

SALE OF DISTRESSES, BENGAL ACT, 1839

ACT NO. I. OF 1839

(Rep., by Act 10 of 1859)

[4th February, 1839.]

Passed by the Hon'ble the President of the Council of India in Council, on the 4th February, 1839.

I. **IT** is hereby enacted, that from the first day of May next ensuing after the passing of this Act, all Regulations and parts of Regulations of the Bengal Code, which give to any persons or class of persons authority, by virtue of any office held by them, to sell property distrained for the recovery of arrears of rent, shall, so far as they give such authority, be repealed.

II. And it is hereby enacted, that from the date aforesaid it shall be lawful for the Collector or Officer duly exercising the powers of a Collector in each District subject to the Presidency of Fort William in Bengal, to appoint, by a Sunnud under his signature and seal, in the terms of the Schedule appended to this Act, and conformably to such instructions as he may receive in that behalf, any person or persons to exercise the function of selling property distrained for the recovery of arrears of rent in each Pergunnah or Sub-division of the District, and to authorize such persons to remunerate themselves by deducting per centage, not in any case exceeding ten per centum on the amount of the proceeds of the sale.

III. And it is hereby enacted, that all Regulations and parts of Regulations of the Bengal Code which give powers to, or prescribe rules for the guidance of persons appointed to conduct the sale of property distrained for the recovery of arrears of rent, or which assign any penalty or other punishment for misfeasance in the discharge of such duty, shall be applicable to all parties appointed for the sale of such property under this Act.

SCHEDULE.

I, A. B., Collector of

Zillah

(or enduring the powers of a Collector)

in virtue of the powers vested in me by Act No. I. of 1839, appoint you C. D., Commissioner for the sale of property distrained for the recovery of arrears of rent, in the manner prescribed by the Regulations of Government. You are to reside at E., in Pergunnah F., and are to exercise the authority vested in you by these Regulations, or by any other which may be hereafter transmitted to you for your guidance, in strict conformity thereto; and are to keep a regular and complete record of your proceedings to be produced when called for by me, or by the Courts of Justice. You are hereby authorized to remunerate yourself for your trouble, by deducting and appropriating -----per centum on the amount of the proceeds of sale.
