

of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Sections XL, XLI, and XLII. of this Act shall extend to any letter or packet conveyed by Her Majesty's Mails.

XLIII. The Commander of every vessel leaving any place in the said territories by sea shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel who shall wilfully disobey any direction contained in this Section shall be punished with a fine not exceeding one thousand Rupees.

XLIV. Clause 1. A list of all letters, packets, and parcels posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters, packets, and parcels, which shall have remained three weeks unclaimed in any Office, shall, if the sender's name and address are written on the cover, be returned to the Posting Office to be delivered to the sender free of all charge; all letters, packets, and parcels, of which the sender's name and address cannot be ascertained unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the Office of the Post Master General of the Presidency.

Clause 2. The Post Master General, or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters, packets, or parcels, and if the address of the sender can be discovered, shall enclose them in dead letter covers and return them to the sender. All letters, packets, and parcels, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Clause 3. All money found in any unclaimed letter, packet, or parcel, shall be paid into the the Public Treasury, and all other valuable property found as above shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose, and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Refused letters, &c. **XLV.** Letters, parcels, or packets rejected unopened by the person to whom they are addressed, shall be forthwith sent to the Office of the Post Master General of the Presidency, who shall open the letter, parcel or packet, and take measures to recover the postage from the sender, or shall at his discretion destroy the letter, parcel, or packet; and all money, or other valuable property, which such letter, parcel, or packet may contain, shall be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed letters.

XLVI. On and after the passing of this Act, the privilege of sending and receiving letters and packets by the post free of postage, whether official or otherwise, shall wholly cease; and all letters and packets, to which any such privilege now extends, shall henceforth be charged with the same rates of postage as any other letters sent by the post. Provided that letters and packets on the public service, certified to be such by the signature of any Public Officer authorized in that behalf by the Governor-General of India in Council, shall be forwarded by the post as if they were duly stamped, and the postage due thereon shall be charged to the several public departments from which such letters or packets are sent, in such manner as the said Governor-General of India in Council shall direct.

XLVII. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify, by writing, on any official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver for conveyance by post, any letter or packet with any

Penalty for false certificate.

such false certificate thereon; and every person who shall knowingly send, or permit to be sent, by post, under color or pretence of an official communication, any letter, paper, writing, or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section above-mentioned, shall, for every such offence, forfeit a sum not exceeding five hundred Rupees.

XLVIII. If any Officer in charge of a Post Office shall suspect that any letter, parcel, or packet, lying for delivery at his Office, contains any contraband article, or any article on which duty is owing to Government, or that any letter, parcel, or packet, lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections VIII, XV, XVI, or

XLVII of this Act, it shall be lawful for such Officer to summon the person to whom the letter, parcel, or packet is directed, to attend at the Post Office by himself or agent within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that, if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter, parcel, or packet in the absence of the person to whom it is addressed. Provided also, that in all cases the open letter, parcel, or packet shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior proceedings, and that the opening of the same, and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel or packet through the Post Office by sea to any foreign port or to any place not on the continent of India, unless such parcel be accompanied by a Custom House Pass.

XLIX. The Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

L. Whoever being in the employ of the Government in the Post Office Department shall fraudulently secrete, make away with, or appropriate any letter, parcel, or packet which may have been entrusted to him, or anything contained in any such letter, parcel, or packet, or shall mutilate or break open any such letter, parcel, or packet, or any banyhy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

LI. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger whilst carrying the mail, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet in transit from one Post Office to another; and every person who shall be guilty of any of the above-mentioned offences shall be punished with a fine not exceeding five hundred Rupees.

LII. Every person who shall fraudulently retain, or wilfully secrete, make away with, or keep or detain, or, being required to deliver up by an Officer of the Post Office, shall neglect or refuse to deliver up, a post letter or other article which ought to have been delivered to any other person, or a post letter bag containing a letter or other article or packet which shall have been sent by the post, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LIII. Every person employed to convey or deliver any post-bag or any letter, parcel, or packet sent by post, who shall be guilty while so employed of any act of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag or letter, parcel or packet, shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, letter, parcel, or

packet; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter, parcel, or packet, shall be liable to a fine not exceeding fifty Rupees; and any person employed to deliver a letter, parcel, or packet sent by the post, who shall not duly deliver the same, shall, within a reasonable time, not exceeding twenty-four hours, report the fact at the Post Office where he received such letter, parcel, or packet, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding fifty Rupees.

LIV. Whoever being in the employ of the Government in the Post Office Department, and being entrusted to receive money for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LV. Whoever being in such employ as is described in Section LIV, shall fraudulently put any wrong mark on any letter, parcel, or packet, or shall fraudulently alter, remove, or cause to disappear, any mark or stamp which is on any letter or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVI. Whoever being in such employ as is described in Section LIV, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare that document incorrectly or alter that document, or shall aid, abet, or conceal any of the above-named acts, or secrete, or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVII. Whoever being in such employ as is described in Section LIV, shall send by the post, or put into any post-bag, any unstamped letter, parcel, or packet upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter, parcel, or packet, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

LVIII. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

LIX. No conviction, order, or judgment of any Justice of the Peace 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.

LX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant; and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

LXI. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

LXII. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of any of the above-named Officers; and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

LXIII. A share not exceeding one moiety of every fine imposed and recovered under this Act may be awarded to the informer.

LXIV. No proceedings shall be taken for the recovery of any such fine without an order of Government, or an order in writing of the Director General of the Post Office, or of a Post Master General.

LXV. If any servant of the East India Company, who shall be employed by the said Company in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the said Company or any of the said local Governments with the sale of postage stamps within the dominions of any Foreign Prince or State in alliance with the said Company, in which a post shall be established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor-General of India in Council to take cognizance of offences committed in such dominions, by servants of the East India Company or by any Court or Magistrate or other competent Officer, in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

LXVI. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.

LXVII. It shall be lawful for the Governor-General of India in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions, and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed, and delivered.

LXVIII. Unless the Governor-General of India in Council shall otherwise order, nothing in this Act shall authorize the charge of postage upon printed books, magazines, reviews, or pamphlets (whether British, Colonial, or Foreign) sent through the post from the United Kingdom, to any place to which there shall be a post established by the East India Company, or from such place to the United Kingdom, provided the British postage chargeable thereon be pre-paid.

LXIX. It shall be lawful for the Governor-General of India in Council by an order in Council, to direct that postage shall not be chargeable under this Act on any letters or other articles, to be specified in such order, sent through the post from any part of the British dominions to any place to which there shall be a post established by the East India Company, or from such place to any part of the British dominions, subject to such conditions, as to the prepayment of British postage or otherwise, as the Governor-General of India in Council may think fit.

LXX. It shall be lawful for the Governor-General of India in Council to frame Rules for the management of all or any Zemindaree, Thannah or other District dawks, and to declare, from time to time, what portions of this Act shall be applicable to such dawks and to persons employed in connexion therewith.

LXXI. This Act shall commence and take effect from and after the first day of October, 1854.

ACT No. XVIII. of 1854.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 12th August, 1854.)

AN ACT relating to Railways in India.

WHEREAS it is expedient that all Railways, which have been, or shall be opened by any Railway Company, under the superintendence and control of the East India Company, for the public conveyance of passengers or goods in any part of the territories in the possession and under the Government of the said Company, should be subject to the same regulations; It is enacted as follows:—

I. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any servant of the said Company duly authorized to examine the same, and shall deliver up such ticket, upon demand, to any of the Company's servants duly authorized to collect tickets. Any person not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

II. At the intermediate Stations, the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance

shall have the preference; and those who shall have obtained tickets for the same distance shall have the preference according to the order in which they shall have received their tickets. Provided that all Officers and troops of Her Majesty, or of the East India Company, on duty, and

Proviso. all other persons on the business of the East India Company, who by virtue of any contract with the East India Company, shall be entitled to be conveyed on such Railway in preference to, or in priority over the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which they shall have received their tickets.

III. Any person who shall defraud or attempt to defraud any such Railway Company, by travelling, or attempting to travel, upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof, or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding fifty Rupees for each offence.

IV. Any passenger, who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit any carriage upon any such Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a fine not exceeding twenty Rupees for each offence.

V. Any person other than the engine-man, and fire-man, and assistant fire-man, if any, who, without the special licence of the Superintendent of Locomotives, shall ride or attempt to ride upon any locomotive engine or tender upon any such Railway; and any person other than the guard or breaksmen, who, without such licence, as aforesaid, shall ride or attempt to ride upon such Railway, in or upon any luggage van or goods-waggon, or other vehicle not appropriated to the carriage of passengers shall be liable to a fine not exceeding twenty Rupees for each offence.

VI. If any person shall smoke, either on the premises, or in or upon any of the carriages belonging to any such Railway Company, except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding twenty Rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the servants of the Company, such person, in addition to incurring the liability above-mentioned, may be removed by any of the servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

VII. Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency in any Railway carriage, or upon any part of the premises of any such Railway Company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding twenty Rupees; and in addition to such liability, the offender may be removed by any of the servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

VIII. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such Railway Company for the exclusive use of females, any male person, who without lawful excuse shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its exclusive appropriation, shall be liable to a fine not exceeding one hundred Rupees, and may be removed therefrom, and also from the premises of the Company, by any of the servants of the Company, and shall forfeit his fare.

IX. No such Railway Company shall in any case be answerable for loss or injury to any passengers' luggage unless it shall have been booked and separately paid for.

No liability for passengers' luggage.

X. No such Railway Company shall in any case be answerable for loss or of injury to any gold or silver, coined or uncoined, manufactured or unmanufactured, or any precious stones, jewellery, watches, clocks, or time-pieces of any description, trinkets, Government securities, bills of exchange, promissory notes, Bank-notes, orders, or other securities for payment of money, Government stamp-paper, postage stamps, maps, writings, title-deeds, paintings, engravings, pictures, plated articles, glass, china, silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, shawls, lace, or any of them contained in any parcel or package which shall have been delivered to such Railway Company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same, and an increased charge for the safe conveyance of the same shall have been accepted by some person specially authorized to enter into such engagements on behalf of the said Railway Company.

XI. The liability of such Railway Company for loss or injury to any articles or goods to be carried by them other than those specially provided for by this Act shall not be deemed or construed to be limited or in any wise affected by any public notice given, or any private contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by gross negligence or misconduct on the part of their agents or servants.

XII. If any person shall fail to pay on demand any sum due to any such Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods to realize the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale, to retain the sum so payable, together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by action at law.

XIII. The owner or person having the care of any goods which shall have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company, appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity and description of such goods.

XIV. If any such owner or person as aforesaid shall wilfully fail to give such account to such servant of the Company, or if he shall wilfully give a false account thereof, he shall for every such offence be liable to a fine not exceeding fifty Rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding twenty Rupees for any quantity of goods less than a ton, or for any parcel less than one hundred weight.

XV. No person shall carry upon any such Railway any dangerous goods, or be entitled to require any such Railway Company to carry upon such Railway any luggage or goods which, in the judgment of the Company or any of their servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods, or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding two hundred Rupees for every such offence; and it shall be lawful for any such Company or any of their servants to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same

to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being carried on the Railway, it shall be lawful for the Company or any of their servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

XVI. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations, or premises connected therewith, shall be liable to a fine not exceeding fifty Rupees.

XVII. Any person who shall trespass upon any such Railway, or upon any of the lands, stations, or other premises belonging to the Company, shall be liable to a fine not exceeding twenty Rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding fifty Rupees, and may be immediately removed from such Railway or premises by such officer, servant, or other person as aforesaid.

XVIII. Any person who shall wilfully ride, lead, or drive upon or across any such Railway, any animal, except in directly crossing the said Railway, at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding fifty Rupees for each offence.

XIX. If the Railway cross any public carriage road on a level, the Railway Company shall erect, and at all times maintain good and efficient gates, either across the Railway, or across the road on each side of the Railway where the same shall communicate with the road, and shall employ proper persons to open and shut such gates. If such gates be across the road, they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway they shall be kept closed, except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence in the Railway, and prevent cattle, carriages, or passengers from entering upon the Railway. Provided that it shall be lawful for the local Government in any case or order that the gates shall be across the road or across the Railway, as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly. If any Railway Company shall wilfully fail to comply with the provision of this Section, they shall forfeit a sum not exceeding two hundred Rupees for each offence, and any Magistrate or Justice of the Peace may, in case any such gates be not erected or maintained, order the Company to erect and maintain the same within a time to be specified in the order, and in case of wilful failure on the part of the Railway Company to comply with such order, they shall be liable to a fine not exceeding two hundred Rupees for every day that they shall wilfully fail so to do.

XX. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or, failing therein, shall be liable to a fine not exceeding fifty Rupees for every offence; and it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence within a time to be specified in the order, and upon failure of the Company to comply with such order, they shall be liable to a fine not exceeding fifty Rupees for every day that they fail so to do.

XXI. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Railway Company, except for want of the erection or maintenance of any fence or gate which the Company is bound to erect and maintain, shall be liable to a fine not exceeding ten Rupees for each animal; and it shall be lawful for the Company, or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be

detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding ten Rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding, and selling such animal, shall be returned to the owner of the animal on demand.

XXII. Any person who shall unlawfully and wilfully remove or deface the number plates, or remove or extinguish any lamp on any carriage belonging to any such Railway Company; or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railway Company, shall be liable to a fine not exceeding fifty Rupees.

XXIII. If any person for whose use or accommodation any gate shall have been set up by any such Railway Company on either side of such Railway, or any other person shall open such gate or pass, or attempt to pass, or drive or attempt to drive any carriage, cattle, or other animal or thing across the said Railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle, or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine not exceeding fifty Rupees.

XXIV. If any person shall commit any offence hereby made punishable by fine, and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any officer or servant of the Company, or any Police Officer, or other person whom such officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate or other officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.

XXV. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labor, for any term not exceeding seven years.

XXVI. If any officer or servant of such Railway Company shall wilfully do any act which he is legally prohibited from doing, or shall wilfully or negligently omit to do what he is legally bound to do, and if in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such officer or servant shall be liable to be imprisoned, with or without hard labor, for any term not exceeding three years, or to fine, or to both.

XXVII. Any officer or servant of such Railway Company, who shall be in a state of intoxication whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty, and any officer or servant of such Company who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding fifty Rupees; and if the duty in any of the cases in this Section above-mentioned be such that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such officer or servant shall, on conviction before a Magistrate, be liable to imprisonment, with or without hard labor, for a term not exceeding one year, or to fine, or to both.

XXVIII. If any person shall rashly or negligently, and without lawful excuse, do any act which shall be likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction before a Magistrate, be liable to imprisonment, with or without hard labor, for a term not exceeding one year, or to fine, or to both.

XXIX. In the construction of this Act, every officer and servant of such Railway Company shall be deemed to be legally bound to do everything necessary for, or conducive to the safety of the public, which he shall be required to do by any regulation which shall be made by the Company, and allowed by the Governor-General of India in Council, and of which regulation such officer or servant shall have notice; and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing; and every person employed by or on behalf of such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

XXX. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such officer or not, and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

XXXI. No conviction, order, or judgment of any Justice of the Peace 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.

XXXII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Deputy Magistrate, acting judicially.

XXXIII. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

XXXIV. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the above-named officers; and in case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand,

commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXXV. The heads of district police and ameens of Police in the Presidency of Madras, and district or joint police officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding twenty Rupees.

XXXVI. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section I of this Act, may be enforced in the same manner as any fine imposed by this Act.

XXXVII. Every person who shall be guilty of any offence mentioned in Sections XXV, XXVI, XXVII, and XXVIII of this Act, may be lawfully apprehended without any warrant or written authority, by any servant or officer of the Company, or by any other person whom such officer or servant shall call to his aid, or by any Police Officer of such grade as shall by any law in force for the time being be entrusted in any case with the power of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of the Peace, or other officer lawfully authorized to punish the offender or to commit him for trial.

XXXVIII. In the construction of this Act, unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural; words in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance.

XXXIX. Acts No. III of 1853 and No. XII of 1853 are hereby repealed, except as to acts done, offences committed, and liabilities incurred before the passing of this Act.

XL. Every Railway within the said territories, used for the public conveyance of passengers or goods, shall, until the contrary be proved, be presumed to be a Railway within the meaning of this Act, and every Company to whom any such Railway shall belong shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

XLI. Every such Railway Company shall, within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury, give notice thereof to the local Government; and if any such Company omit to give such notice, they shall forfeit the sum of fifty Rupees for every day during which the omission to give the same shall continue.

XLII. The local Government may order and direct any such Railway Company to make up and deliver to them a return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required, every such Company shall forfeit the sum of fifty Rupees for every day during which the said Company shall neglect to deliver the same.

XLIII. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of charges, which shall from time to time be published by any Railway Company with the sanction of the local Government, shall be exhibited in some conspicuous place at each Station of every Railway, so that they may be easily seen and

Copy and translation of Acts to be shown at Railway Stations.

read; and all such documents shall be so exhibited in English and in the Vernacular language, of the district in which the Station is situate, and in such other language, if any, as shall be required by order of the local Government.

ACT No. LII. of 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 26th December, 1860.)

AN ACT to amend Act XVIII of 1854 (relating to Railways in India.)

WHEREAS it is expedient to amend the law relating to offences declared to be punishable under Act XVIII of 1854 (*relating to Railways in India*) on conviction before a Justice of the Peace for any of the Presidency Towns of Calcutta, Madras, and Bombay; It is enacted as follows:—

I. If any person is charged before a Police Magistrate of a Presidency Town with committing any offence which under Section XXVII or Section XXVIII of Act XVIII of 1854 is punishable on conviction with imprisonment, and if such Police Magistrate shall deem it probable that, in consequence of the probable departure of any material witness from the local limits of the jurisdiction of such Magistrate, the prosecution of such offender by indictment in the Supreme Court will be ineffectual, such Magistrate may try the offender, and on conviction may award a sentence not exceeding six months' imprisonment, with or without hard labor.

II. The jurisdiction given to Police Magistrates under the foregoing Section may be exercised whether the offence shall be charged to have been committed within the local limits of the jurisdiction of such Magistrates or not, and any person hereby made punishable by a Police Magistrate shall be punishable upon summary conviction, but such jurisdiction shall only be exercised if the witnesses necessary for the prosecution of the offender are to be found within the local limits of the jurisdiction of the Police Magistrate before whom the offender is charged.

III. This Act shall be taken to be, and shall be read as part of Act XVIII of 1854.

ACT No. III. OF 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 31st January, 1857.)

AN ACT relating to Trespasses by Cattle.

WHEREAS loss and injury are suffered by cultivators and occupiers of land from damage done to crops and other produce of land by the trespass of Cattle: and whereas damage is done to the sides and slopes of public roads and embankments by Cattle trespassing thereon: and whereas it is expedient to authorize the seizure and detention of Cattle doing damage as aforesaid and also to make provision for the disposal of Cattle found straying in any public place: It is enacted as follows:—

I. Section IV, Regulation V. 1830 of the Bengal Code, Section XII and LII, Regulation XI. 1816 of the Madras Code, and such parts of Section XIX, XLV and LIII, Regulation XII, 1827 of the Bombay Code, as authorize the Magistrates or Police Officers to take charge and dispose of stray Cattle, are hereby repealed.

II. It shall be lawful for the cultivator or occupier of any land to seize or cause to be seized any cattle trespassing on such land, and doing damage to such land or any crop or produce thereon, and to convey them without unnecessary delay to the pound established for the village or township in which the land is situate. Village and other Police Officers, when called upon, shall give their aid to cultivators and occupiers making such seizures.

III. Pounds shall be established at the thannahs or district Police stations, and at such other places as the Magistrate, under the orders of the local Government, may determine. The village or villages by which every pound is to be used shall be determined and notified by the Magistrate.

IV. The pounds shall be under the control of the Magistrate of the district, and for each pound a pound-keeper shall be appointed, who shall keep such registers and furnish such returns as the local Government shall direct. Provided that, in the Presidencies of Fort St. George and Bombay, the heads of villages and Police patells shall be ex-officio the keepers of village-pounds.

V. When Cattle are brought to a pound, the pound-keeper shall enter in his register the number and description of the animals, the name and residence of the seizer, and the name and residence of the owner, if known, and shall give a copy of the entry to the seizer. The pound-keeper shall take charge of and feed the Cattle until disposed of as hereinafter directed.

VI. For every head of Cattle impounded as aforesaid, a fine shall be levied according to the following scale:—

	Annas.
Camel or Buffalo	8
Horse or Tatoo, Bull, Bullock, or Cow	4
Calf or Ass	2
Sheep or Goat	1

and no Cattle shall be released by a pound-keeper without the payment of such fine, unless the release be ordered by competent authority.

VII. If the owner appear and claim the Cattle, they shall be delivered to him on payment of the prescribed fine together with the expense of feeding the Cattle at such rates as may from time to time be fixed by the Magistrate; and the owner, on taking back his Cattle, shall sign a receipt for them in the register kept by the pound-keeper. A schedule of the fines and of the rates of charge for feeding Cattle shall be stuck up in a conspicuous place on or near to every pound.

VIII. If the Cattle be not claimed within seven days from the date of their being impounded, the pound-keeper shall make his report to the Darogah or district Police Officer, who shall stick up in a conspicuous part of the Police Office, a notice containing a statement of the number and description of the Cattle, the place where they were seized, and the place where they are impounded, and shall cause proclamation of the same to be made by beat of drum in the village, and at the market place, nearest to the place of seizure. If the Cattle be not claimed within seven days from the date of the notice, they shall be sold by public auction by the Darogah or district Police Officer or an Officer of his establishment deputed for the purpose.

IX. If the owner appear, and refuse or omit to pay the fines and expenses, the Cattle, or as many of them as may be necessary, shall be sold by public auction for the recovery of such fines and expenses by the Darogah or other Officer as aforesaid; and the remaining Cattle and the balance of the purchase money, if any, shall be delivered to the owner, together with an account showing the number of Cattle seized, the time during which they have been impounded, the charge for fines and expenses, the number of Cattle sold, the proceeds of sale, and the manner in which those proceeds have been disposed of; and the owner shall grant a receipt for the Cattle delivered to him and for the balance of the purchase money paid to him (if any) according to such account. Provided always that, if a

Proviso.

complaint against the seizure shall have been preferred under the provisions of Section XIV of this Act, no sale shall be made until the case shall have been decided, nor otherwise than according to the order which may be passed in such case.

Police Officers and pound-keepers not to purchase Cattle at a sale under this Act.

X. Police Officers and pound-keepers are prohibited from becoming, directly or indirectly, purchasers of any Cattle at a sale under this Act.

XI. When Cattle are sold under the provisions of this Act, the fines leviable

Disposal of sale proceeds, fines, and expenses.

and the expenses of feeding, together with the expenses of sale, if any, shall be deducted from the sale proceeds. The fines so recovered, as well as all fines received by the pound-keepers under Section VII, shall be transmitted to the Magistrate by the Darogah, or district Police Officer. The expenses of feeding realized by sale shall be paid over to the pound-keepers, who shall also retain and appropriate all sums received by them on account of such expenses under Section VII. The surplus proceeds of the sale of unclaimed Cattle shall be transmitted to the Magistrate, who shall hold them in deposit for three months, and if no claim to them be preferred and established within that period, shall, at its expiry, dispose of them as hereinafter provided.

XII. The sums received on account of fines and the unclaimed proceeds of the sale

Fines and unclaimed proceeds of sales to form a fund for the payment of pound-keepers, &c.

of unclaimed Cattle shall form a fund which shall be available for the payment of any salaries which may be allowed to pound-keepers under the orders of the local Government or of expenses incurred for the construction and maintenance of pounds, or for any other purpose connected with the execution of this Act.

XIII. Every person who shall forcibly oppose the seizure of Cattle doing damage

Penalty for forcibly opposing the seizure of Cattle or rescuing the same.

to land or to crops or other produce of land, or shall forcibly rescue the same after seizure either from a pound or from the seizer when conveying or about to convey them to a pound, shall be liable for such offence to imprisonment, with or without labor, for a period not exceeding six months, or to a fine not exceeding five hundred Rupees, or to both. Offences under this Section shall be dealt with by the Police Officers according to the provisions of Section XXV, Regulation XX. 1817 of the Bengal Code, Section XXVII, Regulation XI. 1816 of the Madras Code, and Section XLIII, Regulation XII. 1827 of the Bombay Code.

XIV. Any person whose Cattle shall have been seized and detained as doing

Owner may prefer complaint to Magistrate within ten days from date of seizure of his Cattle.

damage to land or any crop or produce thereon, may prefer a complaint against the seizure, at any time within ten days from the date thereof, to the Magistrate, or to any Joint Deputy or Assistant Magistrate, or other Officer having criminal jurisdiction, authorized to receive and try charges without reference by the Magistrate. The complaint may be either verbal, in

Procedure.

which case the substance of it shall be taken down in writing by the Magistrate or other Officer as aforesaid, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. The Magistrate or other Officer as aforesaid, if on examination of the complainant or his agent he shall see reason to believe the complaint to be well founded, shall summon the party complained

Damages for illegal seizure.

against, and shall proceed to make a summary inquiry into the case. If the seizure be adjudged illegal, the Magistrate or other Officer as aforesaid shall award to the complainant such damages, not exceeding in any case the sum of one hundred Rupees, as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure and detention, together with all expenses incurred by the complainant in procuring the release of the Cattle; or, if the Cattle have not been released, the Magistrate or other Officer as aforesaid, in addition to the award of damages, shall make an order for their release, and shall direct that the fines and expenses leviable under this Act shall be paid by the party who made the seizure. Moonsiffs and other Judicial Officers having original jurisdiction, and not invested with

Moonsiffs and others may be invested with power to adjudicate under this Section.

criminal powers, may be specially invested by the local Government with the power of receiving and trying complaints under this Section, and in the exercise of such powers shall be subject to the same rules as Assistants and other Officers subordinate to the Magistrate.

XX. Persons in charge of public roads, canals, embankments, and the like, may Impounding of Cattle doing damage to roads, embankments, &c. seize or cause to be seized any Cattle doing damage to sides or slopes of such roads, canals, embankments, and the like; and all the foregoing provisions of this Act shall be applicable to such seizures.

XVI. Village and other Police Officers shall convey to the pounds established under Section III of this Act all Cattle, the owners of which are unknown, found straying in any public road or place; and the provisions of this Act relative to the detention, release, and sale of Cattle seized as trespassing and doing damage, shall be applicable to all Cattle impounded as aforesaid.

XVII. When any person commits mischief by causing Cattle to trespass on any land, the penalty provided for such offence may be adjudged on the complaint of any person authorized to seize Cattle under Section II of this Act, or of any person who may have made advances for the cultivation of the land and delivery of the produce; and any fine which shall be so adjudged may be recovered by sale of the Cattle by which the trespass was committed, or any portion of them, whether the Cattle were seized in the act of trespassing or not, and whether such Cattle are the property of the person convicted of the offence, or were only in his charge when the trespass was committed.

XVIII. Any person, being an owner or keeper of pigs, who, through neglect or otherwise, shall damage or cause or permit to be damaged any land or any crop or produce of land by allowing pigs to trespass thereon, shall be liable for such offence to a fine not exceeding ten Rupees.

Application of fines. Magistrate.

XIX. Nothing contained in this Act shall be held to prohibit any person, whose crops or other produce of land shall have been damaged by trespass of Cattle, from instituting a suit for the recovery of damages in any competent Court. Provided that any compensation which may have been paid to any such person by order of the Magistrate, shall be set off and deducted from any sum claimed by or awarded to him as damages in such suit.

Local Government, with the sanction of the Governor-General in Council, may exclude any district, &c., from the operation of this Act.

XXI. In the construction of this Act, words importing the singular number shall include the plural, and words importing the plural number shall include the singular; words importing the masculine gender shall include females; the word "Magistrate" shall include a Joint Magistrate, or other Officer lawfully exercising the powers of a Magistrate; the expression "Darogah or District Police Officer" shall, in the North-Western Provinces of the Presidency of Fort William, include a Tuhseeldar or Naib Tuhseeldar entrusted with Police powers.

XXII. This Act shall commence and take effect from and after the first day of May, 1857.

Commencement of Act.

ACT NO. V. OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 8th February, 1860.)

AN ACT to amend Act III. of 1857 relating to (trespasses by Cattle.)

WHEREAS, under the provisions of Act III. of 1857, fines may be levied from the owners of Cattle found trespassing and doing damage, or straying in any public place, and all unclaimed Cattle so found

Preamble.

may be sold after sufficient notice: and whereas it is provided in the said Act that the sums received on account of fines and the unclaimed proceeds of the sale of unclaimed Cattle shall be applied to the payment of the salaries of pound-keepers and other purposes connected with the execution of the Act: and whereas the amount of the said sums may be larger than is required for the said purposes, and it is expedient to provide for their legal application to other purposes; It is enacted as follows:—

I. When the amount of the sums received on account of fines and the unclaimed proceeds of the sale of unclaimed Cattle is larger than is required for the payment of the salaries allowed to pound-keepers and the expenses incurred for the construction and maintenance of pounds and other purposes connected with the execution of the said Act, any surplus which may remain after making full provision for the said salaries and expenses may be applied, under the direction of the local Government, to the construction and repair of roads and bridges, and other works of a like nature.

II. In the territories under the Government of Fort Saint George, it shall be lawful for Police Officers, in dealing according to the provisions of Section XXVII, Regulation XI, 1816 of the Madras Code with the offences specified in Section XIII of the said Act, to forward their proceedings with the offenders and witnesses either to the Magistrate or to the Criminal Judge. Magistrates shall have jurisdiction to award punishment under the said Act for such offences within the limits of the powers vested in them by law.

MADRAS PRESIDENCY.

Procedure in dealing with the offences of forcibly opposing the seizure of Cattle, or rescuing Cattle.

MADRAS PRESIDENCY.

Heads of Police, &c., not to be deemed Officers having Criminal jurisdiction within the meaning of Section XIV, Act III of 1857.

Construction of the words "Heads of Villages" in Section IV, Act III of 1857.

Act to be read as part of Act III of 1857.

III. In the territories under the Government of Fort Saint George, Heads of Police, Police Ameen, and Village Moonsiffs shall not be deemed Officers having Criminal jurisdiction, authorized to receive and try charges without reference by the Magistrate within the meaning of Section XIV of the said Act.

IV. Section IV of the said Act shall be read throughout the General Police District of the Presidency of Madras, as if the words "Village Inspectors" were substituted for "Heads of Villages."

V. This Act shall be read with and taken as part of Act III of 1857.

ACT No. XXII. OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 20th August, 1861.)

AN ACT to amend Act III of 1857 (relating to trespasses by Cattle.)

WHEREAS it is expedient to amend Act III of 1857 (relating to trespasses by Cattle); It is enacted as follows:—

I. Whoever with intent to cause or knowing that he is likely to cause wrongful loss or damage to any person, causes Cattle to trespass on any land or on the crop cultivated on any land, shall be punished by a Magistrate with imprisonment with or without labor for a term which may extend to three months, or with fine not exceeding two hundred Rupees, or with both.

II. Whoever commits the offence defined in the foregoing Section, and thereby causes loss or damage to the amount of fifty Rupees or upwards, shall be punished by a Magistrate with imprisonment with or without labor for a term which may extend to two years, or with fine not exceeding two hundred Rupees, or with both.

III. The term "Magistrate" in the foregoing Sections shall include any Officer who, by any law for the time being in force, is competent to sentence any offender to imprisonment for the period of six months and to a fine amounting to two hundred Rupees.

Definition of "Magistrate."

IV. When a fine is imposed upon a conviction for any offence under this Act, the Magistrate may order that the fine or any part thereof, not exceeding the loss appearing to be caused to any person who has suffered by such offence, be paid to such person, and in any such case the fine when levied or received shall be paid accordingly. No amount ordered to be paid under this Section shall be paid over to the person to whom it is awarded until the lapse of thirty days from the date of such order, unless such order shall have been sooner confirmed by an Appellate Court.

V. Any sentence or order made in any case tried under this Act shall be subject to appeal, in like manner as the sentences or orders made by the Magistrate or other Officer aforesaid in criminal trials are subject to appeal by any law for the time being in force.

VI. The power of seizing or causing to be seized any Cattle trespassing on, or doing damage to, any land or to any crop or produce thereon, conferred by Section II of the said Act III of 1857, may be exercised, subject to the provisions of the said Act, by any person who has given cash advances for the cultivation of the crop or produce on such land or to whom such crop or produce shall have been sold or mortgaged.

CHAPTER IV.

MISCELLANEOUS.

CHAPTER IV.

ACT No. II. OF 1855.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 2nd February, 1855.)

AN ACT for the further improvement of the Law of Evidence.

Preamble.

WHEREAS it is expedient further to improve the Law of Evidence: It is enacted as follows:—

Act repealed.

I. Act No. X of 1835 is hereby repealed.

II. Within the territories in the possession and under the Government of the East India Company, all Courts of Justice, and all persons having by law or consent of parties authority to take evidence, shall take judicial notice of all Regulations and Ordinances made before or on the 22nd day of April, 1834 by the Governor-General in Council of the Presidency of Fort William in Bengal, by the Governor in Council of the Presidency of Fort St. George, or by the Governor in Council of the Presidency of Bombay, and having the force of law in any part of the said territories, and of all Laws and Regulations heretofore made by the Governor-General of India in Council, and of this Act, and of all Acts and Regulations heretofore made, or hereafter to be made by the Governor-General of India in Council, constituted for the purpose of making Laws and Regulations, whether the same be of a public or of a private nature.

III. All Courts and persons aforesaid shall take judicial notice of all public Acts of Parliament and of all local and personal Acts declared by Parliament to be public and to be judicially noticed; and shall admit as *prima facie* evidence of any private Act of Parliament, any copy thereof purporting to be printed by the King's Printer.

IV. Every Court shall take judicial notice of its own Members and Officers respectively, and of their deputies and subordinate Officers or Assistants, and also of all Officers acting in execution of its process, and of all Advocates, Attornies, Proctors, Vakeels, Pleaders, and other persons authorized by Law to act before it.

V. All Courts and persons aforesaid shall take judicial notice of the names, titles, and authorities of the persons filling for the time being any one of the following offices in any part of the said territories:—Governor-General, Governor, Lieutenant-Governor or Deputy Governor, Secretary or Under-Secretary to Government, Commander-in-Chief, Bishop, Member of Council, Legislative Councillor, Judge of any of Her Majesty's Courts or of any Sudder Court, or of any Court of Judicature hereafter to be constituted in the said territories to or in which the powers of any of Her Majesty's Supreme Courts may be transferred or vested.

VI. All such Courts and persons aforesaid shall take judicial notice of all divisions of time, of the geographical divisions of the world, of the territories under the dominion of the British Crown, of the commencement, continuation, and termination of hostilities between the British Crown and any other State, and also of the existence, title, and national flag of every Sovereign or State recognized by the British Crown. In all the above cases, such Court or person may resort for its aid to appropriate books or documents of reference.

VII. Any *Government Gazette* of any Country, Colony, or Dependency under the dominion of the British Crown, may be proved by the bare production thereof before any of the Courts or persons aforesaid.

Proof of *Government Gazette*.

Proof of Proclamations, Acts of State, &c.

Proclamations, &c., when to be *primâ facie* proof of fact.

IX. Any recital

Recital in Act of a fact of a public nature to be *primâ facie* proof.

persons, to be *primâ facie* evidence of the truth of the fact recited.

X. The *Gazette* or Newspaper containing any advertisement purporting to be published by virtue of any Public Statute, Act, Regulation, or Ordinance, or of any Rule or Order of a Court of Justice or of any Board or Officer of Revenue, may be received by any such Courts or persons as aforesaid as *primâ facie* evidence that such advertisement was published duly under the authority from which it purports to proceed.

Books, Maps, &c., to be evidence in matters of public history, &c.

XI. All Courts and persons aforesaid may, on matters of public History, Literature, Science, or Art, refer, for the purposes of evidence, to such published Books, Maps, or Charts as such Courts or persons shall consider to be of authority on the subject to which they relate.

XII. Books printed or published under the authority of the Government of a Foreign Country and purporting to contain the Statutes, Code, or other written Law of such Country, and also printed and published books of reports of decisions of the Courts of such Country, and books proved to be commonly admitted in such Courts as evidence of the Law of such Country, shall be admissible before any such Courts or persons as aforesaid as evidence of the Law of such Foreign Country.

XIII. All Maps made under the authority of Government or of any public municipal body, and not made for the purpose of any litigated question, shall *primâ facie* be deemed to be correct, and shall be admitted in evidence without further proof.

Government or public Maps, when to be *primâ facie* proof.

Persons incompetent to testify.

1. Children under seven years of age who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

2. Persons of unsound mind, who, at the time of their examination, appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly; and no person who is known to be of unsound mind shall be liable to be summoned as a witness, without the consent previously obtained of the Court or person before whom his attendance is required.

Insane persons.

XV. Any person who, by reason of immature age or want of religious belief, or who, by reason of defect of religious belief, ought not, in the opinion of such Court or person, to be admitted to give evidence on oath or solemn affirmation, shall be admitted to give evidence on a simple affirmation, declaring that he will speak the truth, the whole truth, and nothing but the truth.

XVI. The provisions in the last preceding Section as to witnesses shall apply to testimony given by affidavit or otherwise in writing as well as to testimony orally delivered.

XVII. Any such witness wilfully giving false evidence shall be subject to be proceeded against in like manner, and to suffer, if convicted, the same punishment as if he had been sworn and had

VIII. All Proclamations, Acts of State, whether Legislative or Executive, nominations, appointments, and other official communications of the Government appearing in any such *Gazette*, may be proved by the production of such *Gazette*, and shall be *primâ facie* proof of any fact of a public nature which they were intended to notify.

contained in any Act of the Governor-General of India in Council, constituted for the purpose of making Laws and Regulations, hereafter to be passed, of any fact of a public nature, shall be deemed, before all such Courts and persons, to be *primâ facie* evidence of the truth of the fact recited.

published by virtue of any Public Statute, Act, Regulation, or Ordinance, or of any Rule or Order of a Court of Justice or of any Board or Officer of Revenue, may be received by any such Courts or persons as aforesaid as *primâ facie* evidence that such advertisement was published duly under the authority from which it purports to proceed.

Books, Maps, &c., to be evidence in matters of public history, &c.

XII. Books printed or published under the authority of the Government of a Foreign Country and purporting to contain the Statutes, Code, or other written Law of such Country, and also printed and published books of reports of decisions of the Courts of such Country, and books proved to be commonly admitted in such Courts as evidence of the Law of such Country, shall be admissible before any such Courts or persons as aforesaid as evidence of the Law of such Foreign Country.

XIII. All Maps made under the authority of Government or of any public municipal body, and not made for the purpose of any litigated question, shall *primâ facie* be deemed to be correct, and shall be admitted in evidence without further proof.

XIV. The following persons only shall be incompetent to testify.

1. Children under seven years of age who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

2. Persons of unsound mind, who, at the time of their examination, appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly; and no person who is known to be of unsound mind shall be liable to be summoned as a witness, without the consent previously obtained of the Court or person before whom his attendance is required.

XV. Any person who, by reason of immature age or want of religious belief, or who, by reason of defect of religious belief, ought not, in the opinion of such Court or person, to be admitted to give evidence on oath or solemn affirmation, shall be admitted to give evidence on a simple affirmation, declaring that he will speak the truth, the whole truth, and nothing but the truth.

XVI. The provisions in the last preceding Section as to witnesses shall apply to testimony given by affidavit or otherwise in writing as well as to testimony orally delivered.

XVII. Any such witness wilfully giving false evidence shall be subject to be proceeded against in like manner, and to suffer, if convicted, the same punishment as if he had been sworn and had

committed wilful and corrupt perjury. The indictment or charge shall be varied so as to meet the case.

XVIII. No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the parties thereto, be incompetent to give evidence in such suit.

No incompetency from interest in suit.

XIX. Any party to a civil suit or other proceeding of a civil nature shall be competent and may be compelled to give evidence as a witness therein either on his own behalf or on behalf of any other party to the suit or proceeding, and also to produce any document in his possession or power, in the same manner as if he were not a party to the suit or proceeding.

Party to suit may be examined as a witness.

Provido. Provided that no Court or person as aforesaid, other than Her Majesty's Supreme Courts of Judicature, shall compel the attendance of any party to such suit or proceeding, for the purpose of giving evidence therein, except under and subject to the rules prescribed in that behalf in Act XIX of 1853.

XX. A husband or wife shall in every civil proceeding be competent to give evidence for or against each other. Provided that any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

Husband or wife giving evidence.

Provido.

XXI. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

Witness, &c., not bound to produce document relating to State affairs.

XXII. A witness being a party to the suit shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any confidential writing or correspondence which may have passed between him and any legal professional adviser. If any party, however, offer himself as a witness he shall be bound to produce any such writing or correspondence in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

Party to suit not bound to produce certain documents.

Unless he offers himself as a witness.

XXIII. Every witness summoned to produce a document shall, if the same be in his custody, possession, or power be bound to bring it, or cause it to be brought into Court, although there be a valid objection to the right of the party calling for it to compel its production or to the reading or putting it in as evidence, or to the disclosure of the contents thereof, the validity of any such objection made by the person producing the document, shall be determined by the Court; and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence which the person producing the document may give respecting it, and it shall also be lawful for the Court, except in the case of any document relating to affairs of State, to inspect the document, and, if necessary, to call to its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence.

Witness summoned to produce a document must bring it into Court.

Mode of determining objection to production.

Document relating to affairs of State.

XXIV. A Barrister, Attorney, or Vakeel shall not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have acquired in the course of his professional employment. The privilege, however, is that of the client, and if any party to a suit shall give evidence therein, at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure

Professional communications.

by such Barrister, Attorney, or Vakeel, of any matter as aforesaid, which may be relevant, and which the Barrister, Attorney, or Vakeel would have been bound to disclose, but for the privilege of his client; and the Barrister, Attorney, or Vakeel shall be bound upon examination to disclose any such matter.

XXV. Any person present in Court, whether a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession, or in his power, in the same manner and subject to the same rules as if he had been summoned to attend and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

XXVI. Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document, shall be deemed to have complied with the summons, if he cause such document to be produced instead of attending personally to produce the same.

Rules of evidence in Supreme Courts on Ecclesiastical and Admiralty sides.

XXVII. The Rules of evidence in her Majesty's Supreme Courts as to matters of Ecclesiastical or Admiralty Civil Jurisdiction, shall be the same as they are on the Plea side of the said Courts.

XXVIII. Except in cases of treason, the direct evidence of one witness, who is entitled to full credit, shall be sufficient for proof of any fact in any such Court or before any such person. But this provision shall not affect any rule or practice of any Court that requires corroborative evidence in support of the testimony of an accomplice or of a single witness in the case of perjury.

XXIX. Where dying declarations are evidence, they shall be received if it be proved that the deceased was at the time of making the declaration, and then thought himself to be in danger of approaching death, though he entertained at the time of making it hope of recovery.

XXX. The party at whose instance a witness is examined may, with the permission of such Court or person, cross-examine such witness to test his veracity, in the same manner as if he had not been called at his instance, and may be allowed to show that the witness has varied from a previous statement made by him.

XXXI. In order to corroborate the testimony of a witness, any former statement made by such witness, relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, shall be admissible, and for that purpose a copy of any deposition or statement taken before any Court, Judge, Justice of the Peace, Magistrate or person lawfully exercising the powers of a Magistrate, or before a Commissioner or Superintendent for the suppression of Thuggee or Dacoity in the discharge of his duty, shall, if certified by such Court, Judge, or other Officer above-mentioned, under his hand or the Official Seal of the Court, or under the hand or Official Seal of such Judge, to be a true copy of such deposition or statement, without further proof, be received as *prima facie* evidence that such deposition or statement was made and that it was made at the time and place, and under the circumstances, if any, which shall be stated in the certificate or on the face of the deposition or statement.

XXXII. A witness shall not be excused from answering any question relevant to the matter in issue in any suit or in any Civil or Criminal proceeding, upon the ground that the answer to such question will criminate, or may tend, directly or indirectly, to criminate such witness, or that it will expose, or tend, directly or indirectly, to expose such witness to a penalty or forfeiture of any kind. Provided that no such answer, which a witness shall be compelled to give, shall, except for the purpose of punishing such person, for wilfully giving false evidence upon such examination, subject him to any arrest or prosecution, or be used as evidence against such witness in any criminal proceeding.

XXXIII. A witness in any cause may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies the fact or refuses to answer, it shall be lawful for the opposite party to prove such conviction.

XXXIV. A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the subject matter of the cause, without such writing being shown to him; but if it is intended to contradict such witness by the writing, his attention must, before such contradictory proofs can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him.

Provido. Provided always that it shall be competent for the Judge, at any time during the trial, to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he shall think fit.

Copy of a document made by a copying machine to be deemed correct.

XXXV. An impression of a document made by a copying machine shall be taken without further proof to be a correct copy.

Admission of secondary evidence where original document is out of the reach of process.

XXXVI. When an original document is out of the reach of the process of the Court, it shall be lawful for the Court, on application to it in any Civil suit or proceeding, and on notice to the opposite party at a reasonable time before the hearing, to make an order for the reception of secondary evidence of its execution and contents.

When attested document may be proved as if unattested.

XXXVII. An attested document may be proved as if unattested, unless it be a document to the validity of which attestation is requisite.

Admission *prima facie* proof of an attested document.

XXXVIII. The admission of a party to an attested instrument of its execution by himself shall be against him sufficient *prima facie* proof of such execution of it, though, it be an instrument which is required by law to be attested.

XXXIX. Any entry or statement, which would be admissible in evidence after the death of the person who made it, on the ground of its having been made against the interest of the person making it, or on the ground of its having been made in the ordinary course of business, shall be admissible, though the person who made it be not dead, if he is incapable of giving evidence by reason of his subsequent loss of understanding, or is at the time of the trial or hearing *bonâ fide* and permanently beyond the reach of the process of the Court, or cannot after diligent search be found.

XL. Any entry in any books proved to have been regularly kept in the course of business or in any public office, so far as such entry merely refers to and tends to identify by name, description, number, or otherwise any Bank Notes or other Securities for the payment of money, or other property, and the payer-in or receiver of them, shall, in any case where such identification is necessary to be proved, be admissible in evidence for that limited purpose if it shall appear to have been made at or about the time of the transaction to which it relates, though the person who made it, or he on whose information it was made, is alive and capable of being produced as a witness.

XLI. Any receipt in writing, acknowledging the receipt of any money, valuable securities, or goods, shall, on proof of the execution thereof, be admissible in evidence before such Court or person aforesaid, not only against the party giving it but also against any person in whose favor such receipt would operate as a discharge, or to whom it would render the person giving it liable for the money, security, or goods acknowledged to have been received.

XLII. Whenever a receipt would be admissible under the preceding Section if given by a principal, a receipt given by an agent or servant of such principal shall in like manner be evidence upon proof of the authority to give such receipt.

Books kept in course of business or in a public office admissible as corroborative evidence.

XLIII. Books proved to have been regularly kept in the course of business or in any public office, shall be admissible as corroborative, but not as independent proof of the facts stated therein.

XLIV. The following documents may be admitted as corroborative evidence :—
 Documents admissible as corroborative evidence. Certificates of shares, and of registration thereof, bills of lading, invoices, account sales, receipts usually given on the payment, deposit, or delivery of money, goods, securities, or other things, provided they be proved to have been given in the ordinary course of business.

XLV. A witness shall be allowed before any such Court or person aforesaid to refresh his memory by any writing made by himself or by any other person at the time when the fact occurred, or immediately afterwards, or at any other time when the fact was fresh in his memory, and he knew that the same was correctly stated in the writing. In such case the writing shall be produced and may be seen by the adverse party, who may, if he choose, cross-examine the witness upon it.

XLVI. Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the Court, refer to a copy of such document, provided the Court or person, under the circumstances, be satisfied that there is sufficient reason for the non-production of the original.

XLVII. In cases of pedigree, the declarations of illegitimate members of the family, and also persons who, though not related by blood or marriage to the family, were intimately acquainted with its members and state, shall be admissible in evidence after the death of the declarant, in the same manner and to the same extent as those of deceased members of the family.

XLVIII. On an inquiry whether a signature, writing, or seal is genuine, any undisputed signature, writing, or seal of the party, whose signature, writing, or seal is under dispute, may be compared with the disputed one, though such signature, writing, or seal be on an instrument which is not evidence in the cause.

XLIX. Any power of Attorney, which has been executed at a place distant more than one hundred miles from the place wherein the action, suit, or proceeding is depending, may be proved by the production of it, without further proof, where it purports, on the face of it, to have been executed before, and authenticated by a Notary Public, or any Court, Judge, Consul, or Magistrate.

L. Whenever it is proved that a Letter Book is kept, and that, according to the usual course of business, letters are copied into such book and despatched, and the Letter Book is produced, and it is proved that the letter was despatched according to the usual practice, to the best of the knowledge and belief of the witness, having reasonable ground for forming that belief, the Court may presume the despatch of that letter according to the usual course of business.

LI. Any book proved to have been kept for marking the despatch and receipt of letters, containing an entry of the despatch of a letter, and an acknowledgment of the receipt of such letter, shall, on proof that such entry was made in the usual course of business, be *prima facie* evidence of the receipt of such letter.

LII. So much of Section VI of Act XV of 1852 as provides that every such application as therein mentioned shall be made before issue joined in any such action, or twenty-one days before the trial or hearing of any other legal proceeding as therein mentioned, is hereby repealed.

LIII. The provision contained in the 16th Section of Act VI of 1854, that affidavits of particular witnesses, or affidavits as to particular facts or circumstances, may, by consent of the parties, or by leave of the Court obtained upon notice, be used in the

hearing of any cause on the Equity side of the Supreme Courts, shall extend to all civil actions, suits, and proceedings on all sides of the Courts.

LIV. So much of the 17th Section of the same Act as provides that upon the hearing of any motion, petition, or other proceeding in any of the said XVII of Act VI of Supreme Courts, the Court may, upon the application of any of the parties thereto, or of its own accord, require and enforce the

attendance and oral examination before itself of any witness or of any party to the suit, and may also require and enforce the production of any document or documents, and may direct the costs of the attendance and examination of such witness or party to be paid by such of the parties to the suit, or in such manner as it may think fit, shall extend to all civil actions, suits, and proceedings on all sides of the said Courts.

IV. The 33rd Section of the Act No. VI of 1854, which applies only to Section XXXIII of proof of accounts on the Equity side of the said Supreme Act VI of 1854 extended. Courts, shall extend to and embrace all accounts directed to be taken on any side of the said Courts.

LVI. Whenever by any Statute or Act, Regulation or Ordinance now in force, or any Statute or Act to be hereafter in force, any certificate, certified copy, or other document, shall be receivable in evidence

of any particular in any Court of Justice, the same, if it is substantially in the form and purports to be executed in the manner directed by the Statute, Act, Regulation, or Ordinance which makes it evidence, shall be *prima facie* evidence where it is rendered admissible, without proof of any seal, stamp, signature, character, or authority, which it is directed to have, or from which it is directed to proceed.

LVII. The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decision in any case, if it shall appear to the Court before which such objection is raised, that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

LVIII. Nothing in this Act contained shall be so construed as to render inadmissible in any Court any evidence which, but for the passing of this Act, would have been admissible in such Court.

ACT No. VII. of 1853.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor-General on the 15th April, 1853.)

AN ACT to extend the jurisdiction of Magistrates, under the 53rd George, 3rd Cap. 155, Section 105, in cases of assault, forcible entries, and other injuries accompanied with force, not being felonies.

WHEREAS, by an Act passed in the 53rd year of the reign of king George the Third it was enacted amongst other things, that it should be lawful for any Native of India resident in the East Indies, or parts therein mentioned, and out of the Towns of Calcutta, Madras, and Bombay, in case of any assault, forcible entry, or other injury accompanied with force, not being felony, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the Magistrate of the Zillah, or district where the alleged offender should be resident, or in which such offence should have been committed, and that such Magistrate should have the power and authority therein mentioned; and whereas Natives of India, resident in the East Indies, upon complaints referred by them under the aforesaid provisions of the said Act, may be prevented from obtaining redress under the same, by reason of their inability to prove the place of their birth: and whereas it is expedient to extend the aforesaid provisions of the said Act as amended by Act IV. 1843,* to cases of assault, forcible entries, and other injuries accompanied with force, not being felonies, committed in any part of the territories under the Government of the East India Company, not being within the said Towns of Calcutta or Madras, or the Islands of Bombay and Colaba, or the

* Act IV. of 1843 is repealed by Act XVII. of 1862; the enactment repealing all Criminal Laws substituted by the Penal Code and Criminal Procedure.

Settlement of Prince of Wales' Island, Singapore and Malacca, against the person or property of any person whatever, whether a Native of India or not: It is enacted as follows:—

I. The provisions of the said Act of the 53rd George 3rd, and of Act IV. 1843, so far as the said provisions extend to cases of assault, forcible entries, or other injuries accompanied with force, not being felonies, against the person or property of any Native of India, are hereby extended to the case of any assault, forcible entry, or other injury accompanied with force, not being felony, which may at any time hereafter be committed in any part of the territories under the Government of the East India Company, not being within the said Towns of Calcutta or Madras, the said Islands of Bombay and Colaba, or the said Settlement of Prince of Wales' Island, Singapore and Malacca, by any British subject or other person, against the person or property of any person whatever.

II. The powers in such cases given to the Magistrate of the Zillah or District may be lawfully exercised by any Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, in the case of any such offence as aforesaid, which may hereafter be committed within the district over which his authority extends.

53RD GEORGE III., c. 155, s. CV.

"AND whereas His Majesty's British subjects resident in the British Territories in India, without the Towns of Calcutta, Madras, and the Town and Island of Bombay, are now by law, subject only to the jurisdiction of His Majesty's Courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the Courts established by the said United Company within the said territories, which all other persons, whether Natives or others, inhabitants in the said territories, without the limits of the towns aforesaid, are amenable: and whereas it is expedient to provide more effectual redress for the Native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where His Majesty's Courts are established, as in case of civil controversies with such British subjects;" Be it therefore enacted, that it shall and may be lawful

Justices of Peace in provinces shall have jurisdiction, in case of assault and trespass committed by British subjects on Natives of India,

for any Native of India, resident in the East Indies, or parts aforesaid, and without the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the Magistrate of the Zillah or District where the alleged offender shall be resident, or in which such offence shall have been committed; and that such Magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and, having taken in writing the substance of the complaint, defence and evidence, to acquit or convict the person accused; and in case of conviction, to inflict upon such person a suitable punishment, by fine, not exceeding five hundred Rupees, to be levied in case of non-payment by warrant under the hand of the said Magistrate, and upon any property of the party so convicted, which may be found within the said District; and if no such property shall be found within the said District, then it shall be lawful for the said Magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said Zillah or District, which in the judgment of the said Magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the Presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said Magistrate to award the whole or any portion of such fine to the party

Copy of conviction and proceedings sent to Government. Fines paid to Magistrate.

aggrieved, by way of satisfaction for such injury: provided always, that in all cases of conviction of a British subject, under the provision hereinbefore contained, the Magistrate before whom such conviction shall take place shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate: provided also, that all such fines shall be paid in the first instance to the Magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the

party aggrieved, as aforesaid, if any, shall be transmitted by such Magistrate to the Clerk of the Crown, or other Officer to whom it belongs to receive fines in His Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: provided also, that all such convictions shall and may be removable by writ of *certiorari* into the said Courts of Oyer and Terminer and Gaol Delivery respectively, in the same manner, and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the thirty third year of His Majesty's reign, with regard to other convictions before Justices of the Peace in the British settlements or territories in India: provided also, that nothing herein contained shall extend, or be construed to extend to prevent such Magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such Magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of His Majesty's Courts to which such British subject may be amenable.

ACT No. XVII. of 1862.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 1st May, 1862.)

AN ACT to repeal certain Regulations and Acts relating to Criminal Law and Procedure.

WHEREAS by Act XLV of 1860 a Penal Code has been prescribed for British India, and the said Code came into operation on the 1st day of January, 1862: and whereas by Act XXV of 1861 a Code of

Procedure is provided for the Courts of Criminal Judicature not established by Royal Charter, and the said Code likewise came into operation on the 1st day of January, 1862, in the Presidencies of Bengal, Madras, and Bombay, and was at the same time, or has since been, or hereafter may be extended to other parts of British India: and whereas it is expedient to repeal, in the manner hereinafter provided, certain Regulations and Acts relating to Criminal Law and Procedure: It is enacted as follows:—

I. The several Regulations and Acts set forth in the Schedule hereunto annexed, so far as they provide for the punishment of offences, shall be held to have been and are hereby repealed from the 1st day of January, 1862, in the Presidencies of Bengal, Madras, and Bombay, and in the other parts of British India, in which such Regulations and Acts or any of them were in force on the said 1st day of January, 1862, except in so far as they repeal the whole or part of any other Regulation or Act, and except as to any offence committed before the said 1st day of January, 1862.

II. To the extent expressed in the Schedule annexed to this Act, the Regulations and Acts set forth therein, which are not repealed by the last preceding Section, shall, except in so far as they repeal the whole or any part of any other Regulation or Act, and except as to any offence committed before the said 1st day of January, 1862, be held to have been and are hereby repealed from the said date in the Presidencies of Bengal, Madras, and Bombay, and in the other parts of British India in which such Regulations and Acts or any of them were in force on the said 1st day of January, 1862, and in which the said Code of Criminal Procedure came into operation on such date.

III. To the extent expressed in the Schedule annexed to this Act, the Regulations and Acts set forth therein, which are not repealed by Section I of this Act, and which were in force on the said 1st day of January, 1862, in any part of British India in which the said Code of Criminal Procedure did not come into operation on the said 1st day of January, 1862, shall, except in so far as they repeal the whole or any part of any other

Regulation or Act, and except as to any offence committed before the date on which the said Code shall have been or shall hereafter be extended to such part of British India be held to have been or shall be repealed in such part of British India from the date on which the said Code shall have been or shall be so extended thereto.

IV. In the investigation and trial of offences committed before the said 1st day of January, 1862, the Criminal Courts of the several grades and the Officers of Police shall, after the passing of this Act, be guided by the provisions of the Code of Criminal Procedure, so far as the same can be applied, wherever the said Code shall be in operation at the time of such investigation or trial; and for the trial and punishment of such offences such Courts shall exercise the jurisdiction and powers vested in them under the said Code of Criminal Procedure, provided that no person convicted of any such offence shall be liable to any other punishment than that to which he would have been liable had he been convicted of such offence before the said first day of January, 1862, and that no such person, who shall claim the same, shall be deprived of any right of appeal or reference to a Sudder Court which he would have enjoyed had the trial been held under any of the Regulations or Acts hereby repealed.

Procedure and powers in the investigation and trial of offences committed before 1st January, 1862.

V. In any part of British India to which the Code of Criminal Procedure shall be extended after the passing of this Act, the said Code shall, subject to the provisions of the last preceding Section, be followed in the investigation and trial of any offences committed before the date of such extension.

VI. No sentence passed before the passing of this Act for any offence which shall have been committed before the 1st day of January, 1862, (or whenever the said Code of Criminal Procedure shall not have been extended to any place in British India on the said 1st day of January, 1862, then before the date on which the said Code shall have been extended to such place), shall be liable to be quashed or set aside by reason only of the procedure in the investigation or trial of any such offence having been wholly or in part the procedure provided by the said Code of Criminal Procedure. Provided that, if in any such case it shall appear that the accused party has been deprived of any right of appeal or reference to a Sudder Court, which he would have enjoyed had the trial been held under any of the Regulations or Acts hereby repealed, the Sudder Court or the highest Court of Criminal Jurisdiction may call for the proceedings in the case and pass such order thereon as it may deem just and proper.

Code of Criminal Procedure.

Proviso.

had the trial been held under any of the Regulations or Acts hereby repealed, the Sudder Court or the highest Court of Criminal Jurisdiction may call for the proceedings in the case and pass such order thereon as it may deem just and proper.

Saving of certain sentences passed, &c, before passing of this Act. VII. Nothing in this Act shall affect any sentence or order passed or any proceeding held or any act done previously to the passing of this Act and in accordance with any Act or Regulation repealed by this Act.

SCHEDULE OF REGULATIONS AND ACTS REPEALED.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act XIII of 1835	The whole Act.
Act XV of 1835	The whole Act.
Act XVIII of 1835	The whole Act.
Act XX of 1835	The whole Act.
Act VI of 1836	The whole Act.
Act XXX of 1836	The whole Act.
Act XVIII of 1837	The whole Act.
Act XXI of 1837	Section IV.
Act XXIII of 1837	The whole Act.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act XXVII of 1837 ...	...	Section XII.
Act XXX of 1837 ...	...	The whole Act.
Act XXXIII of 1837 ...	...	The whole Act.
Act XXXVII of 1837 ...	...	The whole Act.
Act III of 1838 ...	...	The whole Act.
Act IX of 1838 ...	...	The whole Act.
Act XXVI of 1838 ...	...	The whole Act.
Act II of 1839 ...	...	The whole Act.
Act XVIII of 1839 ...	...	The whole Act.
Act XXI of 1839 ...	...	The whole Act.
Act I of 1840 ...	An Act for regulating the procedure on trials referred to the Court of Foujdaree Adawlut at Madras ...	The whole Act.
Act IV of 1840 ...	An Act for preventing affrays concerning the possession of land, and for providing relief in cases of forcible dispossession, within the Presidency of Fort William in Bengal ...	The whole Act.
Act V of 1840 ...	An Act concerning the oaths and declarations of Hindoos and Mahomedans ...	Sections II and III.
Act XI of 1840 ...	An Act for the Presidency of Bombay, amending the law concerning prisoners sentenced to labor or solitude ...	Sections II and III.
Act XVII of 1841 ...	An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal ...	Section II, so much as was not repealed by Act X of 1861.
Act XXI of 1841 ...	An Act for the better prevention of local nuisances ...	The whole Act.
Act XXX of 1841 ...	An Act for repressing obstructions to justice in certain Courts of the East India Company ...	Section I.
Act XXXI of 1841 ...	An Act for amending the provisions of the Bengal Code touching Criminal Appeals, and the revision of sentences and orders of Criminal Courts ...	The whole Act.
Act VIII of 1842 ...	An Act for describing in Legislative Acts, with greater certainty and convenience, the Courts of the highest jurisdiction in the respective Presidencies. ...	The whole Act.
Act XVIII of 1842 ...	An Act for facilitating preliminary investigations of criminal cases connected with the collection of the revenue within the Presidency of Bombay. ...	The whole Act.
Act IV of 1843 ...	An Act for amending the law concerning appeals from Justices of the Peace, and from Magistrates acting under the Statute 53 Geo. III. c. 155. ...	The whole Act.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeat.
Act VII of 1843 ...	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort Saint George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I and II, and Regulations VII and VIII of 1827, in place of the existing Civil and Criminal Zillah Courts, and for extending the civil jurisdiction of such Courts ...	Sections XXVII, XXIX, XXX, XXXI, XXXII, XXXIII, XXXIV, XXXVI XXXVII, XLI, XLII, XLIII, LI, LIV, LV, and LVI.
Act XV of 1845 ...	An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department ...	In so far as it relates to the powers of Deputy Magistrates or Judicial Officers.
Act XXIV of 1843 ...	An Act for better prevention of the crime of dacoity ...	The whole Act.
Act III of 1844 ...	An Act for legalizing the infliction of corporal punishment in cases of petty larceny generally, and when committed by offenders of tender age ...	The whole Act.
Act XIV of 1844 ...	An Act for regulating the proceedings of the Sudder Courts at Fort William, Fort St. George, Bombay, and at Agra, in regard to sentences of transportation for life ...	The whole Act.
Act II of 1845 ...	An Act for regulating the punishment of adultery in the Courts of the East India Company, in the Territories subject to the Presidency of Bombay ...	The whole Act.
Act X of 1845 ...	An Act for empowering Courts to issue warrants in cases of failure to serve summons ...	The whole Act.
Act XVIII of 1845 ...	An Act for the punishment of offences committed by convicts sentenced to imprisonment for life ...	The whole Act.
Act XXVII of 1845 ...	An Act for enabling Assistant Magistrates vested with special powers to decide cases under the provisions of Act IV of 1840 ...	The whole Act.
Act XXX of 1845 ...	An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties ...	The whole Act.
Act VII of 1846 ...	An Act regarding the deposit of diet-money for witnesses in petty cases ...	The whole Act.
Act X of 1847 ...	An Act for amending Act XXX of 1836 ...	The whole Act.
Act XX of 1847 ...	An Act for the encouragement of learning in the Territories subject to the Government of the East	

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	India Company, by defining and providing for the enforcement of the right called copyright therein ...	Section IV.
Act I of 1848 ...	An Act to regulate the proceedings in certain cases of forgery ...	The whole Act.
Act III of 1848 ...	An Act for removing doubts as to the meaning of the words "thug" and "thuggee," and the expression "murder by thuggee," when used in the Acts of the Council of India ...	The whole Act.
Act V of 1848 ...	An Act to amend the law regarding the taking of Mochulkas or penal recognizances ...	The whole Act.
Act XI of 1848 ...	An Act for the punishment of wandering gangs of thieves and robbers ...	The whole Act.
Act XIX of 1848 ...	An Act for better defining the law as to revision of the sentences of subordinate Criminal Courts in the Presidencies of Bengal and Madras ...	The whole Act.
Act IV of 1849 ...	An Act for the safe custody of Criminal lunatics ...	The whole Act.
Act XIV of 1849 ...	An Act to punish tampering with the Army or Navy ...	The whole Act.
Act VII of 1850 ...	An Act for better defining the law as to the removal of prisoners ...	The whole Act.
Act XIII of 1850 ...	An Act for punishing breaches of trust ...	The whole Act.
Act XVI of 1850 ...	An Act for the restitution of the value of stolen property ...	The whole Act.
Act XXXVIII of 1850 ...	An Act to allow Counsel to all persons on the trial of offences ...	The whole Act.
Act IV of 1851 ...	An Act for the appointment of Unconvenanted Deputy Magistrates, and for defining the duties of Deputy and Assistant Magistrates in Bombay ...	The whole Act.
Act XVI of 1851 ...	An Act for the trial of receivers of stolen property ...	The whole Act.
Act XXXII of 1852 ...	An Act to facilitate the prosecution of certain Ministerial and Police Officers for certain criminal acts ...	The whole Act.
Act I of 1853 ...	An Act for providing in the Presidencies of Fort St. George and Bombay for the punishment of males of tender age for petty thefts ...	The whole Act.
Act VII of 1854 ...	An Act for the apprehension within the Territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said Territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them ...	So much of the Act as relates to warrants issued otherwise than under the provisions of the said Act.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act X of 1854 ...	An Act for regulating the powers of Assistants to Magistrates and of Deputy Magistrates appointed under Act XV of 1843 ...	So much of Section I as recites that the order passed by any Assistant or Deputy Magistrate shall be subject to appeal, and Sections II and III.
Act XII of 1854 ...	An Act for conferring Criminal jurisdiction upon District Moonsiffs in the Presidency of Madras ...	The whole Act.
Act XV of 1855 ...	An Act to amend Regulation III of 1833 of the Bombay Regulations ...	The whole Act.
Act XVI of 1855 ...	An Act to amend the law in force in the Presidency of Bombay concerning the use of badges ...	The whole Act.
Act XIX of 1855 ...	An Act to amend the law relating to District Moonsiffs in the Presidency of Fort St. George ...	Section V.
Act I of 1856 ...	An Act to prevent the sale or exposure of obscene books and pictures ...	The whole Act.
Act II of 1856 ...	An Act to enable Magistrate and certain other Officers to take cognizance of certain offences without requiring a written complaint ...	The whole Act.
Act IV of 1856 ...	An Act to prevent the malicious or wanton destruction of Cattle ...	The whole Act.
Act XVII of 1856 ...	An Act to provide for the execution of Criminal process in places out of the jurisdiction of the authority issuing the same ...	The whole Act.
Act III of 1857 ...	An Act relating to trespasses by Cattle ...	So much of Section XIII as provides that offences under the said Section shall be dealt with by the Police officers according to the provisions of Section XXV, Regulation XX of 1817 of the Bengal Code, Section XXVII, Regulation XI of 1816 of the Madras Code, and Section XLIII, Regulation XII of 1827 of the Bombay Code.
Act VII of 1857 ...	An Act for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George ...	Section IV.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Act XI of 1857 ...	An Act for the prevention, trial, and punishment of offences against the State ...	Sections I and II. Sections XXII, XXIII, XXIV, XXV, XXVI, XXVII, XXVIII, XXIX, XXX, XXXI, XXXII, XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XL, XLI, XLII, and XLIII, and so much of the Schedule as repeals Clause 1, Section XI of Regulation XI of 1816.
Act XXIV of 1859 ...	An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George ...	
Act III of 1860 ...	An Act to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court.	The whole Act.
Act XVII of 1860 ...	An Act to repeal Act V of 1858 (for the punishment of certain offenders who have escaped from Jail, and of persons who shall knowingly harbour such offenders, and to make certain provisions in lieu thereof)	Section XI.
Act XXXV of 1860...	An Act relating to the transportation of convicts ...	The whole Act.
Act XXII of 1861 ...	An Act to amend Act III of 1857 (relating to trespasses by Cattle)	Sections I, II, III, IV, and V.
BENGAL.		
Regulation XI, 1793...	A Regulation for re-enacting, with alterations and modifications, the Regulations passed by the Governor-General in Council, on the 3rd December 1790, and subsequent dates, for the apprehension and trial of persons charged with crimes or misdemeanors ...	Sections IV, V, VI, VII, VIII, IX, X, XI, XII, XIV, XV, XVI, XVII, XVIII, XXIII, XXVI, XXVII, XXIX, XLVII, XLVIII, XLIX, L, LI, LII, LIV, LVI, LVII, LVIII, LXI, LXIV, LXV, LXXIV, LXXV, LXXVII, and LXXVIII.
Regulation XIII, 1793	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective duties.	Sections IX and XI.
Regulation XXII, 1793	A Regulation for re-enacting, with alterations and amendments, the	

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VII, 1794.	<p>Regulations passed by the Governor-General in Council, on the 7th December, 1792, for the establishment of an efficient Police throughout the country ...</p> <p>A Regulation for enabling one Judge of Circuit to hold the Courts for the half-yearly and monthly gaol deliveries; and for empowering one of the Judges of the Provincial Court of Appeal in each division to remain at the Sudder Station to transact certain parts of the business of the Court, whilst the other Judges are making the Circuits; and for providing against the absence or indisposition of the Judges or their Law Officers, and against vacancies in the Judicial and Law appointments ...</p>	<p>Sections X, XVI, XXII, XXXI, XXXII, XXXIII, XXXIV, and XXXVIII.</p> <p>The whole Regulation.</p>
Regulation XVI, 1795	<p>A Regulation for the apprehension and trial of persons charged with crimes or misdemeanors in the Province of Benares; for enabling one of the Judges, in his capacity of Judge of the Provincial Court of Appeal, to transact certain parts of the business of that Court whilst the other two Judges, as Judges of Circuit, are making the Circuits; and for providing against the absence or indisposition of any of the Judges or their Law Officers and against vacancies in the Judicial or Law appointments ...</p>	<p>Section IV, Clause 1, in so far as it extends the provisions of Regulation IX of 1793, which are repealed by this Act, and Clauses 2nd, 4, and 5, and the following Sections of the Regulation.</p>
Regulation XVII, 1795	<p>A Regulation for the establishment of an efficient Police in the Province of Benares. ...</p>	<p>Sections * X, XX, XXIX, XXX, XXXI, XXXII, and XXXV.</p>
Regulation XXI, 1795	<p>A Regulation for preventing Brahmins in the Province of Benares establishing koorhs, wounding or killing their female relations or children, or sitting dharna; and for preventing the tribe of Ranje-comars in that province killing their female children. ...</p>	<p>The whole Regulation.</p>
Regulation II, 1796	<p>A Regulation for the guidance of the Zillah and City Magistrates in the provinces of Bengal, Behar, Orissa, and Benares, in apprehending and bringing to trial European British subjects charged with acts which may render them liable to a Criminal prosecution ...</p>	<p>The whole Regulation.</p>

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation IX, 1796	A Regulation for the more certain ascertainment of the witnesses whom prisoners, committed for trial before the Courts of Circuit, may be desirous to have examined in their defence; and of the causes of the non-attendance of any witnesses named by prisoners or prosecutors, to give evidence before the Courts of Circuit	The whole Regulation.
Regulation XI, 1796	A Regulation for providing against resistance to the processes of the Zillah and City Courts and Police Officers, as well as for compelling the appearance of persons charged with acts of a Criminal nature, who may abscond, or otherwise evade the process issued against them	The whole Regulation.
Regulation II, 1797	A Regulation for defining more specifically the responsibility of the landholders and farmers of land in the Province of Benares, under the charge of the Police vested in them, conformably to their engagements by Regulation XVII, 1795	Section III.
Regulation IV, 1797	A Regulation for making sundry alterations in, and additions to, Regulation IX, 1793	The whole Regulation.
Regulation XIII, 1797	A Regulation for the occasional exercise of Judicial powers by the Assistants to the Zillah and City Magistrates in the Provinces of Bengal, Behar, Orissa, and Benares	The whole Regulation.
Regulation XIV, 1797	A Regulation for empowering the Court of Nizamut Adawlut to extend relief to certain prisoners sentenced to deyt and pecuniary fines, or to restore stolen property, or the value of it, and to remain in confinement until the completion of their sentences, also for preventing sentences of the same nature in future; and for drawing the distinction between the Courts of Civil and Criminal Jurisdiction more clearly and obviously	The whole Regulation.
Regulation III, 1798	A Regulation for establishing annual vacations of the Civil Courts of Justice; for postponing the commencement of the half-yearly gaol deliveries during such vacations; and for establishing a fixed order of succession in the gaol deli-	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation II, 1799	veries of the several zillahs and cities throughout the Provinces of Bengal, Behar, Orissa, and Benares A Regulation for monthly gaol deliveries in the cities of Dacca, Moorshedabad, and Patna; and for declaring convicts who may escape from confinement during their sentences liable to transportation.	The whole Regulation.
Regulation IV, 1799	A Regulation for the trial of persons charged with crimes against the State.	The whole Regulation.
Regulation VIII, 1799	A Regulation for certain modifications of the Mahomedan law in cases of murder; and to explain parts of Regulation XXI of 1795 and Regulation V of 1797, in cases of dhurna	The whole Regulation.
Regulation X, 1799	A Regulation to prevent delay in the transmission of the records of trials referred to the Court of Nizamut Adawlut	The whole Regulation.
Regulation III, 1801	A Regulation for putting a stop to the practice which prevails in many parts of the Company's Provinces, of parties in Civil suits preferring unfounded accusations of perjury against the witnesses in such suits and unfounded charges of subornation of perjury against the adverse parties in such suits	The whole Regulation.
Regulation VIII, 1801	A Regulation for modifying the Mahomedan law in certain cases of kufi khota, or accidental homicide, and in other cases of the like nature	The whole Regulation.
Regulation VI, 1802	A Regulation for preventing the sacrifice of children at Saugor and other places	The whole Regulation.
Regulation VI, 1803	A Regulation for the guidance of the Magistrates of the several zillahs in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, in apprehending persons charged with crimes or offences, and bringing them to trial	The whole Regulation, with exception to Sections III and XXXIV.
Regulation VII, 1803	A Regulation for the establishment of a Court of Circuit for the trial of persons charged with crimes, in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company	From Section V to Section XLI, both inclusive.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VIII, 1803	A Regulation for extending the jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company ...	The whole Regulation, with exception to Sections VI, XXIV, and XXVI.
Regulation XII, 1803	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company ...	
Regulation XX, 1803	A Regulation for the trial of persons charged with crimes against the State, in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company ...	Sections XII & XIV.
Regulation XXXV, 1803	A Regulation for the establishment of an efficient system of Police in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company ...	The whole Regulation.
Regulation L, 1803	A Regulation for extending, with modifications, to the Criminal Courts, the rules prescribed in Regulation IV, 1793, for procuring the attendance of witnesses and requiring oaths or solemn declarations from witnesses in the Civil Courts, and for explaining those rules in their application to particular forms of oath by the Courts, Civil and Criminal ...	Section III, Clauses 3, 4, and 5, and Section X.
Regulation LIII, 1803	A Regulation for determining the punishment to be adjudged by the Criminal Courts of Judicature, in cases wherein a discretion is left by the Mahomedan law; for defining the crime and punishment of robbery by open violence; and for declaring what convicts shall be hereafter liable to transportation, or to banishment: as well as the punishment of such as may return from transportation, or escape from confinement, during the periods of their sentences ...	The whole Regulation.
Regulation III, 1804	A Regulation for providing against resistance to the processes of the Zillah Criminal Courts and Police Officers, as well as for compelling the appearance of persons charged with acts of a criminal nature who may abscond, or otherwise evade the process issued against them: for rendering prosecutions instituted for the recovery of losses sustained by theft and robbery, cognizable	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	in the Courts of Civil Judicature; and for ascertaining the responsibility in such cases of Tehseeldars of places held khaum, for amending certain parts of Regulation VI, 1803, for preventing the offence of dhurna, and for preventing the tribe of Raj Koomars killing or causing the death of their female children in the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company	The whole Regulation.
Regulation IV, 1804	A Regulation for the administration of justice in Criminal cases in the Zillah of Cuttack	Proviso in Section VII.
Regulation IX, 1804	A Regulation for altering the denomination of the Court of Circuit and the Provincial Court of Appeal for the division of the Ceded Provinces; for the administration of justice in Criminal cases, in the conquered Provinces in the Doab, and on the right bank of the river Jumna, and in the Territory ceded to the Honorable the English East India Company in Bundelcund by the Peishwa	So much of the Regulation as extends the whole or any part of Regulations VI, VII, VIII, XX, XXXV, and LIII of 1803, which are repealed by this Act, to the Districts mentioned in Sections III and IV; Sections V and VI; and the proviso in Section XI.
Regulation III, 1805	A Regulation to make further provision for the exemplary punishment of robbery by open violence	The whole Regulation.
Regulation VII, 1805	A Regulation for extending to the conquered Provinces situated within the Doab, and on the right bank of the river Jumna, and to the Territory ceded to the Honorable the English East India Company in Bundelcund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawab Vizier to the Honorable the English East India Company, as have not been already extended to those Territories, and for revising and amending certain parts of the said Laws and Regulations	
Regulation I, 1806	A Regulation for abolishing the jurisdiction of Zillah Moorshedabad, and annexing the Mehals composing it to the jurisdictions of the City of Moorshedabad and Zillah Beerbhoom; for altering the jurisdiction of the Courts of Circuit	Section XIV.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	and Provincial Courts of Appeal of the Divisions of Calcutta and Moorshedabad; for fixing the order of holding the half-yearly Jail deliveries in those Divisions, and in the Divisions of Benares and Bareilly; for rescinding such parts of the existing Regulations as restrict the senior Judges of the Courts of Circuit from proceeding upon the circuit in their respective Divisions; and for extending the authority of the Courts of Nizamut Adawlut and Sudder Dewanny Adawlut in certain cases ...	Sections VI, VII, VIII, and IX.
Regulation XII, 1806	A Regulation for annexing the Pergunnahs of Sonk, Sonsa, and Sahar, situated on the right bank of the River Jumna, to the jurisdiction of the Zillah of Agra, and for extending to those Pergunnahs the Laws and Regulations established for the internal Government of the Ceded and Conquered Provinces ...	Section III in so far as it extends the parts of Regulation IX of 1804 and Regulation VIII of 1805, and the other Regulations therein referred to, which are repealed by this Act.
Regulation XV, 1806	A Regulation for the amendment of certain parts of the provisions contained in Clauses 2 and 3, Section II, Regulation II, 1796, and Clauses 2 and 3, Section XIX, Regulation VI, 1803, and of the rule contained in Section VII, Regulation V, 1799 ...	The whole Regulation.
Regulation II, 1807	A Regulation to provide more effectually for the punishment of perjury, subornation of perjury, and forgery. ...	The whole Regulation.
Regulation IX, 1807	A Regulation for explaining and amending the existing rules of Criminal process, and for defining in certain cases the powers and duties of the Police Officers, of the Zillah and City Magistrates and of their Assistants, of the Courts of Circuit, and of the Court of Nizamut Adawlut ...	The whole Regulation.
Regulation XIV, 1807	A Regulation for amending the system of Police established in the Province of Benares and in the Ceded and Conquered Provinces within the divisions of Bareilly and Benares; also for extending to those Provinces the provisions contained in Regulation XII, 1807, for the appointment of Ameens of Police ...	Section XI, Clauses 7, 8, 9, 10, 11, and 12, Section XX, and Section XXI.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VIII, 1808	A Regulation for the more exemplary punishment of robbery by open violence; and for modifying the rules in force respecting trials referred to the Court of Nizamut Adawlut ...	The whole Regulation.
Regulation I, 1810 ...	A Regulation for occasionally dispensing with the attendance and fatwa of the Law Officers of the Courts of Circuit ...	The whole Regulation.
Regulation VI, 1810	A Regulation for defining the penalties to which zemindars and others shall be subject for neglecting to give due information of robberies, and for harbouring robbers ...	Sections III, IV, and V.
Regulation XIV, 1810	A Regulation for defining the powers of the Court of Nizamut Adawlut in cases of pardon and mitigation of punishment; and for declaring the competency of the Courts of Circuit to admit prisoners to bail, in certain cases, during a reference of their trials to the Nizamut Adawlut ...	The whole Regulation.
Regulation I, 1811	A Regulation for making more adequate provision for the punishment of persons found guilty of the offence of breaking into houses, tents, or boats; for subjecting to exemplary punishment persons receiving or purchasing plundered or stolen property; and for granting licenses to gold or silversmiths, braziers, or copper smiths, ironsmiths, pawn-brokers, retail vendors of brass or copper-ware, and pykars or itinerant dealers in second-hand articles ...	The whole Regulation except so much of Section X as declares Landholders and others accountable for the early communication to the Magistrate of information respecting receivers of stolen goods.
Regulation VII, 1811.	A Regulation for limiting and better defining the powers of the Police darogahs, and of zemindars invested with the charge of the Police, with respect to persons charged with or suspected of the commission of public crimes and offences ...	The whole Regulation.
Regulation X, 1811	A Regulation for preventing the importation of slaves from foreign countries, and the sale of such slaves in the territories immediately dependent on the Presidency of Fort William ...	Section III.
Regulation XIV, 1811	A Regulation for amending the provisions of the existing Regulations respecting the punishment of criminals by transportation, and for modifying the rules in force regarding the Offices of Judge and Magistrate of the Twenty-four Pergunnahs ...	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation III, 1812.	A Regulation for amending some of the Rules at present in force in regard to the conduct of inquiries into charges of a criminal nature, and for establishing additional provisions with a view to the more effectual apprehension of criminals ...	Sections II and III, so much of Section IV as provides a punishment for the offence mentioned in the Section, Section VI, and Section XII.
Regulation VII, 1813	A Regulation for extending to the Ceded and Conquered Provinces the provisions contained in Regulation III, 1801, and in Section XIII, Regulation VIII, 1794, and for rescinding parts of Sections XI and XV, Regulation I, 1803...	Section III.
Regulation IX, 1813	A Regulation for restoring the punishment of transportation ...	The whole Regulation.
Regulation VIII, 1814	A Regulation for extending the provision contained in Clause 2, Section IV, Regulation III, 1812, to cases of murder, arson, and theft...	So much of Section II as provides a punishment for the offence mentioned in the Section.
Regulation XI, 1814	A Regulation to make further provision for the punishment of persons convicted of breaking into, or attempting to break into, houses, tents, boats, or other places of habitation, or into ware-houses or other places used for the custody of property, with an intent to steal	The whole Regulation.
Regulation XV, 1814	A Regulation to define the punishment to which persons convicted of two or more offences shall, in certain cases, be subject ...	The whole Regulation.
Regulation XIV, 1816	A Regulation to provide more effectually for the management of the public Jails; and to enable the Magistrates to maintain good order and discipline in those Jails; as well as among the prisoners employed on the public roads or other public works. Also to place the Jail at Alipore in the vicinity of Calcutta under the inspection and control of the Court of Nizamut Adawlut; and to provide for the transportation of convicts to the Island of Mauritius or its immediate dependencies ...	Sections IX and XV.
Regulation XVII, 1816	A Regulation for the occasional revision of the Regular Police and Jail establishments, for the due support and regulation of the establishments of Chowkedars, for amending the Rules in force for	

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation XVII, 1817	the appointment and removal of Police Officers, for modifying the constitution of the Offices of the superintendents of Police, and for reducing the miscellaneous business of Courts of Circuit, and Court of Nizamut Adawlut ...	Section VIII, Clauses 3 and 4.
Regulation XX, 1817	A Regulation to provide for the more effectual administration of Criminal Justice in certain cases ...	The whole Regulation.
Regulation VI, 1818	A Regulation for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of Darogahs and other subordinate Officers of Police; for modifying the existing rules concerning the resistance or evasion of Criminal process, and for requiring further aid to the Police in certain cases, from proprietors and farmers of land and their local managers, as well as from the munduls and other heads of villages.	Clauses 3 and 4 of Section VI, Clauses 5, 6, and 7 of Section VIII, Sections IX, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXII, XXIII, XXIV, XXV, & XXVI.
Regulation VIII, 1818	A Regulation for providing against the protracted confinement of persons charged with Criminal offences, during the examination of such charges before the Magistrates; and for defining the powers of the Courts of Circuit at the Sudder Stations of those Courts with respect to persons committed or held to bail by the Magistrates for trial at the periodical Sessions of Jail delivery ...	The whole Regulation.
Regulation XII, 1818	A Regulation for rescinding part of Clause 6, Section II, Regulation LHI, 1803, for modifying some of the existing rules relating to the requisition of security for good behaviour; and for providing for a revision of the cases of certain classes of prisoners detained in confinement, on failure to furnish security for their good behaviour and appearance ...	The whole Regulation.
	A Regulation for extending the powers of the Magistrates and Joint Magistrates in the trial of persons charged with breaking into houses and other places of habitation, or into ware-houses or other places used for the custody of property, with an intent to steal; or charged with theft, or with buying or receiving stolen	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation III. 1819	property, knowing the same to have been stolen, or charged with escape from Jail or other place of confinement ... A Regulation for extending the provisions of Section X, Regulation VIII. 1818, to robbers not being dacoits or gang robbers ...	The whole Regulation.
Regulation VII. 1819	A Regulation for declaring certain misdemeanors punishable by the Magistrates, and for defining the punishment to be adjudged in such cases ...	
Regulation IV. 1820	A Regulation for declaring the power of the Magistrates to give effect to Military sentences in certain cases; for providing for the more efficient exercise of the control of the Courts of Circuit over the sentences of the Magistrates in certain cases; and for amending Clause 2, Section III, Regulation XII. 1818 ...	The whole Regulation.
Regulation VII. 1820	A Regulation for altering the punishment and form of trial in cases of dluina ...	The whole Regulation.
Regulation III. 1821	A Regulation for extending, in special cases, the powers of Assistants to the Magistrates, for empowering the Hindoo and Mahomedan Law Officers of the Zillah and City Courts and Sudder Ameens to try and determine petty thefts and other Criminal cases, of a trivial nature, when referred to them by a Magistrate; for limiting the period of appeal in Foujdaree cases; for rescinding parts of Section XII and Section XVII, Regulation XXII. 1816; for modifying some of the rules in force relative to the rate and collection of the assessment levied for the maintenance of Chowkeedars of Police; and for vesting the Magistrates with certain powers in regard to persons travelling through or assembling within their jurisdictions under suspicious circumstances ...	
Regulation I. 1822	A Regulation for amending Regulation XLIX. 1793, Regulation XXXII. 1803, and Regulation V. 1809 ...	The whole Regulation.
Regulation IV. 1822	A Regulation to provide for the more effectual administration of Criminal Justice in certain cases	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VIII. 1822	A Regulation to declare that persons charged with crimes and misdemeanors must ordinarily be brought to trial at the Fonjaree Court or Sessions of the District in which such crimes or misdemeanors may be perpetrated; and to vest the Governor-General in Council and the Nizamut Adawlut with a discretionary power as to the place of trial ...	The whole Regulation.
Regulation II. 1823	A Regulation for the more effectual suppression of affrays ...	The whole Regulation.
Regulation IV. 1823	A Regulation for declaring the intent of Section XIV, Regulation VII. 1794, and for prohibiting the Judges of Circuit, holding the gaol deliveries, from trying any case in which the prisoner or prisoners may have been committed for trial by themselves in the capacity of Superintendent of Police, Magistrate, Joint Magistrate, or Assistant Magistrate, for modifying the third and fourth Clauses of Section II, Regulation XIV. 1811, and for rescinding Sections IV and V, Regulation XXIV. 1814, and Sections II and IV, Regulation XXV. 1814 ...	The whole Regulation.
Regulation VI. 1824	A Regulation for defining the course of proceeding to be pursued by the Magistrates with respect to individuals charged before them with two or more offences in certain cases; for modifying Clause 2, Section II, and for amending certain other provisions of Regulation XII. 1818 ...	The whole Regulation.
Regulation X. 1824	A Regulation for modifying and amending the rules at present in force in regard to the pardon of persons charged with or suspected of Criminal offences ...	The whole Regulation.
Regulation I. 1825	A Regulation for declaring the Judicial Officers competent to superintend the execution of their own process in certain cases; and for extending to Officers entrusted with the execution of a Magistrate's warrant, or other Criminal process, the powers vested in Police Officers by certain provisions in Regulation XX. 1817 ...	The whole Regulation.
Regulation IV. 1825	A Regulation for declaring the Magistrate and Criminal Courts empowered to require recognizances	

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	and security for keeping the peace in certain cases; and for explaining some of the provisions contained in Regulation VIII. 1818, relative to security for good behaviour. ...	The whole *Regulation.
Regulation XII. 1825	A Regulation for defining the powers of the Courts of Circuit and of the Nizamut Adawlut in certain cases; for the uniform punishment of contempts of Court in any of the Courts of Judicature, Civil or Criminal; for exempting females from corporal punishment by stripes; and for discontinuing the corah as an instrument of punishment in all cases ...	The whole Regulation.
Regulation XVI. 1825	A Regulation to make further provision for empowering the Courts of Circuit to pass sentence in certain cases of robbery without reference to the Court of Nizamut Adawlut ...	The whole Regulation.
Regulation I. 1828	A Regulation for empowering the Governor-General in Council to commute sentences of imprisonment for life in the Allipore Jail to transportation for life to any of the British Settlements in Asia in certain cases ...	The whole Regulation.
Regulation VI. 1828	A Regulation to explain the intent and meaning of certain parts of Regulation II. 1823 ...	The whole Regulation.
Regulation VIII. 1828	A Regulation for enlarging the powers of the Magistrates with regard to the offence of affrays ...	The whole Regulation.
Regulation VI. 1829	A Regulation for extending the powers of the Magistrates and Joint Magistrates in certain cases of theft ...	The whole Regulation.
Regulation VII. 1829	A Regulation for rescinding such parts of the existing Regulations as prescribe forms for periodical Reports, Calendars, Registers, or other statements to be furnished by the Civil or Criminal Authorities, and require the same to be forwarded at periods specified, and declaratory of the power to prescribe the forms of such statements vested in the Courts of Sudder Dewanny and Nizamut Adawlut, by Regulation X. 1796, Section III. and Regulation XX. 1803, Section III ...	The whole Regulation.
Regulation XII. 1829	A Regulation for modifying the provisions of Regulation XII. 1825 ...	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation XVII. 1829	A Regulation for declaring the practice of Suttee, or of burning or burying alive the widows of Hindoos, illegal and punishable by the Criminal Courts ...	Sections IV and V.
Regulation IV. 1830	A Regulation to explain the intent and meaning of Clause 4, Section III, Regulation I. 1829 ...	The whole Regulation.
Regulation VIII. 1830	A Regulation for modifying the existing rules relative to the enquiry by Magistrates and Joint Magistrates into charges of a criminal nature ...	The whole Regulation.
Regulation VI. 1831	A Regulation for the appointment of one or more Judges, to be ordinarily stationed at Allahabad, for the purpose of exercising the powers and authority of the Sudder Dewanny and Nizamut Adawlut, within the province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Shaharunpore, Mozuffernuggur, and Boolundshuhur, which are now subject to the Chief Commissioner at Delhi, and the powers and authority of the Nizamut Adawlut in the Province of Kumaon and the Saugor and Nerbudda Territories ...	Sections XII & XIII.
Regulation VII. 1831	A Regulation for enabling the Governor-General in Council to afford relief to the Commissioners of Circuit by vesting the Zillah and City Judges, not being Magistrates, with powers to hold monthly Jail deliveries within their respective jurisdictions, (whenever that measure may be deemed advisable), and for defining the powers and duties of the Judges or other Officers, not being in charge of the Office of Commissioner, who may be appointed to hold any Jail delivery while so employed ...	Sections V and VI. and so much of Section VII as relates to Session Judge.
Regulation IX. 1831	A Regulation for the more speedy and efficient administration of justice in the Courts of Sudder Dewanny and Nizamut Adawlut ...	Sections III and IV.
Regulation II. 1832	A Regulation for the better administration of Criminal justice and the Police in certain cases ...	Sections II and III.
Regulation III. 1832	A Regulation for extending the provisions of Regulation X. 1811 ...	Clause 2 of Section II.
Regulation VI. 1832	A Regulation for enabling European functionaries to avail themselves	

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	of the assistance of respectable natives in the administration of Civil or Criminal justice, and for modifying or dispensing with futwas by Mahomedan Law Officers in certain trials ...	Sections IV, V, and VI.
Regulation II. 1834	A Regulation for abolishing corporal punishment; for substituting a fine in certain cases for a sentence of labor; and for the gradual introduction of a better system of prison discipline ...	The whole Regulation, except Section VII.
	MADRAS.	
Regulation III. 1802	A Regulation for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Adawlut established in the several Zillahs immediately subject to the Presidency of Fort St. George ...	Section VIII.
Regulation IV. 1802	A Regulation for establishing four Provincial Courts of Appeal, for hearing appeals from decisions passed in the several Zillah Courts; and defining their powers and duties, and prescribing rules for receiving and deciding upon appeals, and other causes of which they are declared to have cognizance ...	Section XX.
Regulation VII. 1802	A Regulation for the establishment of the Courts of Circuit for the trial of persons charged with crimes ...	The whole Regulation.
Regulation VIII. 1802	A Regulation for establishing a secondary Adawlut or Chief Criminal Court for the trial of Criminal cases in the last resort ...	Sections VIII, IX, X, XI, XIII, XIV, XV, XVI, XVII, XVIII, XX, XXI, XXIII, XXIV, and XXV.
Regulation XI. 1802	A Regulation for the appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature ...	Section VIII.
Regulation XII. 1802	A Regulation for the appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature ...	Sections XII, XIII, and XIV.
Regulation XV. 1803	A Regulation for determining the punishment to be adjudged by the Criminal Courts of Judicature in cases wherein a discretion is left by the Mahomedan law, for defining the crime and punishment of robbery by open violence, and for declaring what convicts shall be hereafter liable to transporta-	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation I. 1810 ...	<p>tion, or to banishment, as well as the punishment of such as may return from transportation, or escape from confinement during the period of their sentences ...</p> <p>A Regulation for providing against resistance to the processes of the Zillah Criminal Courts, as well as for compelling the appearance of persons charged with acts of a Criminal nature who may abscond or otherwise evade the process issued against them; for extending and explaining the rules contained in Section XXIII, Regulation VI. 1802, and in Section XXIII, Regulation VIII. 1802, and for putting a stop to the practice of parties in Civil suits preferring unfounded accusations of perjury against the witnesses in such suits, and unfounded charges of subornation of perjury against the adverse parties in such suits ...</p>	The whole Regulation.
Regulation VI. 1811	A Regulation to provide more effectually for the punishment of perjury, subornation of perjury, and forgery, and to alter the provisions in force for the payment of fixed reward on the conviction of public offenders ...	The whole Regulation.
Regulation VI. 1816	A Regulation for reducing into one Regulation the rules which have been passed regarding the Office of Native Commissioners, for modifying and extending their powers in the trial and decision of Civil suits, and for authorizing them, under the designation of District Moonsiffs, to discharge certain additional duties ...	Section XLIX.
Regulation IX. 1816	A Regulation for reducing into one Regulation certain rules which have been passed regarding the Office of the Zillah Magistrate, for modifying and defining his powers, and for transferring the Office of Zillah Magistrate from the Judge to the Collector of the Zillah ...	The whole Regulation, except Sections II, III, IV, V, and XLIII, and Nos. 1 and 2 of Appendix.
Regulation X. 1816	A Regulation for constituting the Judges of the Courts of Adawlut of the several zillahs, Criminal Judges of their respective zillahs, and for defining their powers ...	The whole Regulation, except Section XL and Appendix.
Regulation XI. 1816	A Regulation for the establishment of a general system of Police	The whole Regulation, except Sec-

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	throughout the territories subject to the Government of Fort St. George ...	tions VIII, IXIX, XII, XIII, XIV, XLVII.
Regulation III. 1817	A Regulation for explaining and modifying certain provisions of Regulations IX, X, and XI 1816	Section II.
Regulation I. 1818	A Regulation to provide for the more effectual administration of Criminal justice in certain cases, and to alter certain provisions of the Regulations in force ...	The whole Regulation.
Regulation III. 1819	A Regulation to provide more effectually for the punishment of extortion, oppression, or other abuse of authority on the part of Native Officers of Police ...	The whole Regulation.
Regulation V. 1819	A Regulation for rescinding such parts of Regulations IX, X, and XI 1816, as disqualify servants of the Government from attesting confessions ...	The whole Regulation.
Regulation IV. 1821	A Regulation for giving greater efficiency to the system of Police established in the Provinces subordinate to the Presidency of Fort St. George ...	The whole Regulation, except Section VI.
Regulation II. 1822	A Regulation to provide for the more effectual administration of Criminal justice in certain cases, and to alter certain provisions of the Regulations now in force ...	The whole Regulation.
Regulation VI. 1822	A Regulation for extending the powers of the Criminal Judges and of the Courts of Circuit in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property, with an intent to steal, or charged with theft, or with buying or receiving stolen property, knowing the same to have been stolen, or charged with escape from Jail or other place of confinement ...	The whole Regulation.
Regulation I. 1824	A Regulation for extending to the Criminal Courts the rules prescribed in Section VII, Regulation III. 1802, for procuring the attendance and evidence of witnesses ...	The whole Regulation.
Regulation I. 1825	A Regulation to rescind Regulation I. 1822, and to alter certain other provisions of the Regulation in force, and to provide for the more prompt and effectual administration of Criminal justice in certain cases	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Revision.
Regulation III. 1826	A Regulation for the more easy conviction of the crime of perjury in certain cases	The whole Regulation.
Regulation II. 1827	A Regulation for constituting the Assistant Judges appointed under Regulation I. 1827, Joint Criminal Judges of the zillahs in which they may be stationed, and for defining the extent to which the powers of Magistrate shall be exercised by subordinate Collectors	
Regulation III. 1827	A Regulation for empowering the Governor in Council in certain cases to direct that persons charged with crimes or misdemeanors shall be sent for trial or committal to another Court than that within the jurisdiction of which the offences charged were committed	Section III.
Regulation VI. 1827	A Regulation for explaining the provisions of Clause 1, Section V, Regulation XV. 1803, and Clause 4, Section III, Regulation VI. 1822; for making further provisions against the offence of counterfeiting the Coin; for declaring Magistrates empowered to take recognizances and security for keeping the peace in certain cases; for enlarging the power granted to Magistrates by Clause 1, Section III, Regulation II. 1822; for modifying and amending the rules in force relating to the requisition of security for good behaviour; and for subjecting to compulsory labor persons unable to find the security required	The whole Regulation.
Regulation VIII. 1827	A Regulation for granting to Native Judges jurisdiction in Criminal cases	So much of Section IV as provides for Native Judges being guided by Regulation X. 1816, Sections V, VII, VIII, X, XI, XII, XIII, and Clauses 3 and 4 of Section XIV.
Regulation X. 1827	A Regulation for the gradual introduction of trial by Jury into the Criminal Judicature of the Territories subject to the Presidency of Fort Saint George	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VIII. 1828	A Regulation for abolishing the use of the rattan as an instrument of punishment, and for substituting, in lieu thereof, the cat-o-nine-tails	The whole Regulation.
Regulation IX. 1828	A Regulation for rescinding such parts of the existing Regulations as prescribe forms for Periodical Reports, Calendars, Registers, or other Statements to be furnished by the Civil or Criminal Courts, and require the same to be forwarded at periods specified ...	
Regulation VI. 1829	A Regulation for modifying the Enactments contained in Section VIII, Regulation I. 1825 ...	The whole Regulation.
Regulation VIII. 1829	A Regulation for the punishment of the fraudulent appropriation or the unlawful and malicious obliteration or destruction of Judicial Records, and for defining the course of proceeding to be observed in bringing to trial persons charged with perjury or subornation of perjury before certain tribunals ...	The whole Regulation.
Regulation II. 1830	A Regulation for abolishing the use of the corah as an instrument of punishment, and substituting, in lieu thereof, the cat-o-nine-tails	The whole Regulation.
Regulation II. 1831	A Regulation for modifying the provisions contained in Regulation VIII. 1827, which require that persons committed for trial before the Court of Circuit by a Native Criminal Judge, shall be sent to the Criminal Judge, or the Joint Criminal Judge of the Zillah, in order to their being tried by the Court of Circuit ...	The whole Regulation.
Regulation III. 1831	A Regulation to provide for the more effectual administration of Justice in certain cases ...	The whole Regulation.
Regulation VIII. 1831	A Regulation for vesting in single Judges of the Courts of Sudder and Foudary Adawlut, and in single Judges of the Provincial Courts of Appeal, under certain restrictions, the power now exercised by two or more Judges of those Courts respectively ...	Section V.
Regulation VIII. 1832	A Regulation for rescinding Clause 2, Section VII and Section VIII, Regulation IV, 1821 ...	The whole Regulation.
Regulation IX. 1832	A Regulation for the punishment of false accusations preferred to a head of District Police, or Police Officer vested with the	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation XIII. 1832	powers of a Head of District Police ... A Regulation to provide for the more effectual administration of Criminal justice in certain cases ...	The whole Regulation.
Regulation II. 1833	A Regulation for exempting females from corporal punishment by stripes ...	
Regulation III. 1833	A Regulation for conferring upon Sudder Ameens jurisdiction in Criminal cases, and for extending the Civil jurisdiction of Registers, Sudder Ameens, and District Moonsiffs ...	Section II.
Regulation I. 1834	A Regulation for the punishment of persons convicted of treason or rebellion ... BOMBAY.	The whole Regulation.
Regulation II. 1827	A Regulation for defining the constitution of Courts of Civil Justice and the powers and duties of the Judges and Officers thereof ...	Section XXXVI.
Regulation IV. 1827	A Regulation prescribing the forms of proceeding of Courts of Law in Civil suits and Appeals, and rules for the trial of the same ...	Clause 4, Section XXXIV, also Section LI, and Sections LIV and LV.
Regulation XI. 1827	A Regulation for defining the persons subject to the operation of the Regulations on Criminal Judicature, under what circumstances foreigners may be given up to the Government to which they belong, and under what circumstances Government may exercise a control over the residence and persons of emigrants and their descendants	The whole Regulation.
Regulation XII. 1827	A Regulation for the establishment of	The whole Regulation, with the following exceptions: Section I, in as far as it applies to the Zillah Magistrate; Clause 1 of Section III, in as far as it relates to the Police functions of the Zillah Magistrate; Clause 2, of Section III; Clause 5 of the same Section in as far as it extends to the Zillah Magistrate; Section IV, in as far as it extends to Assistant

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
	a system of Police throughout the Zillahs subordinate to Bombay, for providing rules for its administration, and for defining the duties and powers of all Police Authorities and servants ...	Collectors in charge; Section VI; Clause 4 of Section X; Clause 1 of Section XIII, in as far as it regulates the endorsement and record of warrants issued by Magistrates; Clauses 1, 6, 7, and 8 of Section XXIX; Section XX; Clause 1 of Section XXII, in as far as it relates to the superintendence of Village Police; Clause 2 of Section XXVII; Section XXX; Clause 4 of Section XXXI; Sections XXXVII, and XL; and Chapter VI.
Regulation XIII. 1827	A Regulation for defining the constitution of Courts of Criminal Justice, and the functions and proceedings thereof ...	Sections IV, V, VI, X, XI, XII, and XIII; Chapters III and IV; Sections XXIX and XXX; and Clauses 1 and 2, Section XXXI, Clause 3 of Section XXXIII and the whole of Chapter VI, except Clause 3 of Section XXXIV, in as far as it authorizes the occasional substitution of a letter for a summons, and except Clause 9 of the same Section. Clause 2, of Section XXXVI, and Clauses 1 and 2 of Section XLIII.
Regulation XIV, 1827	A Regulation for defining crimes and offences, and specifying the punishments to be inflicted for the same. ...	The whole Regulation, except Clause 2 of Section III, and Sections XX and XXIII.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation XV. 1827	A Regulation containing rules under which landholders may be invested with Police authority within their respective lands, or other convenient limits and deprived of the same; and declaring the mode of procedure to be followed in regard to them in Criminal matters ...	The whole Regulation.
Regulation XXIII. 1827	A Regulation imposing certain restrictions on money transactions between persons filling certain Civil Offices and others, and on the employment of individuals with whom they may have such transactions by the said Officers in official capacities: on the possession of landed property by Europeans and Americans, and on the general use of Uniforms and Badges ...	The whole Regulation.
Regulation XXX. 1827	A Regulation enacting certain modifications of Regulations XII, XIII, XIV, and XV of 1827, with reference to the Zillahs of Poena and Ahmednuggur ...	The whole Regulation.
Regulation XVII. 1828	A Regulation to provide for the punishment of the crime of conspiracy ...	The whole Regulation.
Regulation III. 1830	A Regulation rescinding Regulations VIII and XII of 1828, and vesting the Criminal Judges with the powers and functions of Session Judges ...	The whole Regulation, except Sections II, IV, VI, and VII.
Regulation IV. 1830	A Regulation rescinding such parts of Regulation XII of 1827, as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants ...	The whole Regulation, except Clause 1 of Section I, and Section II.
Regulation XVI. 1830	A Regulation to rescind that part of Clause 2, Section XXVI, Regulation XIV, 1827, which exempts persons assisting at rites of self-immolation from the penalty of murder; and declaring the punishments to which persons shall be liable who may assist or use force or violence in the commission of such acts ...	The whole Regulation.
Regulation XI. 1830	A Regulation providing for the appointment of a Joint Session Judge within the Zillah of Poona ...	The whole Regulation.
Regulation V. 1831	A Regulation for making persons effecting an escape from custody, unaccompanied by force, liable to the penalties prescribed in Regulation XIV, Section XXIV. 1827 ...	The whole Regulation.

Reference to Regulation or Act.	Title of Regulation or Act.	Extent of Repeal.
Regulation VIII. 1831	A Regulation for modifying the jurisdiction of Session Judges and Judicial Commissioners ...	The whole Regulation, except Section I.
Regulation IX. 1831.		
	A Regulation for modifying the rules under which Landholders may be invested with Police jurisdiction ...	The whole Regulation.
Regulation III. 1833	A Regulation for the more efficient administration of Police in certain large Towns situated in the Zillahs subordinate to Bombay ...	The whole Regulation.
Regulation VII. 1833	A Regulation for modifying the provisions in force for the trial and punishment of persons exceeding twelve in number assembling for riotous or rebellious purposes, not amounting to treason; and for defining the tribunal before which persons committing offences under the designation of unlawful attempts to alter the established laws, or disturbing the peace of Foreign States, may be tried ...	The whole Regulation.
Regulation VIII. 1833	A Regulation for modifying Section IX of Regulation III, 1830, and introducing a more suitable arrangement for the performance of the annual Circuit by the Judicial Commissioners ...	The whole Regulation.

CIRCULARS OF THE SUDDER NIZAMUT & HIGH COURT

ON THE

PENAL CODE

AND

CRIMINAL PROCEDURE.*

CIRCULAR No. 87.

To the Criminal Authorities in the Lower Provinces, dated the 12th December 1861.

Directs attention to the several provisions of the Criminal Procedure Code and the Penal Code which will come into operation from the 1st proximo.

I AM directed to remind you that the Penal Code and the Code of Criminal Procedure (as modified by Act XXXIII. of 1861) will come into operation on the 1st of January 1862, and to call your attention to some of the most important provisions of the Code of Procedure.

Chapter I.—This Chapter contains definitions, and Sections 9, 14, 15, 16, and 17, require your careful attention.

Chapter II.—Section 22 states the powers of the different grades of Officers authorized to punish for breaches of Criminal laws, and beyond those limits the several officers are not empowered, under any circumstances, to pass sentence whatever the measure of punishment which is prescribed by the Penal Code for different offences. With this Section it is advisable to consider Section 45 of the Code of Procedure, as also Sections 64 and 65 of the Penal Code; and it is to be observed also, that the principle laid down in Section 65 of the Penal Code is to be followed by all Officers whatever exercising criminal jurisdiction.

Your attention is requested to the Schedule attached to the Act and referred to in Section 22. The explanatory notes prefixed to the Schedule should be carefully perused and kept in mind, especially the 5th note, by which the words "Magistrate of the district" are taken to include Officers acting judicially and falling within the definitions laid down in Sections 14 and 16, and in Section 15 as far as the word "all."

Section 29 provides for jurisdiction when an offence is committed on a boundary or boundaries of two or more Districts.

The Court would draw the attention of the Magisterial Authorities to the proviso at the end of Section 42, by which the exercise of the jurisdiction of a Magistrate under Statute 53, Geo. 3, Cap. 155, Sec. 104, and Act VII. of 1853 is restricted for the future to Magistrates who are at the same time Justices of the Peace.

Chapter III.—Section 46 provides for sentences in cases of conviction of two or more offences, and the concluding portion of it contains an important proviso.

Sections 56 to 59 in this Chapter, and 423 and 424 in Chapter XXX, require the careful attention of Sessions Judges when trying any of the particular offences to which they refer, and when hearing appeal cases involving the offences therein alluded to.

Chapter IX.—Sections 148 to 150 introduce altogether a new system of procedure into the Mofussil; by Sections 148 and 149 you will observe that no confession or admission of guilt made to a Police Officer alone can be used as evidence against a person accused of any offence, neither can any confession of guilt made whilst a person is in the custody of a Police Officer, be used as evidence against an accused person unless it be made in the immediate presence of a Magistrate; but by Section 150, when any fact tending more or less remotely to criminate a person is deposed to by a Police Officer as having been discovered by him in consequence of information received from that person, so much of such information, whether it amounts to a con-

* Only those Circulars have been here selected which bear in any way upon the actual working of the two Codes. The Circulars bearing the intervening numbers relate to the submission of Periodical Statements and other miscellaneous matters.

fession or admission of guilt or not, as *relates distinctly* to the fact discovered by it, may be received as evidence.

Chapter XII.—This Chapter relates to preliminary inquiries by Magistrates and by subordinate Magistrates properly empowered under Section 38, in cases triable by the Courts of Session.

Sections 195 and 198, referring to the language, form, and mode in which the evidence should be taken by Magisterial Authorities, require close attention, and their provisions must be strictly carried out. The Court will seriously notice any deviation on the part of Magistrates from the strict rules laid down by the law either as to the form and mode in which evidence is recorded or to the mode in which their own memoranda of the substance of such evidence are drawn out.

Section 207 leaves it discretionary with the Magisterial Authorities to take evidence for the defence or not, but this discretion, as a general rule, should be regulated by the degree of proof brought to bear upon the person charged with an offence; if the evidence be weak, the witnesses offered on behalf of a person to disprove the charge against him should be sworn and examined, but this course should not be followed when the evidence for the prosecution is overwhelming or strong, either directly or presumptively, against the person charged.

Section 212 states the circumstances under which persons accused of certain offences may or not be admitted to bail, and Magistrates must be careful to regulate their practice accordingly.

Chapter XIII.—This Chapter provides for the framing of charges when the Magistrate has determined to send the accused person for trial before the Court of Session.

The attention of the Magisterial Authorities is directed to Section 234, 235, 237 and 239, and they will not fail to remark that the charge is to be drawn up as nearly as possible in the *language of the Penal Code*; also that it is unnecessary to allege in the charge any circumstances for the purpose of showing that the case does not come, or even to allege that the case does not come, within the *general exceptions* contained in Chapter IV, but any charge will be understood to assume the absence of all such circumstances, and it will, at the trial, be for the prisoner charged to prove the *existence* of such circumstances; for example, in a case of commitment under Sec. 300 of the Penal Code for culpable homicide amounting to murder, if the prisoner pleads circumstances of justification bringing it within a general exception under Chapter IV, it will be for him to prove the existence of those circumstances; again, if the Section referred to in a charge contains an exception, not being a general exception, the charge must *contain a distinct denial of the existence of such circumstances*, and will not be understood to assume the absence of circumstances constituting such exception; as for example, if a party is charged with culpable homicide, amounting to murder under Section 300, the charge should at the same time distinctly deny the existence of any of the circumstances bringing it within the 5 exceptions falling under that Section; it will of course in this case as in the other, be eventually for the prisoner pleading an exception by evidence on his side, to bring the offence within such exception after the prosecution has proved the charge as laid by it, but no evidence in disproof of the plea of the prisoner on his trial can be admitted in this last case, as it is by the concluding words of Section 236 made admissible in the former.

The attention of the Sessions Judges is called to Sections 244 to 247.

Chapter XV.—This Chapter relates to petty cases.

It would appear from certain words used in Section 262, that it was the intention of the Legislature that in this class of cases prosecutors should ordinarily bring their own witnesses, though if they fail to do so in consequence of parties not appearing voluntarily to give their evidence, the Magistrates are bound to give the prisoner the assistance of the law, and to summon any persons likely to give material evidence in a case.

Sections 265 and 266 prescribe the mode in which, on the appearance of both parties, the trial should be conducted, and Sections 267 and 268 provide for the recording of evidence in this class of cases.

It will be observed that the general rule in this class of cases is that the presiding authority shall make a memorandum of the substance of the evidence of each witness as the examination proceeds, to be written, or in certain cases, dictated by him, either

in English or other language peculiar to the presiding authority, and to be signed by him, and to form part of the record; if this course be adopted, no further recording of evidence is necessary. If, however, the presiding authority considers it necessary, the evidence may be recorded at length in the mode prescribed by Section 195 of the Code.

Chapter XVI.—This Chapter relates to inquiries and trials before the subordinate Magistrates, and Section 275 enacts that on the inquiry into or trial of cases contemplated by the Chapter, subordinate Magistrates should be guided by the rule prescribed for the guidance of the Magistrate of the District in similar cases.

Sections 276 and 277 prescribe the mode in which a subordinate Magistrate is to proceed in cases in which the evidence warrants a presumption that the accused person has been guilty of an offence beyond his jurisdiction, and what course he is to adopt even when having jurisdiction and finding the accused guilty, he considers the offence established to call for a more severe punishment than he is competent to adjudge. It will be observed that in the former case the proceedings *must* commence *de novo* before the Magistrate or other authority having jurisdiction, to whom the case is submitted, and in the latter it is *discretionary* with the Magistrate to whom the case is submitted to recommence proceedings so, or not, as he may think necessary.

Chapter XXII.—This Chapter takes the place of the old Law Act IV. of 1840, but it will be observed that parties who have been dispossessed will no longer be entitled to institute suits, as has hitherto been allowable under Section 4 of that Act.

Chapter XXIII.—This Chapter relates to Juries and Assessors, but as the local Government has not yet passed any order with regard to the particular district or offences to which trial by jury should be extended, the Court will now merely observe that by Section 324 trials before a Court of Session not by jury *must* be conducted with the aid of two or more Assessors, subject to the provisions in the subsequent Sections of the Chapter.

Chapter XXX.—This Chapter relates to appeals. The principal Sections are 411, 412, and 413, the provisions of which differ in some respects from the existing law as to the orders which are appealable, and the authorities to whom appeals should be preferred in certain cases. The differences call for no remark from the Court, but only require to be carefully noted by the authorities. It will be seen that orders passed by Magistrates in the cases referred to in Chapter XXII are not appealable by right at all, but the subordinate Criminal Authorities will observe also that by Section 434 it is open to a Session Judge or a Magistrate to call for and examine the record of any Court immediately subordinate to them for the purpose of satisfying themselves as to the legality or regularity of proceedings of any sentence or order passed, and if the sentence or order is contrary to law, to refer the proceeding, in order that they may be revised, to the Sudder Court, which Court, under Section 404, is empowered to pass such orders as to it shall seem fit.

The above are the chief points to which the Court think it advisable to draw particular attention at present, but it should be remembered that the Code of Procedure and the Penal Code are entirely new, that consequently they both of them require to be studied from beginning to end, and also that when acting upon two Codes so novel, and in some respects so opposed to previous law and practice, more than ordinary caution on the part of the Criminal Authorities is necessary, in order to avoid illegality and irregularity.

No. 88,

From H. T. PRINSEP, Esq., Officiating Register of the Nizamut Adawlut, to E. LAUTOUR, Esq., Sessions Judge of the 24-Pergunnahs, dated Calcutta, the 1st February, 1862.

The expense of serving summonses under Sections 74 and 77 of the Criminal Code of Procedure, when the agency of the Police cannot be obtained, must be borne by Government.

In reply to your letter No. 24, dated the 16th ultimo, I am directed to inform you, that the expense of serving summonses under Sections 70 and 77 of the new Code of Criminal Procedure, when the agency of the Police cannot be obtained, must be defrayed by the Government.

No. 89.

From H. T. PRINSEP, Esq., Register of the Nizamut Adawlut, to R. H. RUSSELL, Esq., Sessions Judge of Backergunge, dated Calcutta, the 18th February, 1862.

Ruling that officers vested with authority under Act X. of 1854, can receive and try complaints under Act XXV of 1861, without reference from the Magistrate of the district. Section 21 of the Code, in no way interferes with that Act.

I AM directed to acknowledge the receipt of your letter No. 2, dated 11th January 1862, requesting the instructions of the Court, inasmuch as there is a doubt felt regarding the powers of the different subordinate Magistrates to try cases under the Criminal Procedure Act, without reference from the Magistrates of the district, and in reply to remark as follow :

2. The Criminal Procedure Act, neither in Section 21, nor any other portion of it, interferes with Section 1 of Act X of 1854, by which it is enacted that " it shall be competent to the local Government of each of the divisions of the Bengal Presidency, to empower Assistants to Magistrates, and also Deputy Magistrates, to receive and try, without reference to the Magistrate, all or any of such charges as they are now competent to try upon reference by the Magistrate."

3. When these Officers of the grades above noted, have been so empowered, and have been also vested with the powers of subordinate Magistrates under Act XXV. of 1861, they are competent to receive and try charges within their jurisdiction, as subordinate Magistrates. If, however, they have not been empowered under Section 1 of Act X. of 1854, to receive and try charges, they can only try charges within their competency after they have been referred to them by the Magistrates of the district or a Magistrate in charge of the division of a district. Officers with the power of the Magistrate, that is, with the full power of a Magistrate are, it may be observed, competent to receive and try any charge which is within their competency, and in the investigation and trial of offences within their jurisdiction, the Criminal Courts of the several grades must, under Section 21, be guided by the provisions of Act XXV of 1861.

4. Section 66, to which you allude in the 4th paragraph of your letter, merely prescribes that when, in order to the issuing of a summons or a warrant against any person, for any offence, a complaint is made before the Magistrate of the District or a Magistrate (which term under the definition in Section 15 of Act XXV of 1861, includes subordinate Magistrates) who is authorized to receive such complaints without reference by a Magistrate of the district, such Magistrates (including subordinate Magistrates) shall examine the complainant; that the examination shall be reduced into writing and shall be signed by the complainant and the Magistrate.

5. The proviso at the end of Section 273 of Act XXV. of 1831, alluded in the 7th paragraph of your letter, refers to certain laws in the Madras Code, by which Officers, answering to the subordinate Magistrates of Act XXV of 1861, are competent, either on complaint directly preferred to them or on the report of a Police Officer for certain cases, to entertain charges. The same remark applies to words used in the body of Section 273, and also in Section 278, which do not empower Government to vest subordinate Magistrates with the power of committing either to the Sessions or the Supreme Court, but simply alludes to laws of other Presidencies in which those powers are granted, and declares that those powers are not interfered with by the provisions of the Act under review.

6. The Court directs that you will furnish the Magistrates, subordinate to you, who are in doubt regarding their powers, with a copy of this letter.

No. 90.

To J. E. S. LILLIE, Esq., Additional Sessions, Judge of Hoogly, dated Calcutta the 22nd February, 1862.

Committing Officers to submit as hitherto, a calendar in Sessions trials and to record their grounds of commitment thereon.

With reference to the extract of a letter from the Magistrate of Hoogly, forwarded by your Memo. 73, of the 10th instant, enquiring whether, under the new law of Criminal Procedure, it is necessary that the committing officer should submit a calendar in sessions trials or should record the grounds of commitment as heretofore, I am directed to inform you that the Court do not wish that the present practice, on these two points

should be departed from, as the new Criminal Procedure is silent on these matters and the discontinuance of these forms is not otherwise called for.

No. 92.

To the Magisterial Authorities in the Lower Provinces dated, the 26th April, 1862.

The Court has reason to believe that some Magisterial officers consider themselves bound to commit parties to the Sessions in all cases in which the maximum punishment prescribed under the Penal Code, is beyond their own competence. This course of procedure I am directed to point out, is erroneous, and is opposed to Section 22 of the Code of Criminal Procedure, acting under which you should look to column 7 of the Schedule affixed to the Code, and if you find that you are empowered to try and punish the parties committing the offence, you should, as a general rule, proceed to try them, and only commit them to the Sessions Court when, from the existence of aggravating circumstances, a punishment beyond that which you are competent to award seems requisite for the ends of justice.

No. 93.

From H. T. PRINSEP, Esq., Registrar of the High Court or Judicature at Fort William in Bengal, to the Sessions Judge of Midnapore, dated the 26th March, 1862.

* I am directed to acknowledge the receipt of your letter No. 33, of the 1st instant

Section 412, Act XXV of 1861, provides that all persons convicted on a trial held by an officer exercising powers less than those of a Magistrate may appeal to the Magistrate, or other officer exercising the powers of a Magistrate, who shall have been duly empowered by Government to hear such appeals, and Section 428, declares the finality of all sentences & orders passed by an appellate Court. Appellate jurisdiction of Judges are defined by Section 409, read together with Section 411, which gives no right of appeal to the Court in certain cases.

submitting for the consideration and instructions of the Court a difference of opinion that has arisen between you and the Magistrate of Midnapore on certain points under the new Code of Criminal Procedure (Act XXV of 1861.)

In reply I am directed to inform you that your interpretation of the law on both the points noted in the letter under acknowledgment, is correct; for by Section 412, of Act XXV. of 1861, it is provided, that all persons convicted on a trial held by an officer exercising powers less than those of a Magistrate, may appeal to the Magistrate of the district or other officer exercising the powers of a Magistrate, who shall have been duly empowered by the Government to hear such appeals, and Section 428 declares the finality of all sentences and orders passed by an appellate Court, it follows that there would be no appeal to you in such cases; your appellate jurisdiction is defined by Section 409, read together with Section 411, which gives no right of appeal to the Court in certain cases.

No. 95.

From H. T. PRINSEP, Esq., Register of the Nizamut Adawlut, to E. LAUTOUR, Esq., Sessions Judge of 24-Pergunnahs, dated Calcutta, the 5th May, 1862.

I am directed to acknowledge the receipt of your letter No. 140, dated the 29th

Ruling that a Magistrate cannot tender a conditional pardon in a case which he proposes to decide himself, but only in a case which he intends to commit to the Session.

March last, enquiring whether under the new Code of Criminal Procedure a Magistrate is competent to tender pardon to a defendant in a case determinable by himself, and in reply to state that the Court are of opinion that a conditional pardon can only be offered by the Magistrate in cases which are either exclusively triable by a Session Court, or which are attended with such circumstances of aggravation, that looking

to the punishment which should be awarded, they are in point of fact triable by the Session Court under the Schedule annexed to the Code. The intention to commit to the Sessions is in fact the test for determining whether a conditional pardon can be granted or not; a Magistrate cannot tender a conditional pardon in any case which he intends to dispose of himself.

No. 96.

From H. T. PRINSEP Esq., Register of the Nizamut Adawlut, to H. H. ROBINSON Esq., Magistrate of Midnapore, dated Calcutta the 5th May, 1862.

The Code of Criminal Procedure does not provide for the administering of an oath by a Police Officer. Section 13, Regulation XX of 1817 is repealed by Chapter IX. of Act XXV 1861.

In reply to your letter No. 127, of the 10th ultimo, I am directed to inform you that the Court are of opinion that, as the Code of Criminal Procedure does not provide for the administering of an oath by a Police Officer, on receipt of a complaint, it is evidently the intention of the Legislature that such should not be administered.

Section 13, Regulation XX, 1817, under which Police Darogahs used to act has, I am directed to add, been implicitly repealed by Chapter IX of the Code of Criminal Procedure.

No. 97.

From H. T. PRINSEP, Esq., Register of the Nizamut Adawlut, to E. G. BIRCH, Esq., Offg. Additional Sessions Judge of 24-Pergunnahs, &c., dated, Calcutta the 12th May 1862.

I AM directed to acknowledge the receipt of your letter No. 31, dated the 16th ultimo.

Explaining what constitutes the crime of perjury under the Penal Code. 2. In reply to the first question propounded therein, I am directed to state that though under the Mahomedan law the making contradictory statements on oath or solemn affirmation amounted to perjury and was therefore punished by the Courts as such, yet the mere making contradictory statements will not satisfy the requirements of the Penal Code. In order to a conviction for perjury under this law, it must be proved 1st, that the statement made is false, and 2nd, that the party making it, either knew or believed it to be false, or did not believe it to be true.

3. In reply to your second question, I am to observe, that it is no longer necessary to constitute the crime of perjury, as defined in Section 191 of the Code, that the perjury should be on a point material to the issue of the case. Any wilful false statement will amount to perjury, and it is within the discretion of the Officer before whom such false statement is made, to order the commitment of the parties for the crime, but this discretion should be exercised with care and caution.

No. 100.

From H. T. PRINSEP Esq., Register of the Nizamut Adawlut, to E. G. BIRCH, Esq., Offg. Additional Sessions Judge of Hooghly, dated Calcutta, the 19th May 1862.

I AM directed to acknowledge receipt of your letter No 153, dated the 6th instant,

When a Magistrate considers a case to be one for the Sessions, he should commit all the prisoners concerned in it.

and to state that when several persons are accused of the commission of the same offence, it would be obviously inconvenient if a Magistrate were to punish some and commit others to the Sessions, and as the Code does not seem to contemplate such procedure, the Magistrate should, if he considers the case to be one for the Sessions, commit all those concerned for trial before that tribunal.

No. 101.

From H. BELL, Esq., Under-Secretary to the Government of Bengal, to the Register of the Sudder Court, dated Fort William, the 10th May 1862.

I AM directed to forward to you the accompanying copy of a letter No. 15,

Circulating correspondence from Government regarding an erratum in the published copies of the Schedule annexed to the Code of Criminal Procedure.

dated the 30th ultimo. from the Government of India in the Home Department, together with an Extract from the *Calcutta Gazette* of the 30th ultimo, containing an erratum in the published copies of the Schedule annexed to the Code of Criminal Procedure; and to request that the Court will draw the attention of the officers subordinate to it to the

erratum in question.

2. A printed copy of the erratum will be forwarded to each officer who has been furnished with Act XXV of 1861, in order that it may be bound up with the Act.

From M. WYLIE, Esq., Deputy Secretary to the Government of India, Home Department, to E. H. LUSHINGTON, Esq., Secretary to the Government of Bengal, No. 15, dated the 30th April 1862.

SIR,—I AM directed by His Excellency the Governor General in Council to forward for the information of the Hon'ble the Lieutenant Governor of Bengal, the annexed Extract from the *Calcutta Gazette* of this day, containing an *erratum* in the published copies of the Schedule annexed to the Code of Criminal Procedure.

2. The Code, as passed and assented to by His Excellency the Governor General, contains the words "according as the offence abetted ~~is~~ bailable or not," in the Schedule opposite to Sections CXVI and CXVII of the Indian Penal Code, but the substitution of word "Ditto," in the published copies, renders many offences not bailable which would be bailable under the words used in the Code as passed.

3. I am directed to request that His Honor will be pleased to call the attention of the Sudder Court to the correction now made in the *Gazette*, and will desire that Court to instruct the Courts and officers subordinate to it to correct their copies of the Code accordingly.

4. In like manner with regard to the Provinces under the Government of Bengal, which are not subject to the General Regulations, I am directed to request that the attention of the authorities in those Provinces may be called to the *erratum* in question.

Fort William, Home Department, Legislative, dated the 30th April 1862.

* *Notification*.—The following *erratum* in the Schedule to the Code of Criminal Procedure, as published in the *Calcutta Government Gazette*, is notified for general information.

In column 5, opposite to both the clauses of Section CXVI and to Section CXVII of the Indian Penal Code, for "ditto" read "*according as the offence abetted is bailable or not.*"

MEMO. Copy forwarded for the information and guidance of the Criminal Authorities

No. 102.

To the Criminal Authorities in the Lower Provinces, dated the 16th June 1862.

THE Court are pleased to call the attention of all Criminal Authorities to Section 44, Chapter III. Act XXV. of 1861, (Code of Criminal Procedure), in which provision is made for the application of fines or any portion thereof imposed upon a conviction, for any offence made punishable by fine, (whether fine be the sole punishment, or not;) by way of compensation, for the benefit of the person who has suffered by such offence.

* Calls attention to Section 44, Chapter III. Act XXV, 1861, in which provision is made for the imposition of fines upon conviction for any offence made punishable by fine, (whether fine be the sole punishment or not) by way of compensation for the benefit of the person who has suffered by such offence.

2. Act XVI of 1850, having been repealed by Act XVII of 1862, the Court's Circular Order No. 55, dated 21st February 1851, which prohibited the carrying into execution of an order of fine under that Act "until the period allowed for appeal has elapsed, and in the event of appeal being made, until the final sentence has been passed," has been necessarily superseded, and the Criminal Authorities are reminded that there is nothing in the present Law to prevent *immediate* action for the levy of the fine, under the sole restriction, that "if the fine be awarded by a Court whose decision is subject to revision, the amount awarded to the person injured shall not be paid to such person, until a period of two months shall have elapsed from the date of the award."

3. The Court take this opportunity of cautioning the Magisterial officers and Sessions Judges against the imposition of excessive fines under the provisions of the Section referred to. The fines thus imposed should be fixed in proportion to the apparent means and status of the offender, as it is obviously useless to impose a fine, which evidently is beyond the ability of the person fined to pay.

No. 103.

To the Criminal Authorities in the Lower Provinces, dated the 18th June 1862.

States that under Section 301 of the Criminal Procedure Code, prisoners convicted of bad livelihood cannot be made to labor as for rigorous imprisonment.

It having been brought to the notice of the Court, that prisoners convicted of bad livelihood under the Code of Criminal Procedure are made to labor during the period of their confinement. I am directed to state that the practice should be discontinued, as section 301 of the Code of Criminal Procedure simply directs that such persons "shall be committed to prison," and does not allow of labor being imposed as for rigorous imprisonment.

No. 104.

To the Sessions Judges in the Lower Provinces, dated the 30th June 1862.

Session Judge directed to hold Sessions at the commencement of January, March, May, September, & November, and to avoid unnecessary harassment to Jurors, Assessors, or witnesses; they should exercise great caution in endeavouring to fix as accurate a date as possible for the trial of each case.

UNDER Section 443 of the Code of Criminal Procedure, the Court hereby direct, that all Sessions Judges shall hold Courts of Session on the first of every alternate month for the trial of such prisoners as may have been committed by them before that date, or who may have been committed, and whose cases may be ready for hearing before the close of the Sessions then being held.

2. To secure uniformity the Court direct that the Sessions shall be held at the commencement of January, March, May, July, September, and November.

3. To avoid unnecessary harassment to Jurors, Assessors, or witnesses, Sessions Judges should exercise great caution in endeavouring to fix as accurate a date as possible for the trial of each case, at the same time, taking care that their Court, are never unprovided with business during the Jail delivery.

4. Quarterly Sessions, as heretofore, will continue to be held in the out-stations of Chumparun, Monghyr, Bogra, Pubna, Malda, Furreedpore, Balasore and Noacolly.

No. 105.

From H. T. PRINSEP, Esq., Registrar of the High Court of Judicature at Fort William in Bengal, to P. G. E. TAYLOR, Esq., Session Judge of East Burdwan, dated Calcutta, the 6th August 1862.

I am directed to acknowledge the receipt of your letter No. 121, of the 18th ultimo

(which was unaccompanied by the enclosure referred to therein) requesting to be informed whether witnesses in petty cases, *i. e.*, cases falling under Chapter XV. of the Code of Criminal Procedure, are entitled to claim payment of their expenses from the litigant parties, and if so, at what rate, and suggesting that a certain procedure should be observed with respect thereto.

Ruling that Act VII, 1846, which provided for the diet money of witnesses summoned in petty cases, has been repealed by Act XVII of 1862, and pointing out how Magistrates should proceed in cases coming under Chapter XV. of the Code of Criminal Procedure.

2. Act VII of 1846, which provided for the diet money of witnesses summoned in petty cases, has been repealed by Act XVII. of 1862, and no provision to supply its place has been made by the Code of Criminal Procedure or any other Act now in force.

3. The Court therefore consider that they have not the power to direct the observance of the procedure proposed by you.

4. I am also directed to point out that in cases coming under Chapter XV. of the Code of Criminal Procedure, Magistrates should confine the issue of summonses under Section 262, to cases in which it shall be satisfactorily proved that the person for whose attendance the summons is applied for, is likely to give material evidence, and that he will not voluntarily appear, leaving parties ordinarily to bring their own witnesses on the day fixed for the hearing of their case.

No. 106.

To the Criminal Authorities in the Lower and Extra-Regulation Provinces, dated the 13th August 1862.

The Court are pleased to adopt the following Circular Order issued by the Sudder Court at Agra on the 26th ultimo.

Directing officers to write their Memoranda under Act XXV of 1861 legibly, and where they are illegibly written copies to be sent to the Court.

legible manner.

2nd. "In the case of trials forwarded to the Nizamut Adawlut in which, from any cause, the Memoranda in question have been indistinctly or illegibly recorded, copies of such Memoranda should be submitted with the record of the case.

No. 107.

To the Criminal Authorities in the Lower Provinces, dated the 25th August, 1862.

Points out errors in the Bengalli translation of Code of Criminal Procedure.

I am directed to draw your attention to the following errors in the Bengali Translation of the Code of Criminal Procedure, and to request that you will call for and correct the copies that may have been distributed by you among your subordinates.

(1). In Section 199 of the Code, where instead of "a Memorandum to be signed by the Magistrate," the rendering is *written* by the Magistrate.

(2). In Column 7 of the Schedule, opposite the heading referring to Section 380 of the Penal Code, where for "Ditto" should be read "Court of Sessions or Magistrate of the District."

(3). In Column 7 of the Schedule, opposite the 2nd Clause of Section 457 of the Penal Code, where a precisely similar error to the foregoing has occurred.

No. 5829.

From E. H. LUSHINGTON, Esq., Secretary to the Government of Bengal, to the Registrar of the High Court, Fort William, the 31st December, 1862.

Judicial.

SIR,—I AM directed to forward to you the accompanying copy of a Resolution, No. 7312, recorded by the Government of India, in the Home Department, under date the 20th instant, and to solicit that the Court, after consulting the criminal authorities under their control, will be so good as to favor the Lieutenant-Governor with a full report upon the practical working of the Penal Code, so far as the suspension of corporal punishment may have had any bearing thereon; together with an expression of their present opinion, as confirmed or modified by the past year, regarding the expediency of retaining flogging as a punishment, and with respect to the offences to which the punishment, if it be retained, shall be made applicable.

No. 7312.

EXTRACT from the Proceedings of the Right Hon'ble the Governor-General of India in Council, in the Home Department, (Legislative) under date the 20th December, 1862.

READ the following papers regarding—

- I. The Bill to provide for the punishment of flogging in certain cases.
- II. The Bill to authorize the punishment of whipping in certain cases.

Letters from the Chief Secretary to the Government of Bombay, No. 122, dated 11th January, and No. 298, dated 1st February, 1861, and the enclosures of the former from the Registrar of the Bombay Sudder Fouzdary Adawlut.

Letter from the Foreign Department, No. 1864, dated 16th April, 1861, and its enclosure, being a correspondence with the Chief Commissioner of Oudh.

Petition of the British Indian Association, dated 15th August, 1861, and enclosure.

Letters from the Secretary to Government, North-Western Provinces, No. 253A., dated 24th April, 1861, and No. 441A., dated 23rd June, 1862, and their respective enclosures, from the Registrar of the Sudder Court.

Letter from the Secretary to the Chief Commissioner of the Central Provinces, No. 82, dated 23rd September, 1862.

Letter from the Secretary to the Government of Punjab, No. 520, dated 15th September, 1862.

Letter from the Judicial Commissioner of the Punjab, to the Secretary to the Government of the Punjab, No. 362, dated 21st June, 1862, and its enclosure.

RESOLUTION. The Governor-General in Council observes that the Reports submitted by the Local Governments and authorities regarding the Bills above-mentioned, exhibit a very considerable diversity of opinion among Officers of experience both with respect to the policy of employing corporal punishment as legal penalty in any case, and regarding the extent to which, if legalized, the penalty should be used and the offences for which it should be administered.

But the Governor-General in Council remarks that these opinions were given at a time when the punishment of flogging was still in use in the greater part of the British Territories in India, and in other parts had only just ceased to be used. It is now, however, nearly twelve months since the introduction of the Penal Code, which does not permit corporal punishment to be inflicted in any case.

Before, therefore, proceeding further with the Bill to authorize the punishment of whipping in certain cases, which is at present under the consideration of Government, in the Legislative Department, the Governor-General in Council is desirous of ascertaining what have been the practical results of the suspension of corporal punishment during the past year, and how far the opinions of the Local Governments have been affected thereby.

ORDERED that a copy of this Resolution be forwarded to the Governments of Madras, Bombay, Bengal, North-Western Provinces, and, through the Foreign Office, to the Government of the Punjab, and to the Chief Commissioner of *Oudh*, Central Provinces, and British Burmah, with a request that a full Report may be furnished to this Government, on an early date, upon the practical working of the Penal Code, so far as the suspension of corporal punishment may have had any bearing thereon, and that the various Governments and Administrations will also favor the Governor-General in Council with an expression of their present opinion, as confirmed or modified by the experience of the past year, regarding the expediency of retaining flogging as a punishment, and with respect to the offences to which the punishment, if it be retained, should be made applicable.

CIRCULAR No. 1.

COPY forwarded to the Criminal Authorities in the Lower and Extra Regulation Provinces, with a request that a report may be furnished as soon as possible to the Court on the practical working of the Penal Code, so far as the suspension of corporal punishment may have had any effect during the past year, together with an expression of their opinion regarding the expediency of retaining flogging as a punishment, with the offences to which the punishment, if it be retained, shall be inflicted.

High Court of Judicature at
FORT WILLIAM IN BENGAL,
The 8th January, 1863.

By Order of the High Court,
(Sd.) H. T. PRINSEP, Registrar.

CIRCULAR No. 4.

To the Criminal Authorities in the Lower and Extra Regulation Provinces, dated Calcutta, the 26th January, 1863.

YOUR particular attention is requested to the notification of Government, No. 183, dated the 8th instant, published at page 43 of the *Calcutta Gazette*, dated the 10th idem, to the following effect :—

No. 183.

NOTIFICATION.

UNDER the provisions of Section XXXIII. of Act X. of 1862, the Governor-General in Council is pleased to exempt from Stamp Duty copies of final sentences or orders passed by Criminal Courts, which parties desirous of appealing from such sentences or orders are required by Section 416 of the Code of Criminal Procedure to file with their petition of appeal; provided that the party who is desirous of appealing is in

confinement under the operation of the sentence or order at the time that he applies for a copy of the same.

By Order of the High Court,
(Sd.) H. T. PRINSEP, Registrar.

CIRCULAR No. 5.

THE Court are pleased to adopt the following Circular issued on the 20th December last by the Western Court.

The Court are pleased to direct that the Sessions Judges, in all cases in which they may convict of culpable homicide, not amounting to murder, shall invariably mention in their remarks on the trial, within which of the exceptions noted under Section 300 of the Indian Penal Code the culpable homicide was held to come, so as not to amount to murder.

* Penalty, transportation for life, or imprisonment of either description for a term which may extend to 10 years, and fine.

† Penalty, imprisonment of either description for a term which may extend to 10 years or fine or both.

“Culpable Homicide not amounting to murder. In reference to the distinctive penal provisions contained in Section 304, as noted marginally, Sessions Judges will invariably record their opinion, whether the act by which the death was caused, was done with the intention of causing death,* or of causing such bodily injury as was likely to cause death,† or with the knowledge that it was likely to cause death, but without any intention to cause death, or to cause such bodily injury as was likely to cause death.”

CIRCULAR No. 6.

From H. T. PRINSEP Esq., Registrar of the High Court of Judicature at Fort William in Bengal, to the Criminal Authorities in the Lower and Extra-Regulations Provinces, dated Calcutta the 11th March 1863.

THE Court have noticed the very unsatisfactory and indefinite manner in which charges are drawn up for offences under the Sections of the Penal Code marginally noted,* in which there exist special exceptions requiring under Section 237, Code of Criminal Procedure, a distinct denial of the existence of any circumstances which may bring them under any of those exceptions.

In the majority of cases there is no attempt made of any such denial, the provisions of Section 237, Code of Criminal Procedure being entirely disregarded, while in others it has been almost universally the practice to enter a general denial of the existence of any of the exceptions specified in the particular Section of the Penal Code.

Now as the object of drawing up a charge is that the accused should distinctly understand the exact offence for which he is being tried, the Court cannot consider that the manner in which these exceptional cases are treated can convey any definite meaning to such a person.

The Court therefore direct that in all future cases charges be drawn up in strict conformity with Section 237, Code of Criminal Procedure, and that exceptions be separately re-capitulated and their existence be distinctly denied serialim.

The Court have had frequent occasion to notice the imperfect and careless manner in which charges are prepared by committing officers, and are passed unamended by Sessions Judges, and expect, that in future, all officers will be more attentive in conforming to these most important provisions of the new Code of Criminal Procedure.

No. 2491.

From the Hon'ble A. EDEN, Secretary to the Government of Bengal, to the Registrar of the High Court, Fort William, dated the 6th April 1863.

SIR,—I am directed by the Lieutenant-Governor to transmit herewith a copy of a further Resolution, No. 1948, dated the 23rd ultimo, recorded by the Government of India, in the Home Department, and to request that the Court will be so good as, when forwarding the report regarding the practical working of the Penal Code in respect to the suppression of corporal punishment asked for in my predecessor's letter No. 5829, of the 31st December last, to add a Statistical Return of the nature referred to in the present Resolution.

EXTRACT from the Proceedings of the Hon'ble the President in Council, in the Home Department, No. 1948, under dated the 23rd March 1863.

Read the following extract of a letter from the Inspector General of Police in India, No. 100, dated 29th November 1862, reporting on Mr. Yule's scheme for the reduction of Police in Oude.

Para. 16—Before passing on to the Municipal Police, I would ask permission to say a few words on the subject of Jails generally. Mr. Yule has stated in the 7th paragraph of his letter, that it must be noted, since the introduction of the new Penal Code, that the number of prisoners has been steadily increasing. I fear this is the case to an alarming extent all over India.

ORDERED,—That the above Extract be forwarded in continuation of Resolution No. 7312, dated 20th December last, to the Government of Madras, Bombay, Bengal, North-Western Provinces, and, through the Foreign Department, to the Government of Punjab, and to the Chief Commissioners of Oude, Central Provinces, and British Burmah, with a request that together with the Report therein called for, a Statistical Return may be submitted, shewing in tabular form the number of convicts sentenced in each month of the past year to imprisonment for offences which, up to the introduction of the Penal Code, were punishable by flogging.

CIRCULAR MEMO. No. 8, dated, High-Court the 14th April 1863.

Copy forwarded to all Magistrates in the Lower and Extra-Regulation Provinces in continuation of Circular No. 1, dated 8th January last, and with a request that they will submit the Statistical Return required by the Government of India with the least possible delay.

No. 418.

FROM H. T. PRINSEP Esq., Registrar of the High Court of Judicature at Fort William in Bengal, to D. J. McNEIL, Esq., Officiating Magistrate of Jessore, dated Calcutta the 16th April 1863.

SIR,—In reply to your letter No. 859, of the 10th July 1862, I am directed to inform you that the Court have ascertained from the Deputy Secretary to the Government of India in the Legislative Department, that the proper entry in column 5 of the Schedule to the Code of Criminal Procedure opposite to Section 118 is "not bailable." You are therefore requested to have amended whatever copies of the Code of Criminal Procedure there may be in use among your subordinates.

CIRCULAR No. 9.

From the Registrar of the High-Court of Judicature at Fort William in Bengal, to the Criminal Authorities, Dated Calcutta the 16th April 1863.

IN circulating for information the amended copy of a letter addressed to the Magistrate of Jessore, the Court are pleased to draw the attention of all Criminal Authorities to explanatory note No. 2, at the commencement of the Schedule attached to the Code of Criminal Procedure. From this note the sections thereby referred to, it will be observed that the entries in Col. 5 of the said Schedule are imperative on Magistrates, if there appear to be reasonable grounds for believing that the persons accused of any offence under the Penal Code are guilty of the crime imputed to them, but Sessions Judges should bear in mind Section 436 of the Code of Criminal Procedure, under which it is discretionary with them to admit to bail any person accused of any crime.

2. This power the Court expect will be used with great caution.

No. 420.

From the Registrar of the High Court of Judicature at Fort William in Bengal, to S. H. C. TAYLER Esq., Magistrate of Sylhet, dated Calcutta, the 16th April 1863.

SIR,—Having laid before the Court your letter No. 213, dated the 3rd instant, in which you request an expression of their opinion as to whether possession can be given under Section 318 of the Code of Criminal Procedure, to the claimant of

share in the jumma of an ijmalee property, I am directed to state, that as the dispute is for the right to receive rent in a certain proportion, and not for possession of land or the produce thereof, Section 318 of Act XXV of 1861, is no more applicable to the case you mention than Act IV of 1840 would have been were it still in force. The proper procedure is that pointed out by Section 26 of Regulation V. of 1812, as modified by Regulation V. of 1827, and steps to enforce that procedure should be adopted.

2. I am to remind you that any reference you have to make to the Court should be addressed through the Judge of the district.

MEMO. No. 10. dated the 16th April 1863.

Copy forwarded for the information and guidance of the Criminal Authorities.

CIRCULAR No. 15.

From the Officiating Registrar of the High Court, to the Session Judges in the Lower Provinces and the Judicial Commissioners of Assam, and Chota Nagpore, dated Calcutta, the 13th June 1863.

• The Court do not consider that it is any longer necessary that warrants for the execution of Capital Sentence should be submitted to them, as the Court think that the court referred to in the latter portion of Section 385 of the Code of Criminal Procedure is the Court of Sessions and not the High Court.

2. Any instance in which a Magistrate may have executed such a Sentence in an improper or careless manner should of course be reported to the High Court.

CIRCULAR MEMO. No. 16. dated, High Court, the 16th June 1863.

The Criminal Authorities in the Lower and Extra-Regulation Provinces are hereby requested to erase the word "punishable" in para. 1 of their Circular Order No. 6, dated the 11th March last. Particular attention is called to para. 4 of that Circular which directs that exceptions be separately recapitulated and their existence be distinctly denied seriatim.

RULES FOR CONDUCT OF CRIMINAL PROSECUTIONS.

For the guidance of Magistrates and others with powers like to Magistrates in the conduct of Criminal Prosecutions.

RULE I.

When legal advice may be sought.

A Magistrate may take the opinion of the Legal Remembrancer on any point within the scope of Rule VIII.

RULE II.

Whenever a Magistrate shall be informed that any Criminal case has been or is about to be transmitted to the High Court, in appeal or revision or on reference, he shall at once communicate with the Legal Remembrancer, giving him a brief abstract of the case and submitting his opinion as to whether or not there should be any appearance for the prosecution.

RULE III.

Duties in forwarding information, &c.

The Magistrate is bound to furnish the Legal Remembrancer with any information or explanations called for with reference to Criminal cases pending before the High Court.

RULE IV.

1. The Magistrate is empowered to employ the Government Pleader or any other Pleader of the Judge's Court or any one of his own Omlahs in the prosecution of Criminal cases committed to the Sessions. The principle of selection should be, thorough knowledge of the case by attendance on it from its preliminary proceedings to its committal, trustworthiness, knowledge of law and procedure, skill and practice in the conduct of cases, leisure to attend to the conduct of the case with reference to other avocations. The person selected should combine as many of the most important of the above qualifications as is possible.

2. Whoever may be the person employed by the Magistrate to conduct the prosecution, he shall be entitled to a special fee. Such fee shall be regulated in amount by the time and labor bestowed on the case, by the issue of the case so far as it depended on the exertions of the prosecutor, and by a fee in proportion to his position and gains generally.

3. The Magistrate shall submit a bill of fees granted for the above purposes for the sanction and countersignature of the Legal Remembrancer. The bill shall be in form A. and the column of remarks shall state in any particular case whether the prosecutor has well or ill conducted it.

RULE V.

DUTIES OF GOVERNMENT PLEADER IN CRIMINAL CASES.

Government Pleaders to give information of Criminal cases sent in appeal or revision or referred to the High Court.

Whenever in any Criminal case the prisoner himself or some person on his behalf shall apply to the Sessions Court to appeal to the High Court, or whenever the High Court shall send for any record in order to an appeal or revision, or whenever the Sessions Court shall refer any Criminal case to the High Court for decision, the Government Pleader in the District Court shall at once give information to the Magistrate and to the Legal Remembrancer.

RULE VI.

Whenever a Government Pleader in the High Court shall receive notice that the record of any Criminal case has been received in or has been sent for by the High Court for the hearing of any reference, appeal, or revision of the same, he shall at once give notice to the Magistrate, requesting to be favored with any special instructions for the conduct of the case and shall communicate with the Government Advocate on any points that seem specially to require it.

DUTIES OF THE LEGAL REMEMBRANCER AS GOVERNMENT ADVOCATE.

RULE VII.

Government Advocate
ex-officio a Pleader in the
High Court.

Under the title of Government Advocate, the Legal Remembrancer is ex-officio a Pleader in the Appellate side of the High Court as well on the Criminal as on the Civil side.

RULE VIII.

The Legal Remembrancer in his capacity as Government Advocate is the Legal Adviser of all officers subordinate to the local Government of Bengal who may require his opinion on points of Law, arising out of the performance as well of their ministerial as of their judicial functions.

RULE IX.

CRIMINAL PROSECUTIONS.

In all Criminal cases before the High Court whether in appeal or in revision or on reference, the Government Advocate has ordinarily a discretion to appear for the prosecution either personally or by one of the Pleaders subordinate to him.

2. Whenever in any such Criminal cases the prisoners are represented by Counsel, the Government Advocate shall appear for the prosecution either in person or by one of the Pleaders subordinate to him at his discretion.

3. Whenever the High Court may think it conducive to the better administration of justice, they may call upon the Government Advocate to prosecute in any Criminal case before them, and the Government Advocate shall thereupon appear in such case in person or by one of the Pleaders subordinate to him at his discretion.

4. The Government Advocate has a discretion to appear or not to appear in the prosecution of any Criminal case before the High Court, and this notwithstanding any opinion, adverse to that he has himself formed, that may have been expressed by the officers submitting the cases to him.

A.

No. and date of Calendar.	Names of Parties.	Number of Defendants.	Crime.	Name and designation of Officer who conducted the prosecution at the Sessions.	Whether the prisoner confessed.	Number of witnesses for the prosecution examined at the Sessions.	Number of witnesses for the defence examined at the Sessions.	Number of days the case was in course of trial at the Sessions Court.	Whether prisoner was acquitted or convicted by the Sessions Judge.	Amount of proposed remuneration.	REMARKS.



Errata Part II.

At Page 17, after Form No. 19 *read*

FORM No. 20.

[DISTRRAINT, prescribed in Clause Second, Sec. xxvii.]—*Superseded by the repeal of that Section.*

FORM No. 21.

[NOTICE to and Statement of European residents.]—*Superseded.*

Page 23, in marginal note to Section 39, for "of distraint" *read* "if distraint."

„ 25, first line, "for ever" *read* "for every."

„ 40, second Section, numbered XII, should be read Section XIII, and after the second Clause of same follows Section XIV.

APPENDIX.

THE EXAMINATIONS.

REVISED RULES FOR THE EXAMINATION OF ASSISTANTS.*

I. HALF-YEARLY EXAMINATIONS OF ASSISTANTS.—A half-yearly examination of Assistants, liable under these Rules to examination, shall be held in each division in the months of March and October of each year. The examinations shall be held at the Station which is the Head-Quarters of the Commissioner of the Division, or, subject to the permission of Government, at any other Station in the Division which that Officer on each occasion may appoint.

II. TWO QUALIFYING STANDARDS.—At these half-yearly examinations, there shall be two standards of qualification, according to one or other of which the Assistants shall be examined. An Assistant must be examined and found qualified according to the first standard, before he will be vested by Government with the Special Revenue Powers described in Section XXI, Regulation VIII. of 1831, or the Special Judicial Powers described in Clause 3, Sec. II, Regulation III. of 1821. An Assistant who has been found, at some previous examination, qualified according to the first standard, must be found qualified according to the second standard before he will be considered by Government capable of holding the full powers of a Joint Magistrate, or the full powers of a Deputy Collector.

III. EFFECT OF PASSING BY EACH STANDARD.—An Assistant who has passed according to the first standard of examination, and who has been six months at a Station as an Assistant, will usually be vested with the Special Powers when recommended for such powers in the usual manner. But an Assistant, though passed according to the second standard, will not be vested with full powers until he shall have been at least one year exercising the Special Powers of an Assistant in the Judicial Department.

IV. ASSISTANTS WITH FULL POWERS MUST PASS.—The Government will promote to a Joint Magistracy and Deputy Collectorate of the 2nd Grade no Assistant, of those who have been already vested with full powers, who shall not have been examined under these Rules, and found qualified according to the second standard. All Assistants will be promoted, under ordinary circumstances, in the order of their passing the examination now prescribed, according to the second standard of qualification.

V. WHAT ASSISTANTS ARE TO BE EXAMINED.—All Assistants who have not passed according to the first standard of qualification, fixed by the present Rules, and who have been more than six months at their Stations as Assistants, shall be subjected to half-yearly examination. And all Assistants who have passed according to that standard, but have not passed according to the second standard, and who have been more than two years at their Station as Assistants, shall be subjected to half-yearly examination. All other Assistants who have not passed according to the second standard of qualification, may be examined at any half-yearly examination, with the special permission of the Commissioner of their Division previously obtained. Assistants examined under these Rules will draw the usual travelling allowance to and from their respective Stations.

VI. CENTRAL EXAMINATION COMMITTEE.—The Government will constitute a Committee to be called the Central Examination Committee, by whose instructions the Commissioners shall be guided, and with whom they shall correspond on all matters connected with these half-yearly examinations. The Central Examination Committee will consist of one Judge of the Sudder Court, who shall be President thereof, and of one Member of the Board of Revenue, both nominated by Government; also the Register of the Sudder Court, the Secretary to the Board of Revenue, and such other Members as the Government, from time to time, may appoint. A Secretary to the Committee will be nominated by Government.

VII. DUTY OF THE CENTRAL EXAMINATION COMMITTEE.—It shall be the duty of the Central Examination Committee to fix on every occasion the half-yearly examination days, which shall be the same for every Division. But, subject to the direction of the Government, the Station at which the examination is to be held shall be left to the determination of the Commissioner. It shall be the duty of the same Committee to prepare beforehand, for each examination, sets of questions to be put to the Assistants under examination, a sufficient number of copies of each of which sets shall be forwarded to each Commissioner, in a sealed packet, not to be opened until the moment of examination. The Central Examination Committee, from time to time,

* These rules equally apply to Uncovenanted Judicial Officers i. e., to Deputy Magistrates and Deputy Collectors.

shall lay down such Rules as may appear to them best for the guidance of the Divisional Committees, in order to ensure a fair and uniform method of fixing the degree of attainment upon each point of examination which the several Assistants examined may reach.

VIII. DIVISIONAL EXAMINATION COMMITTEES.—At the Station in each Division where the examination is to be held, the Commissioner of the Division shall constitute on each occasion a Committee, consisting of Public Officers, to be called the Divisional Examination Committee, whereof he shall be President, and the Judge of the Station, if not absent on leave, shall be a Member.

IX. DUTY OF THE DIVISIONAL EXAMINATION COMMITTEES, AND REPORTS OF THE EXAMINATIONS.—The examinations shall be conducted by the Divisional Examination Committees, who after due deliberation in respect of each Assistant examined, will record the result, stating their opinion as to whether the standard of qualification has been attained or not; which result, in case of difference of opinion, will be determined by a majority, and shall deliver the record to the Commissioner. The Commissioner shall transmit the record to the Central Examination Committee, with his own Report, wherein he shall state his agreement or disagreement with the Divisional Committee in each case. The Commissioner will be responsible for the fairness, impartiality, and proper strictness of the examination. The written answers of the Assistants, and the other papers written by them either in the Vernaculars or in English, shall be forwarded with the record. The Central Examination Committee, after taking all the Reports into consideration, and perusing any of the examination papers that it may seem to them proper to peruse, shall report to Government the names of such Assistants as in their opinion have proved their qualifications according to one or other of the standards in force, noticing especially, in the order of their merit, any Assistants who, with reference to the length of their residence in India, may have passed with great distinction.

X. PRINCIPAL OBJECT OF THE FIRST STANDARD.—The principal object of the first standard of examination shall be to test the proficiency, for practical purposes, of the Assistant, in the Vernacular language of his district. For this purpose, at least three papers which he has never seen before, taken from official records very much at hazard, and written by different persons in a plain running-hand, must be read aloud by the Assistant correctly, and without great difficulty*; and after being read aloud, their contents must be correctly explained by him in English. An English judgment or other official paper, to be furnished by the Central Committee, must be translated by him into the Vernacular, without assistance.† The translation must be substantially correct in meaning, and intelligible to a native; tolerably correct in grammar and spelling, and free from any very bad errors of idiom. He must dictate off-hand, with some fluency, the translation into the Vernacular of an English report, or other official paper, also to be furnished by the Central Committee, whereof the translation will be written down exactly as dictated.‡ The dictated paper must in like manner be intelligible, and substantially correct. He must then be tested in conversation with two or three natives, in such manner and to such extent as shall suffice to satisfy the Committee as to the degree of his power of understanding natives of different classes, and of making himself understood by them, both in common conversation and in the usual course of Cutcherry business. An Assistant must pass successfully through every step of his branch of the examination, in order to qualify according to the first standard.

XI. SECOND OBJECT OF THE FIRST STANDARD.—The next object of the first standard of qualification shall be to test the Assistant's general acquaintance with the leading principles of the systems of Revenue Administration and Criminal Justice, and especially with so much of the Laws and Rules of Procedure as it is necessary for an Officer to know, in order to exercise properly an Assistant's Special Powers in both departments. For this purpose, a Revenue and a Judicial set of questions shall be furnished by the Central Committee.§ These questions should be so framed as not to involve points of difficulty or rare occurrence; and to show rather the possession or the want of a general and intelligent acquaintance with the subjects of examination, and the fundamental laws applicable thereto, than of a knowledge of a string of points of detail, and dates of orders, which may be soon learned for the occasion, and are generally as soon forgotten again. These questions must be all answered without book.

XII. THIRD OBJECT OF THE FIRST STANDARD.—The next object of the first standard of examination shall be to test the power which the Assistant may have acquired to deal with conflicting arguments and evidence, in actual cases. For this purpose, two decided cases, with the final proceeding in each withdrawn, which the Assistant has never before seen, one from the Collector's and one from the Magistrate's Office, of

* Vide Specimen No. 1 (a.) page vi.

† Vide Specimen No. 1 (c.) page vi.

‡ Vide Specimen No. 1 (b.) page vi.

§ Vide Specimens No. 2 (a.) and 3 (a.) pages vii and xii.

the nature of cases made over to Assistants with Special Powers, shall be given to the Assistant. The papers may be read over to him by a native officer; and the explanation of any difficult word or phrase may be asked for and given in the Vernacular, the circumstance being on each occasion noted. The Assistant may now refer to all his books, and may take his notes as the case is read over. At the conclusion of each case, he must write in English a brief but precise description of the case, and a decision upon the question or questions at issue, with a sufficient statement of the grounds on which it is founded.*

XIII. FOURTH OBJECT OF THE FIRST STANDARD.—The last object of the first standard of examination shall be to ascertain how the Assistant has been employed, and how he has done his duty at his Station. For this purpose the Collector and the Magistrate under whom he has been employed, shall furnish the Committee with a report upon these points. It shall be the duty of such Officers, who may have an Assistant without Special Powers under them, to make over to him frequently cases for report which are beyond his competency to decide. The Reports shall be written in English on one side of a sheet of paper; and after the case is decided, the Officer who decides it shall note on the other side of the sheet his remarks upon the Report. These Reports, with the notes thereon, shall be submitted to the Divisional Examination Committee. Such Officers shall also require their Assistants to make English Minutes of the cases given to them for decision, which Minutes also shall be submitted to the same Committee. But these Reports and Minutes need not be sent up to the Central Examination Committee. The opinion formed of them by the Divisional Committee, however, shall be entered in the record submitted to the Central Committee.

XIV. PROVISION FOR ENABLING ALL TO ACQUIRE BENGALLEE.—Assistants who have not passed according to the first standard in Bengallee will not be retained in a Hindoostanee District more than a year. Assistants in Orissa may pass according to either standard, either in Bengallee or in the cognate Oorya language, at their opinion.

XV. SECOND STANDARD.—The second standard of examination shall be similar in its nature to the first, but more difficult in degree. In the Vernacular portion of it, the reading of a common office running-hand must be tolerably ready; the papers selected as tests should be of a more difficult description of office papers† the translation,‡ dictation,§ and conversation should be fluent, generally correct, and readily intelligible; and the Assistant should be tested in his power of explaining himself clearly, and with sufficient propriety, in the Vernacular, in an argument or topic of some difficulty, such as may occur in official business. In this examination it will be necessary for the Assistant to pass in both Vernacular languages, Bengallee and Hindoostanee. The test here described shall be strictly enforced in respect of the language of the District where the Assistant is stationed at the time of examination. But an allowance will be made for want of familiarity in the other language. In that other language, however, the first standard of examination must be decidedly surpassed at this examination. The questions of Law and Practice should be selected from the whole field of the duties of a Magistrate and Collector; but they shall be arranged in two classes,* one class comprehending important and leading points, in answering which no books shall be allowed; † and the other class comprehending less general and less common points, in answering which assistance of books shall be allowed. No Guides, Digests or Summaries, however, shall be permitted to be used, the Assistant being confined to the original Laws, Circular Orders, and Constructions. The object of this class of questions is to test the Assistant's knowledge of where readily to find the Law or Practice on the less common points that arise in business. In preparing these questions, nice and difficult points should be avoided; the object being not to evoke subtlety or ingenuity, but only to ascertain whether the acquisitions and capacity of the person examined are adequate to enable him to perform fitly the important functions of an Indian Magistrate and Collector, or not. The trial cases should be selected from those possessing enough of complexity to test the Assistant's ability to master all ordinary difficulties, and especially to test his power of minute attention to and just appreciation of evidence.

XVI. OBJECT OF THE SECOND STANDARD.—It shall be the object to make this second standard such that a man who has passed a College examination, being of ordinary understanding and capability, who fairly applies himself with proper diligence to his business, and makes it his daily object to familiarize himself with the languages of the country, may pass it after two or three years of Mofussil experience.

* I have not thought it necessary to illustrate this paragraph, as every candidate before going up for examination has had some cases to try and the test is therefore nothing new to him.

† Vide Specimens No. 1 (d.) page vi. ‡ Vide Specimen No. 1 (e.) page vi. § Vide Specimen No. 1 (f.) page vii. * Vide Specimens No. 2 (b.) and 3 (b.) pages ix and xii. † This second class of questions, to be answered with the assistance of books, was not adopted at the last second standard examination held in Calcutta; and I believe the test has for some time been discontinued.

CIRCULAR.

READ the following letter from the Secretary to the Sub-Committee of the Board of Examiners, No. 42, dated the 24th of March last.*

FROM H. T. PRINSEP, Esq., Secretary to the Board of Examiners, to E. H. LUSHINGTON, Esq., Secretary to the Government of Bengal, — (No. 42, dated the 24th March, 1862.)

SIR, — I HAVE the honor to acknowledge the receipt of your letter No. 463, dated 27th September, 1861, requesting that the Board would furnish a list of the Laws and Rules of Procedure which Officers should study, in order that they may prepare themselves for examination according to the First and Second Standards; and in reply am directed to forward the accompanying List, and to offer the following remarks:—

The Board does not profess to give a complete or exhaustive list of the Laws and Rules of Practice from which questions may be taken. It confines itself to giving the most important Laws, both those of a substantive nature and those of procedure, a knowledge of which is absolutely necessary to enable an Examinee to pass successfully the different examinations.

3. The Board has entered in the accompanying List some of the old Laws of 1793, which form the basis of the Revenue system, convinced that a knowledge of the principles of that system will be acquired more easily by a study of those old Regulations than by the mere learning by rote a mass of Rules applicable to the every day's work of a Collector's Office.

4. The Board has also added to the list "Norton on Evidence." A knowledge of the Law of Evidence is most necessary for young Officers who have daily to transact business in its nature Judicial, and it is a branch of Law with which the Courts of original Jurisdiction in the Mofussil exhibit, speaking generally, a very imperfect acquaintance.

5. The Board understand that a Hand-book, explanatory of the system of accounts in force in the Collector's Office, is in course of preparation. It will be necessary to add this work on its publication to the subjoined List.

LIST.

* Regulations of 1793, I., II., VIII., X., XIX., XXVII., XXXVII., XXXVIII., XLI., XLVIII., L.	Circulars and Series of the Board of Revenue.
Regulation VIII. of 1800.	Norton on Evidence, or any other Work on that subject; and
* Act XI. of 1859.	Act II. of 1855.
* Regulation VIII. of 1819.	* Act VI. of 1862 of the Lieutenant-Governor of Bengal in Council.
{ Regarding sales for arrears of revenue & rent	* Penal Code, Act XLV. of 1860.
* Act VIII. of 1835.	* Code of Criminal Procedure, Act XXV. of 1861.
* Act X. of 1859	* Regulation XX. of 1817 { The unrepealed Sections.
* Reg. VII. of 1822. ...	* Act V. of 1861. ... { New Police Code.
* Regulation IX. of 1825.	{ Resumption and settlement Law.
* Regulation II. of 1819.	* Act III. of 1857.
Act XVIII. of 1854... { Railway Act.	* Act V. of 1860. ... { Cattle Trespas Act.
* Reg. XIX. of 1814.	{ Butwara Law.
Act XX. of 1836 ... {	* Act XX. of 1856. ... { Chowkedaree assessment.
Act XI. of 1838. ... {	Act XXVI. of 1850. ... Municipal Act.
Act XXXII. of 1860 ... { Income Tax Law.	Regulation VI. of 1819 { Law regarding Ferries.
Act VI. of 1857. ... { Law for taking land for public purposes.	Regulation XXXIII. of 1793. ... { Embankment Laws.
Act II. of 1861. ... {	Regulation VI. of 1806.
* Act XXI. of 1856 ... Abkaree.	Regulation XI. of 1829.
Act XIII. of 1857 ... Opium.	Act X. of 1862.
Regulation X. of 1819.	Act XVI. of 1862. ...
Regulation I. of 1824. ... { Latter Sections.	Goodève's work on Evidence.
Act IX. of 1835.	
Act XXIX. of 1838. ... { Salt Laws.	
Act III. of 1851.	
Act XIII. of 1849.	

* Those Laws marked with an asterisk should be particularly studied by Officers preparing for the First or Lower Standard Examination.

H. T. PRINSEP.—Secretary.

RESOLUTION.—The Lieutenant-Governor is pleased to direct that the above letter, with its enclosure, be furnished to all unpassed Assistants and Deputy Magistrates and Deputy Collectors for information and guidance, and to all such Officers who may hereafter be appointed to the Service.

ORDER.—Ordered, that a copy of the above Resolution be forwarded to each of the unpassed Officers.

H. BELL.

Under-Secretary to the Government of Bengal.

RULES FOR THE EXAMINATION OF OFFICERS OF THE BENGAL POLICE. 1st JULY, 1863.

1. It shall not be necessary for any officer who has been appointed a District Superintendent on or before this date to pass the examination required by paragraphs 59 and 60 of the Resolution of the 22nd September, 1862 before any Committee. Every such Officer shall be examined by the Deputy Inspector-General of the Division, who shall report to the Inspector-General, on the expiry of the periods mentioned in those paragraphs and also in Paragraphs 61, whether such Officer is qualified, by knowledge of his duty, by proficiency in two languages,* and by efficiency in other respects, to retain his appointment. No Superintendent will be promoted to a higher class, until he has been so reported qualified.

* Oordoo and Bengali.
Oordoo and Assamese.
Oordoo and Oorya.
Bengali and Assamese.
Bengali and Oorya.

2. From this date no Assistant Superintendent will be promoted to a higher class, or to be a District Superintendent, until he has passed the examination prescribed in paragraph 59 of the Resolution of the 22nd September, 1862 and also the examination by the first standard in the vernacular language of his District.

3. From the 1st April, 1864 no Assistant Superintendent will be promoted to a higher class until he has passed the examination by the first standard, and no Assistant Superintendent will be promoted to be a District Superintendent until he has passed the examination by the second standard in languages, and by the first standard in other respects, a set of Police and Salt questions being in all cases substituted for the set of Revenue questions required by Section XII. of the Rules for the examination of Assistants, and the languages being the same as those mentioned above in Rule 1.

4. Military Officers who have passed the usual examination for the Staff will not be subject to any further examination in Oordoo, and will only have to pass by the first and second standards in one other language. Officers who, as Deputy Magistrates and Collectors, or otherwise, have passed an examination by the first or second standard will not have to pass again by that standard; but those who have passed only by the first standard will have to pass in languages by the second standard.

5. Any Officer may pass at once by the second standard without having previously passed by the first standard.

6. Officers will be promoted in the order in which they may pass the examination, those who have passed by the second standard having a preference over those who have passed only by the first standard.

7. From the 1st April, 1864 all Assistant Superintendents who have been appointed and have joined their Stations more than six months, and have not passed by the first standard, and all Assistant Superintendents who have passed by the first standard and have been at their Station more than eighteen months, but have not passed by the second standard, shall be subject to half-yearly examination. Any Assistant may be examined by either standard at any half-yearly examination with the permission of the Deputy Inspector-General.

8. The Inspector-General shall be a Member of the Central Examination Committee, and each Deputy Inspector-General shall be a Member of the Divisional Examination Committee in the Division to which he belongs. It will be the special duty of the Inspector-General to prepare and submit, for the approval of the Central Committee, the set of Police and Salt questions required by Rule 3.

VERNACULAR SPECIMENS.

NO. 1 A.—*See Lithographed forms Opposite.*

NO. 1 B.—TRANSLATION.—(FIRST STANDARD.)

The complaint was brought against the Thanadar for extorting money; and it was competent to the Magistrate, after the charge was attested, to demand security from the complainant, to proceed with the prosecution of his case without delay. The Thanadar in question was above the grade of Burkandaz; and had borne a good character.

The ryot's pottahs, besides showing the land and jumma, should mention the instalments in which the rents are to be paid. The instalments should be regulated by the means and character of the ryots, and the period of the chief harvests—being few where the ryots are men of substance, many, where they are poor; as a rule they should not be less than four, nor more than eight. When the cultivators are pykasht ryots, the crops must be held responsible for the rent.

The report of Gholam Hossein Nazir sheweth, that according to your orders dated the 15th Instant, Ramdass Peadah was deputed to bring in the books and accounts of last year from the office of the sale Commissioner of Alipore. The said Peadah having returned after ten days' absence states on oath, that having shewn his instructions to the sale Commissioner, the latter after making false excuses for several days at last admitted that his papers were not ready for submission. Therefore the Peadah being unable to obtain his proper subsistence allowance and expenses from the sale Commissioner, has returned to my office.

Dated 16th Bysakh 1261, B, S.

(Signed) GHOLAM HOSSEIN NAZIR.

NO. 1 C.—DICTATION.—(FIRST STANDARD.)

Prisoner No. 9 denies all knowledge of the affair, says he was at one Hussar Ally's house selling paddy. that on the Tuesday he returned home, that he was apprehended without cause, that although the cowgees were found in his house he had ten times as many there, that the handkerchief was his own property and worn by his son at the Eed, that the Sicca Rupee (one) was his own also.

When the case was brought up for hearing upon that day, the Rajah's agent attended and requested a postponement on the ground that the papers, &c., had not reached him, and he was therefore unable to put in a proper defence. The hearing of the case was then postponed till the 12th idem, and when called up again upon that day, the agent pleaded inability to file a defence, as the Tehsildar of the Estate had died and the Jotes indicated had not been traced out and identified; he therefore requested a postponement until after the holidays. The Collector, however, tried the case on the evidence adduced by the plaintiffs, and decided the suit in their favour.

NO. 1 D.—*See Lithographed forms Opposite.*

NO. 1 E.—TRANSLATION.—(SECOND STANDARD.)

When I was measuring the boundaries between Alipore and Chitpore, the Talookdar of Chitpore claimed two beegahs of land on the south of the great tank, near the road, (which I had marked off as belonging to Alipore,) as part of his village; and promised to bring proof in two days. I continued the measurement and returned to the spot on the second day; but he never came, and, though I remained two days he continued absent. Under these circumstances, I have allowed the boundary to stand as I marked it. I hope this will be approved.

After a perusal of the Deed, alleged to have been misinterpreted by the Lower Courts, we are of opinion, that no misinterpretation has been committed; and that looking to the terms used, so far as they admit of meaning, and also to the nature of the tenure, a perpetual lease, there can be no question that the regular rent to be paid was intended to be fixed in perpetuity. The illegal cases, of which the Courts would not take cognizance, are variable, but with them the special appeal is not concerned. We dismiss the special appeal with costs.

In answer to this it may be observed, that the absence of any material contradiction between the accounts of these witnesses, subjected as they were to a very searching cross-examination by the Magistrate, is a very conclusive argument, not that their's is a concocted tale, but a true narrative. Further, these witnesses are for the most part of the Kshetriya caste, of great respectability, and some of them of considerable property. They are, it is true, more or less employed by the guardians of the present Rajah, a minor, and connected by blood and marriage, with the family in possession, and with the late Teez Chund; but the service of a powerful family or Rajah, is considered by the people of the country honorable; and is sought for by persons, whose wealth renders them independent of monthly pay, and who may be expected to be above the temptation of sacrificing their character in order to retain their situations.

NO. 1 F.—DICTATION.—(FIRST STANDARD.)

A few hours after this occurrence, namely about sunrise the whole of the prisoners were apprehended under the following circumstances. Notice of the Dacoity having been given at the Thannah, some of the police were ordered out to intercept any suspicious looking persons, whom they might discover; when Ram Sing Burkandauze recognised two persons of the Hagooreah caste, namely Bahadoor and Kekroo (whom he had formerly known under confinement in the Russah jail) in company (with three other suspicious looking persons; and he immediately, with the assistance of Baneemadub Jemadar stooped them. The other ten persons coming up at the same time, and being evidently of the same caste and party, they were all taken to the Phanree of Kurryah, where they were searched, when a bag containing 700 Rupees was found on the prisoner Kali-Churn, and some silver ornaments on the prisoner Nil Comul; several knives and a razor were also found upon them, on which were clear marks of blood, and two of the knives of peculiar formation.

The *second* having been made through the wall of the prosecutor's house, but the robbers not having entered his dwelling, this is clearly a case of an attempt, to commit burglary, rather than burglary. Although it is apparent, the blow which caused death was not inflicted either by Roottea Moonda or Pandoo Moonda; still as they and the other robbers went armed with lattees, to the perpetration of their crime, exhibiting clearly that they were prepared to make use of violence, if necessary, and as, in the attempt to carry out their evil designs, the deceased was killed by one of the gang, I consider that prisoners, Roottea Moonda and Pandoo Moonda are guilty of an attempt to commit burglary in the house of the prosecutor, attended with murder of Chupurooa Ooraon, servant of the prosecutor Dursun, and beg to recommend that they be sentenced to be imprisoned for life in transportation.

REVENUE QUESTIONS.

SPECIMEN No. 2 (a).—FIRST STANDARD.

Questions.

Answers.

1. Name the different processes to be gone through in settling an estate under Reg. VII, of 1822, as given in the Board's Settlement Circular.
2. What penalties are leviable from persons found in unlicensed possession of opium?
3. To what class of Plaintiffs and Defendants does Act X of 1859, give the privilege of not attending in person as plaintiffs or defendants? Is the personal attendance of all other plaintiffs and defendants indispensable?
4. What course is the Collector to follow when a party refuses to execute a kuboolent for which a decree has been given.

1. Settlement manual, Value 12.
2. Sec. 51, Act. 21 of 1856. Value 12.
3. Sec. 70, Act 10 of 1859. Value 12.
4. Sec. 81, Act 10 of 1859. Value 12.

Questions.

5. In what cases is notice on the defendants requisite before process of execution of decree can issue?

6. Give the limits to which the imprisonment of a debtor may extend under different circumstances, as defined in Sec. 93, Act. X. of 1859.

7. Under Sec. 5, Act XI. of 1859, fifteen days' notice must be given before estates can be sold by the Collector for the realization of certain classes of arrears. Name the classes.

8. Within what time after attached crops are stored, must the distrainer apply for their sale? In what place and manner is distrained property to be sold?

9. What is the protection secured to talookdaree tenures by "Common Registry" and "Special Registry" respectively? Can the Collector grant either or both kinds on his own authority?

10. An estate having been sold for arrears of revenue what power has the late proprietor for recovering rents due to him from the tenants up to the last day which was fixed for payment of the Government revenue?

11. On an application for dakhil-kharij, on what must the Collector's order depend?

12. State the meaning of the following terms:—

1. Rugbah.
2. Towjee.
3. Seeah.
4. Khutteen.
5. Tumusook.
6. Gushwara.
7. Bainamah:

Give the names of the Bengalee months corresponding with each month of the English calendar year, and name the first month of the Bengalee and Fustee eras respectively. Give the native table of land measurement.

Answers.

5. Secs. 90 and 91, Act 10 of 1859.
Value 14.

6. Sec. 93, Act 10 of 1859.
Value 16.

7. Sec. 5, Act 11 of 1859.
Value 12.

8. Secs. 122 & 129, Act 10 of 1859.
Value 16.

9. Secs. 39, 41 & 42, Act 11 of 1859.
Value 12.

10. Sec. 55, Act 11 of 1859.
Value 12.

11. Boards dakhil kharij series.
Value 10.

12. Value 20.

SPECIMEN No. 2 (a).—FIRST STANDARD.

1. What process is necessary before a Collector can quash a Butwarrah?

2. In taking up lands for public purposes, what course is the Collector to pursue; *first*, when the owner of the property agrees to the terms offered; *second*, when he asks a price which the Collector considers too high?

3. Explain what is meant by a "joint estate held in common tenancy."

4. What is the first step necessary before a Collector can proceed to take up land required for public purposes?

5. What is the difference of protection afforded by "common registry" and "special registry" under Act XI of 1859?

6. By what authority must forfeitures and penalties prescribed for offences against Act 21 of 1856. (The Akbaree Act) be adjudged; and ordinarily at whose instance must that authority Act?

7. When registry is opposed in a Dakhil kharij case, what is the point for the Collector's consideration?

8. What suits are cognizable by Collectors of land revenue under Act X of 1859?

1. Secs. 2 and 3 Act XX of 1836.
Value 12.

2. Secs. 5 and 6 Act VI of 1857.
Value 14.

3. Sec. 30, Reg. 19 of 1814.
Value 14.

4. Sec. 2, Act VI of 1857.
Value 12.

5. Sec. 39, Act XI of 1859.
Value 14.

6. Sec. 71, Act XXI of 1856.
Value 12.

7. Sec. 21, Reg. VIII of 1800.
Value 14.

8. Sec. 23, Act X of 1859.
Value 16.

Questions.	Answer.
9. Under what circumstances may a ryot having a right of occupancy claim an abatement of the rent previously paid by him?	9. Sec. 18, Act X of 1859. Value 14.
10. What property may be distrained by persons invested with the power of distraint under Act X of 1859?	10. Section 115, Act X of 1859. Value 12.
11. Within what time must the distrainer apply for sale of distrained property to the officer authorised to sell the same, and in what place and manner should it be sold?	11. Sec. 122, 129, Act X of 1859. Value 16.
12. Define an arrear of rent under Act X of 1859.	12. Sec. 20, Act X, of 1859. Value 10.

REVENUE QUESTIONS.

SPECIMEN NO. 2 (b).—SECOND STANDARD.

Questions.	Answers.
1. What provision does the Law make for the protection of individual shares in estates falling into arrears of Revenue while under Butwarrah?	1. Sec. 33 & 34, Reg. XIX of 1814. Value 12.
2. What rights are acquired by a purchaser of an estate at an auction for arrears of Government Revenue in a permanently settled district?	2. Sec. 37, Act XI of 1859. Value 12.
3. By what means and to what extent can a recorded sharer of a joint undivided estate protect his share in the estate from sale for arrears of Revenue?	3. Secs. 10, 11, 14, 15, Act XI of 1859. Value 16.
4. When an Ameen has been appointed to carry out a Butwarrah, what are the main objects he has to keep in view regarding the division of the various kinds of property comprised in the estate?	4. Secs. 7, 8, 9, 10, 11, Reg. XIX of 1814. Value 16.
5. When a separate Manager and Guardian of an estate under the Court of Wards has been appointed by the Collector, what portion of the property of the Ward shall remain in charge of each respectively?	5. Sec. 15 Reg. X of 1793. Value 14.
6. Under what circumstances is a Collector authorized to grant renewal of damaged or spoiled stamps?	6. Sec. 32, Act XXXVI of 1860.* Value 10.
7. Within what limits may a Collector fine proprietors and farmers of land for non-attendance when summoned?	7. Sec. 4, Act XX of 1848. Value 12.
8. In what cases may a Warrant of arrest, in a suit for arrears of rent be issued? and in what cases is the issue of such a Warrant prohibited?	8. Sec. 49, Act X of 1859. Value 12.
9. If a suit is brought for the recovery of rent at a higher rate than was payable in the previous year, such rent having been enhanced after issue of notice under Section XIII, and the enhancement not having been confined by any competent court; within what time must such suit be instituted?	9. Sec. 32, Act X of 1859.
10. To what quantities is retail sale limited in the case of—	
1. Country spirits.	
2. Taree or Puchwee.	
3. Ganjah or Bhang, or preparation of these drugs.	10. Sec. 35, Act XXI of 1856. Value 16.
4. Churus or opium, or preparation of these drugs.	

* Act XXXVI of 1860, is repealed by Act X of 1902.

Questions.

11. What are the powers of Revenue authorities as regards religious and charitable endowments? State the law.

12. When lands required for a public purpose belong to several persons, and these persons after the case has been referred to arbitration cannot agree in the appointment of an arbitrator, what course should the Collector follow?

Answers.

11. Reg. XIX of 1810.*
Value 16.

12. Sec. 10, Act VI, of 1857.
Value 12.

SPECIMEN No. 2 (b).—SECOND STANDARD.

1. What information does the "General Register of Estates" in each district contain? what is the object of the "Register of mutations"? how often does the law prescribe that these registers should be written anew? and what modification of this rule has been allowed.

Value 16.

2. Estate number 100 of the Towjee is divided by Butwarrah into 3 estates. What is the rule as to the mode in which the 3 parts are to be shewn on the Towjee, and the numbers to be assigned to them?

Value 12.

3. What is the Collector's responsibility with reference to Balances which have accrued on an estate previous to it being declared "under Butwarrah"?

Value 15

4. What action is required on the part of Government before a Collector can proceed to take up land for public purposes under Act VI of 1857?

Value 12.

5. At what stage of the proceedings under Act VI of 1857, may the Collector take possession of land?

Value 12.

1. The general Register shows (1) the names of estates alphabetically arranged for the whole district (2) the name of the Pergunnah, (3) raddar jumma (4) names of proprietor, and, if farmed, of farmers.

The object of the Mutation Register is to show all changes in the proprietorship of estates since the date when the last General Register was written, to which a column in it refers. From the entries in this register, the new general register is prepared. The law requires both these registers to be written anew every fifth year, but the Board have directed that they be re-written only when the alterations in proprietorships recorded in the Mutation Register have become so numerous as to make constant references to it as well as to the General Register necessary.

Registration Series.

2. One share (the Ijmalee one, if the original estate be not entirely broken up) will retain the original number. The other shares will be entered separately, with distinct numbers, in continuation of the last number already borne on the Towjee.

Butwarrah Series, Rule 16.

3. He must ascertain and record the amount of these Balances just after passing the order to bring the estate under Butwarrah; and when reporting a Butwarrah for confirmation he must certify that no such Balances are outstanding. For the correctness of this certificate the Collector is held personally responsible, as, after the Butwarrah is confirmed, the estate cannot be sold for the recovery of such arrears.

Butwarrah Series, Rules 9 and 10.

4. A declaration must be made under the authority of Government that the land is required to be taken at the public expense for a public purpose.

Act VI of 1857 Sec. 2.

5. After he has made an award of its value which has become final by the consent of the parties under Section 5, or after the case has been referred to arbitration.

Act VI of 1857, Sec. 8.

* Reg. XIX of 1810, is repealed by Act XX of 1863.

Questions.

Answers.

6. In what cases is a Collector's award under Act VI of 1857, final as to the value of the property; and what steps must be taken to find the value of the property to be purchased when the Collector cannot make an award?
Value 15.

6. The Collector's award is final and conclusive if he and the persons interested, who have attended in pursuance of the notice, agree as to the amount of compensation to be allowed. If no person attend on the day fixed by the notice, or if the Collector and the parties attending cannot agree as to the value of the land, the matter shall be referred to the determination of arbitrators to be appointed
Act VI of 1857, Sections 5 and 6.

7. What is a Sudder Distillery? what is its object? And for what purpose is the Collector authorized to fix local limits where a Sudder Distillery is established? What is the duty of the Abkaree officer in charge? And by whom and at whose risk is the liquor manufactured?
Value 16.

7. A Sudder Distillery is a building established by Government for the manufacture of spirits after the native fashion. Its object is to secure and facilitate the levy of duty on all spirits consumed within a certain tract of country. On the establishment of a Sudder Distillery the Collector is authorized to fix limits within which no country spirits, except such as are manufactured at the Sudder Distillery, shall be introduced or sold, and within which no stills shall be constructed or erected or spirits manufactured except at the said Distillery. The duty of the Abkaree Officer in charge of the Distillery is merely to see that no liquor passes out without paying the prescribed duty. He has nothing to do with the manufacture which is carried on by, and at the risk of, the private individuals whose stills are erected in the Distillery.
Act XXI of 1856, Section 31.
Abkaree Series.

8. In the case of resumed lakhiraj tenures, on what terms should the settlement be made with the party in possession?
Value 12.

8. Settlement at one-half the annual gross produce.

9. What has been ruled to be the only safe and practical foundation for the calculation of the rate of assessment to be imposed on lands under settlement?
Value 12.

9. The rent actually paid by the ryots; or, if that cannot be ascertained, the rent paid for similar lands in neighbouring estates.
Circular Order No. 81 of 26th October, 1850.

10. To what minors and disqualified proprietors only does the jurisdiction of the Court of Wards extend?
Value 10.

10. To all proprietors of entire estates paying revenue to Government.
Sec. 2, Reg. X of 1793.

11. Distinguish between the duties of a manager and a guardian under the Court of Wards.
Value 16.

11. The manager is entrusted with the management of the estates, real and personal; the guardian has the care of the person, maintenance, and education of the ward.
Sec. 7, Reg. X of 1793.

12. Is the mere fact of a ryot having held land at a rent which has not been changed for 20 years conclusively sufficient to entitle him to receive a pottah to hold those lands at a fixed rent in perpetuity?
Value 12.

12. No; it creates a presumption only, which may be rebutted.
Sections 3 and 4, Act X of 1859.

JUDICIAL QUESTIONS.

SPECIMEN No. 3 (a).—FIRST STANDARD.

*Questions.**Answers.*

1. Define the word "Judge" as used in the Code.

1. Penal Code, Sec. 19.

2. What are the powers of a Magistrate and the Subordinate Magistrates of both classes; and by whom can sentences of solitary confinement be passed?

2. Criminal Procedure, Sec. 22.

3. At what age does a child become responsible for its actions under the Penal Code?

3. Penal Code, Sec. 83.

4. Define Abetment.

4. Penal Code, Sec. 107.

5. Define the offences of "rioting" and "affray" and state the punishments for each.

5. Penal Code, Secs. 146, 147, 159, and 160.

6. A. finds a valuable ring not knowing to whom it belongs. A. sells it immediately without endeavouring to discover the owner; of what offence is he guilty under the Penal Code and to what punishment has he rendered himself liable?

6. A. is guilty of Criminal misappropriation of property and under Sec. 403 of the Penal Code is liable to imprisonment of either description for a term which may extend to two years, or with fine, or with both.

7. Define the offence of Forgery under the Penal Code.

7. Penal Code, Sec. 463.

8. Define "Mischief" and state to what punishment a person committing "mischief" is liable.

8. Penal Code, Secs. 425, and 426.

9. In what cases may a Police Officer arrest without warrant?

9. Criminal Procedure, Sec. 100.

10. How is the evidence to be recorded in trials before Magisterial authorities in cases in which they have final jurisdiction.

10. Criminal Procedure, Secs. 127 and 128.

11. From what classes of persons and for what periods may security for good behaviour be demanded, and in default of security what orders shall be passed?

11. Criminal Procedure, Sec. 280.

12. State the rules regarding the detention of accused persons in the custody of the police.

12. Criminal Procedure, Secs. 162 and 153.

JUDICIAL QUESTIONS.

SPECIMEN No. 3 (b).—SECOND STANDARD.

*Questions.**Answers.*

1. To what term of imprisonment is an offender sentenced to fine liable on default of payment of that fine.

1. Penal Code. Secs. 65, 67, 68, 69 and 70.
Value 16.

1st. If the offence of which he has been convicted be punishable also with imprisonment.

2nd. If the offence of which he has been convicted be punishable with fine only. How is the maximum of imprisonment to be determined in each case. When does such an imprisonment terminate and within what term is the fine imposed leviable.

2. Penal Code. Secs. 107, 108.
Value 12.

2. Define abetment and state when a person is said "to abet an offence".

3. What is an unlawful assembly. State what the owner or occupier of the land upon which such unlawful assembly is held or his agent or manager are legally bound to do if they know that such offence is being committed or have reason to believe that it is likely to be committed. Who is liable to punishment and to what extent, in the event of a breach of his legal obligation.

3. Penal Code. Secs. 141, 154.
Value 14.

4. Define robbery and state the punishment for that offence; when does Robbery become Dacoity?

4. Penal Code. Secs. 390, 391, 392.
Value 12.

Questions.

Answers.

5. Define culpable homicide, and state when culpable homicide is murder; what are the punishments for murder?

5. Penal Code. Secs. 299, 300, 302.

Value 16.

6. When is it lawful for any Magistrate by a written order to direct any person to abstain from a certain act?

6. Criminal Procedure Sec. 62.

Value 14.

7. Under what circumstances may a Police Officer make an arrest without orders from a Magistrate and without a warrant?

7. Criminal Procedure Secs. 100, 101.

Value 12.

8. Distinguish between the procedure on the part of a Magistrate.

8. Criminal Procedure Secs. 131, 132, and general practice.

Value 12.

1st. As regards property seized under suspicious circumstances, and 2nd as regards intestate property.

9. Under what circumstances, and of the commission of what offences is it the duty of every person who is aware of the same to give information to the nearest Police Officer, and to what punishment does a person intentionally omitting to give the same render himself liable.

9. Criminal Procedure Sec. 138, and Penal Code Sec. 202.

Value 14.

10. State the procedure in a case under Chapter 22 of the Code of Criminal Procedure (of a dispute relating to the possession of land &c.) On what points should a Magistrate satisfy himself before instituting any such case. Can a subordinate Magistrate deal with a case under this Chapter?

10. Penal Code. Chapter 22.

Value 14.

11. What is the Law as regards the value of maps as evidence? Is sworn testimony invariably required as to the accuracy of maps, and is any, and if so what proof essential as to the place of custody from which maps are produced?

11. All maps made under the authority of, or for any public municipal body and not for the purpose of any litigated question are *prima facie* to be deemed correct. Sworn testimony is required as to the accuracy of all maps except those of the above description. It is essential to the admissibility of maps in evidence that they should be proved to have been produced from that place of custody in which they might reasonably have been expected to be found.

Sec. 13, Act 2, 1855, and Norton, s. 450, 453.

Value 12.

12. May a person at whose instance a witness has been examined, cross-examine such witness, and if so, with what object and by what means?

12. Yes, with the permission of the Court or the witness. The object is to test his veracity, and the means are the production of evidence to show that the witness has varied from some statement previously made by him.

Secs. 30 and 34, Act 2, 1855.

Value 12.

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Extent of Jurisdiction	1890	1	73	Appeal to Commissioner when assessment on any one person exceeds forty Rupees in the year. Proviso	1862	6	"
Constructions	1860	2	"	Exemption from liability to pay assessment	8	7	"
REGULATIONS.—	1862	3	"	Payment to be half-yearly, and in advance	1862	8	"
The — repeated by the Penal Code and Criminal Procedure	17		95	And double amount to be levied on default. Proviso.	1862	9	"
V.				Any surplus to be carried to credit of next year's Dawk account	1862	10	"
Village Watchmen	REG.			Government to frame General Rules This Act not to affect contracts between Zemindars and their under-tenants	1862	11	26
Rules as to the appointment and duties of Village Watchmen, see "Police"	1817	21	9 & 10	Act to take effect on and from 1st Decr.	1862	12	"
Z.	ACT.				8	13	"
ZEMINDARRY DAWKS.—							
Section 10, Regulation XX., 1817 repealed	1862	1	24				



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