for the examination of such persons in other cases.

VII. If the enquiry is made by a Judge of the Court, the Judge executing the inquiry shall, while so employed, have power (subject to the provisions of the last preceding Section) personally to examine the alleged Lunatic and take such evidence, on oath or otherwise, and call for such information as he may think fit or the said Court may direct, in order to ascertain whether the alleged Lunatic is or is not of unsound mind, and shall have the like powers and authority as are or may be vested by law in a Judge or Master of the said Court for the investigation of matters referred to them by the Court. The Judge shall report to the Court the result of the enquiry.

VIII. If the alleged Lunatic be not within the local limits of the jurisdiction of the Court, and the enquiry cannot conveniently be made in either of the modes hereinbefore provided, the Court may direct the enquiry to be made before any principal Court of original jurisdiction in Civil cases, within whose local jurisdiction the alleged Lunatic may be; and such last mentioned Court shall accordingly proceed to make such enquiry in the same manner as if the alleged Lunatic were subject to its jurisdiction, and shall certify its finding upon the matters of enquiry to the Court directing the enquiry. The evidence taken upon the enquiry shall be recorded by the Court in the English language in the form of a
narrative, and a copy thereof, certified by the Court, shall be transmitted, together with any remarks the Court may think fit to make thereon, to the Court by which the enquiry was directed.

IX. If the report of the Judge, or the finding of a Court under the last preceding Section, appear to the Court directing the enquiry to be defective or insufficient in point of form, it shall be lawful for such last mentioned Court either to amend the same, or to refer it back to the Judge or the Court which made the enquiry to be amended.

X. It shall be lawful for the Court, on the application of the person at whose instance the order directing an enquiry was made, or on the application of the alleged Lunatic or of any of his relatives authorized by the Court to make the application, to direct a new trial of the matters of enquiry according to the usual course and practice of the Court in directing new trials in Civil cases. If such application be granted in a case tried by a single Judge, the order granting the same shall direct the enquiry to be made by the full Court. If the application be granted in a case tried under Section VIII, the Court directing the new trial may give such directions regarding the same as it shall see fit.

XI. The Court shall make such order as may appear just respecting the costs of any enquiry under this Act, and may include therein such remuneration to Physicians and Surgeons as the Court, having regard to the nature of the enquiry, shall deem reasonable.

XII. If no new trial be directed, the finding of the Court to which the application for enquiry was made, if the enquiry have been made by such Court, or the report of the Judge, or the finding of the Court to which the enquiry may have been referred under the provisions of Section VIII, as the case may be, shall be of the same force and effect, and be proceeded on in the same manner in regard to the appointment of Committees of the person and estate of the
Lunatic, as the inquisition now according to practice taken upon the oath of a jury.

XIII It shall be lawful for the Court, on the appointment of Committees of the person and estate of a Lunatic, to direct by the order of appointment, or by any subsequent order, that the person to whom the charge of the estate is committed shall have such powers for the management thereof as to the Court shall seem necessary and proper, reference being had to the nature of the property, whether moveable or immovable, of which the estate may consist. But such powers shall not extend to the sale or charge by way of mortgage of the estate or any part thereof, or to the letting of any immovable property, unless for a term not exceeding three years.

XIV The Master of the Court shall be at liberty, without an order of reference, to receive any proposal and conduct any enquiry respecting the management of the estate of a Lunatic, if such proposal relate to any matter which the Committee of the estate has not been empowered by an order under the last preceding Section to dispose of. The Master may likewise, without reference, receive and enquire into any proposal relating to the sale or charge by way or mortgage of the estate or of any part thereof, or to the letting of any immovable property for a term exceeding three years.

XV The Master shall report to the Court on the proposal; and the Court shall, subject to the provisions of this Act, make such order upon the report and respecting the costs, as shall, under the circumstances, seem just.

XVI The Court or the Master shall once in the matter of each Lunacy, and may afterwards from time to time, determine whether any one or more and (if any) how many and which of the relatives or next of kin shall attend before the Master, at the cost of the estate, in any proceeding connected with the management thereof; and, if any such relative or next of kin is an infant, may from time to time
appoint a fit person to be his guardian for the purposes of the Lunacy.

XVII. The Court may, on application made to it by petition concerning any matter whatsoever connected with the Lunacy, make such order, subject to the provisions of this Act, respecting the application and the costs thereof, and of the consequent proceedings, as shall, under the circumstances, seem just.

XVIII. The Court may, if it appears to be just or for the Lunatic's benefit, order that any property, moveable or immovable, of the Lunatic, and whether in possession, reversion, remainder, contingency, or expectancy, be sold or charged by way of mortgage or otherwise disposed of, as may seem most expedient for the purpose of raising money to be applied for any of the following purposes:—

1. The payment of the Lunatic's debts, including any debt incurred for his maintenance or otherwise for his benefit.

2. The discharge of any incumbrance on his estate.

3. The payment of or provision for the expenses of his future maintenance and the maintenance of his family, including the expenses of his removal to Europe, when he shall be so removed, and all expenses incidental thereto.

4. The payment of the costs of any enquiry under this Act, and of any costs incurred by order or under the authority of the Court.

XIX. The Committee of the Lunatic's estate shall, in the name and on behalf of the Lunatic, execute all such conveyances and instruments of transfer relative to any sale, mortgage, or other disposition of his estate as the Court shall order. In like manner such Committee shall, under the order of the Court, exercise all powers whatsoever vested in a Lunatic, whether the same are vested in him for his own benefit or in the character of trustee or guardian.

XX. Where a person, having contracted to sell or otherwise dispose of his estate or any part thereof, afterwards becomes Lunatic, the Court may, if the contract is such as
the Court thinks ought to be performed, direct the Committee of the estate to execute such conveyances and to do such other acts in fulfilment of the contract as it shall think proper.

XXI If a member of a partnership firm be found Lunatic, the Court may, on the application of the other partners, or of any person who appears to the Court to be entitled to require the same, dissolve the partnership, and thereupon, or upon a dissolution by decree of Court or otherwise by due course of law the Committee of the estate may, in the name and on behalf of the Lunatic, join with the other partners in disposing of the partnership property upon such terms, and shall do all such acts for carrying into effect the dissolution of the partnership, as the Court shall think proper.

XXII Where a Lunatic has been engaged in business, the Court may, if it appear to be for the Lunatic's benefit that the business premises should be disposed of, order the Committee of the estate to sell and dispose of the same, and the monies arising from such sale shall be applied in such manner as the Court shall direct.

XXIII Where a Lunatic is entitled to a lease or under-lease and it appears to be for the benefit of his estate that it should be disposed of, the Committee of the estate may, by order of the Court, surrender, assign, or otherwise dispose of the same to such person for such valuable or nominal consideration and upon such terms as the Court shall think fit.

XXIV If a Lunatic is possessed of any landed property situate beyond the local limits of the jurisdiction of the Court, which, by the law in force in the Presidency wherein such land is situated, subjects the proprietor, it disqualified, to the superintendence of the Court of Wards, the said Court of Wards may assume the charge of such landed property and manage the same according to the rules for the time being in force for such management. Provided that, in such case, no further proceedings in respect of the
Lunacy shall be taken under any such law, nor shall it be competent to the Court of Wards or to any Collector to appoint a guardian of the person of the said Lunatic or a manager of the estate, except of the landed property which so subjects the proprietor as aforesaid. Provided also, that the surplus of the income of such landed property, after providing for the discharge of the Government Revenue and expenses of management, shall be disposed of from time to time in such manner as the Supreme Court shall direct, and not otherwise. Provided further, that nothing contained in this Section shall affect the powers given to the Supreme Court by Sections XVIII, XIX, and XX, of this Act or (except so far as relates to the management of the said landed property which so subjects the proprietor as aforesaid) the powers given by any other Section of this Act.

XXV. Where any Stock or Government Securities or any Share in a Company (transferable within the said territories, or the dividends of which are payable therein) is standing in the name of, or is vested in a Lunatic beneficially entitled thereto, or in a Committee of the estate of a Lunatic, or in a trustee for him, and the Committee dies intestate, or himself becomes Lunatic, or is out of the jurisdiction of the Court, or it is uncertain whether the Committee be living or dead, or he neglect or refuse to transfer the Stock, Securities, or Shares, or to receive and pay the dividends to a new Committee or as he directs, within fourteen days after being required by him to do so, then the Court may order some fit person to make such transfer, or to transfer the same, and to receive and pay over the dividends in such manner as the Court may direct, and such transfer or payment shall be valid and effectual for all purposes.

XXVI. Where any such Stock or Government Securities or Share in a Company is standing in the name of, or vested in, any person residing out of the said territories and not in any part of the United Kingdom, the Court, upon being satisfied that such person has been declared of unsound mind, and that his personal estate has been vested in a cura-
tor or manager, according to the laws of the place where he is residing, may order some fit person to make such transfer of the Stocks, Securities, or Shares, or of any part thereof, to such curator or manager or otherwise, and also to receive and pay over the dividends and proceeds, as the Court may think fit; and any act done in pursuance of such order shall be valid and effectual for all purposes.

XXVII. If it appears to the Court, having regard to the situation and condition in life of the Lunatic and his family and the other circumstances of the case, to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner, it may, instead of appointing a Committee of the estate, order that the property, if money, or if of any other description the produce thereof, when realized, be paid to such person as the Court may think fit, to be applied for the purpose aforesaid; and all payments so made shall be a good discharge to the person making the same.

XXVIII. If it appears to the Court that the unsoundness of mind of a Lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of his family, the Court may, in like manner as under the last preceding Section, direct his property or a sufficient part of it to be applied for the purpose aforesaid.

XXIX. When any person has been found of unsound mind, and it shall be shown to the Court, either on the application of such person or of any other person acting on his behalf, or on the information of any other person, that there is reason to believe that such unsoundness of mind has ceased, the Court may make an order for enquiry whether such person is, or is not, still of unsound mind and incapable of managing himself and his affairs. The enquiry shall be conducted in the same manner and subject to the same rules as are hereinbefore prescribed for an enquiry into the unsoundness of mind of an alleged Lunatic; and if it be found that the unsoundness of mind has ceased, the Court shall order all
proceedings in the matter of the Lunacy to cease or to be set aside on such terms and conditions as under the circumstances of the case shall appear proper.

XXX. The Court may, from time to time, make such orders, not inconsistent with the provisions of this Act, as shall seem meet for carrying into effect the purposes of this Act, and for regulating the mode of proceeding before the Court, or before a Judge of the Court, or the Master, in matters of Lunacy.

XXXI. Every power given by this Act to the Master of any of the said Courts may also be exercised by a Judge of any of the said Courts, and shall in the Court of Judicature of Prince of Wales’ Island, Singapore, and Malacca be exercised by the Recorder of the said Court or of any division thereof.

XXXII. Unless the contrary appears from the context, the word "Lunatic," as used in this Act, shall mean any person found by due course of law to be of unsound mind and incapable of managing his affairs. Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular. Words importing the masculine gender shall include females.

Act No. XXXV of 1858

1. Regulations repealed.
2. Civil Court on application may institute inquiry, when a person possessed of property is alleged to be a Lunatic.
3. Application by whom to be made
4. Notice of inquiry to be given to Lunatic. Service of notice
5. Court may require attendance of, and may authorize persons to have access to, Lunatic for the purpose of examination
6. Rules respecting attendance and examination, where the alleged Lunatic is a woman of rank.
7. Appointment of Assessors. Order of Court
9. Management of Lunatic's estate, if consists of property
subject to Court of Wards. And in other cases. Who may be appoint-

10. Appointment of Guardian by Civil Court.

11. Court may direct Collector to take charge of Lunatic’s estate,
of consisting of land not subject to Court of Wards. Proceedings of
Collector subject to control of superior Revenue Authorities.

12. Remuneration of Managers and Guardians.


15. Managers to furnish inventory and annual accounts. Pro-
ceedings of accuracy of inventory or accounts be impugned.

16. Manager to pay proceeds of estates into the public Treasury.

17. Relative may sue for an account.

18. Removal of Manager or Guardian by Civil Court. Re-
moval by Collector.

19. Manager refusing to furnish accounts, may be fined by the
Civil, &c.

20. Court may in certain cases apply property for Lunatic’s
maintenance without appointing any Manager.

21. Court may institute inquiry to ascertain whether a person
has ceased to be of unsound mind. And may order estate to be restored
22. Orders to be open to appeal.


An Act to make better provision for the care of the Estates of
Lunatics not subject to the jurisdiction of the Supreme Courts
of Judicature.

WHEREOF it is expedient to make better provision for
the care of the estates of Lunatics not subject to the juris-
diction of the Supreme Courts of Judicature; and to pre-
scribe general rules by which the state of mind of persons
not subject to such jurisdiction, who are alleged to be Lu-

maric, may be enquired into and ascertained; It is enacted
as follows:—

I. So much of Section V Regulation X. 1793, of Section
IX Regulation LII. 1803, of Regulation I. 1800, and
of Section XXIX Regulation VIII. 1805, (extended to
Benares by Section II Regulation VI. 1822), of the Bengal
Code; and so much of Sections VI and VII Regulation V.
1801, and of Sections XX and XXII of the said Regulation
(as modified by Section III Regulation X. 1831), of the
Madras Code, as relate to Lunatics or idiots—are hereby repealed.

II. Whenever any person not subject to the jurisdiction of the Supreme Courts, who is possessed of property, is alleged to be a Lunatic, the Civil Court within whose jurisdiction such person is residing may, upon such application as is hereinafter mentioned, institute an enquiry for the purpose of ascertaining whether such person is or is not of unsound mind and incapable of managing his affairs.

III. Application for such enquiry may be made by any relative of the alleged Lunatic or by any Public Curator appointed under Act XIX of 1841, or by the Government Pleader, or, if the property of the alleged Lunatic consist in whole or in part of land or any interest in land, by the Collector of the District in which it is situate. If the property or any part thereof be of such a description as by the Law in force in any Presidency where such property is situate would subject the proprietor, it disqualified, to the superintendence of the Court of Wards, the application may be made by the Collector on behalf of the Court of Wards.

IV. When the Civil Court is about to institute any such enquiry as aforesaid, it shall cause notice to be given to the alleged Lunatic of the time and place at which it is proposed to hold the enquiry. If it shall appear that the alleged Lunatic is in such a state that personal service on him would be ineffectual, the Court may direct such substituted service of the notice as it shall think proper. The Court may also direct a Copy of such notice to be served upon any relative of the alleged Lunatic.

V. The Civil Court may require the alleged Lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged Lunatic. The Court may likewise make an order authorizing any person or persons therein named to have access to the alleged Lunatic for the purpose of a personal examination.
VI. The attendance and examination of the alleged Lunatic under the provisions of the last preceding Section shall, if the alleged Lunatic be a woman who, according to the manners and customs of the Country, ought not to be compelled to appear in public, be regulated by the rules in force for the examination of such persons in other cases.

VII. The Civil Court, if it think fit, may appoint two or more persons to act as Assessors to the Court in the said enquiry. Upon the completion of the enquiry, the Court shall determine whether the alleged Lunatic is or is not of unsound mind, and may make such order as to the payment of the costs of the enquiry by the person upon whose application it was made, or, out of the estate of the alleged Lunatic, if he be adjudged to be of unsound mind, or otherwise, as it may think proper.

VIII. If the alleged Lunatic reside at a distance of more than fifty miles from the place where the Civil Court to which the application shall have been made is held, the said Court may issue a Commission to any subordinate Court, to make the enquiry, and thereupon the said subordinate Court shall conduct the enquiry in the manner hereinbefore provided. On the completion of the enquiry the subordinate Court shall report its proceedings with the opinions of the Assessors, if Assessors have been appointed, and its own opinion on the case; and thereupon the Civil Court shall make such order in the case as it may think proper.

IX. When a person has been adjudged to be of unsound mind and incapable of managing his affairs, if the estate of such person or any part thereof consist of property which by the law in force in any Presidency subjects the proprietor, it disqualified, to the superintendence of the Court of Wards, the Court of Wards shall be authorized to take charge of the same. In all other cases, except as otherwise hereinafter provided, the Civil Court shall appoint a Manager of the estate. Any near relative of the Lunatic or the Public Curator, or, if there be no Public Curator, any other suitable person, may be appointed Manager.
X. Whenever a Manager of the estate of a Lunatic is appointed by the Civil Court, the Court shall appoint a fit person to be Guardian of the person of the Lunatic. The Manager, unless he be the Public Curator, may be appointed Guardian. Provided always, that the legal heir of the Lunatic shall not in any case be appointed Guardian of his person.

XI. If the estate consist in whole or in part of land or any interest in land not subject to the jurisdiction of the Court of Wards, the Civil Court, instead of appointing a Manager, may direct the Collector to take charge of the estate, and thereupon the Collector shall appoint a Manager of the property and a Guardian of the person of the Lunatic. All the proceedings of the Collector in the charge of estates under this Act shall be subject to the control of the superior Revenue Authorities.

XII. If the person appointed to be Manager of the estate of a Lunatic, or the person appointed to be Guardian of a Lunatic’s person, shall be unwilling to discharge the trust gratuitously, the Court or the Collector, as the case may be, may fix such allowance or allowances to be paid out of the estate of the Lunatic, as under the circumstances of the case may be thought suitable.

XIII. The person appointed to be Guardian of a Lunatic’s person shall have the care of his person and maintenance. When a distinct Guardian is appointed, the Manager shall pay to the Guardian such allowance as shall be fixed by the Court or the Collector, as the case may be, for the maintenance of the Lunatic and of his family.

XIV. Every Manager of the estate of a Lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor, if not a Lunatic; and may collect and pay all just claims, debts, and liabilities due to or by the estate of the Lunatic. But no such Manager shall have power to sell or mortgage the estate or any part thereof, or to grant a
lease of any immovable property for any period exceeding five years, without an order of the Civil Court previously obtained.

XV. Every person appointed by the Civil Court or by the Collector to be Manager of the estate of a Lunatic shall, within six months from the date of his appointment, deliver in Court or to the Collector, as the case may be, an inventory of the landed property belonging to the Lunatic, and of all such sums of money, goods, and effects, as he shall receive on account of the estate, together with a statement of all debts due by or to the same. And every such Manager shall furnish to the Court or to the Collector annually, within three months of the close of the year of the era current in the District, an account of the property in his charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands. If any relative of the Lunatic, or any public Officer, by petition to the Court, shall impeach the accuracy of the said inventory and statement, or of any annual account, the Court may summon the Manager and enquire summarily into the matter and make such order thereon as it shall think proper, or the Court, at its discretion, may refer any such petition to any subordinate Court, or to the Collector if the Manager was appointed by the Collector.

XVI. All sums received by a Manager on account of any estate in excess of what may be required for the current expenses of the Lunatic or of the estate, shall be paid into the public Treasury on account of the estate, and may be invested from time to time in the public Securities.

XVII. It shall be lawful for any relative of a Lunatic to sue for an account from any Manager appointed under this Act, or from any such person after his removal from office or trust, or from his personal representative in case of his death, in respect of any estate then or formerly under his care or management, or of any sums of money or other property received by him on account of such estate.