

COMMISSIONERS FOR RECOVERY OF SMALL DEBTS CALCUTTA ACT 1848

ACT No. XII. of 1848

(Rep., Act 8 of 1868)

[27th May, 1848.]

Passed by the Governor General of India in Council, On the 27th May, 1848.

An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

WHEREAS the jurisdiction of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal, hath been exercised under colour of a Proclamation made by the Vice President of the Presidency of Fort William in Bengal, in Council, with the approval of the Governor General of the said Presidency, bearing date the 18th day of March 1802, and of another Proclamation made by the Governor General of the said Presidency in Council, bearing date the 25th day of September 1813, and of another Proclamation made by the Governor General of the said Presidency in Council, bearing date the 29th day of October 1819: And whereas doubts have arisen as to the legality of the said last two Proclamations, and of all that has been done or may hereafter be done in pursuance thereof: And whereas doubts have also arisen whether the powers given to the Commissioners of the said Court by the first of the said Proclamations are by the terms of the said third Proclamation effectually extended to the matters over which jurisdiction is thereby declared to be given to the said Court of Commissioners, and it is expedient to remove such doubts: and whereas the Rules, Orders and Regulations for the direction of the process and practice of the said Court which have been established in and by the said Court have not been allowed, printed or published as directed by the said first Proclamation, and it is expedient to ratify and confirm the same notwithstanding such omission: And whereas the said Commissioners have been accustomed to sit separately and to form separate Courts sitting at the same time or at different times, and it is also expedient to establish as well prospectively as retrospectively the legality of that practice, --It is enacted as follows:

I. All proceedings heretofore had or hereafter to be had in pursuance of and in conformity with the said Proclamations, or any of them by the said Commissioners, or any person or persons acting under their authority shall be deemed to have been, and to be, valid in law to all intents and purposes whatever, and against all persons and bodies corporate whomsoever.

II. All the powers and authorities declared to be given to the said Commissioners by the said first Proclamation shall extend to and be exercised in respect of and shall be deemed to have heretofore extended to all matters which in and by the several Proclamations, or any of them, the said Commissioners were authorized to hear and determine.

III. All proceedings heretofore had by any Commissioner or Commissioners of the said Court whilst sitting apart from the others or other of them, or by any person or persons under his or their authority, shall be deemed to have been as valid in law to all intents and against all persons and bodies corporate

whomsoever, as if all the said Commissioners had been sitting together in the said Court of Requests, and such Commissioners may henceforth sit either altogether or apart, and may hold one Court or two or three separate Courts sitting at the same time or at different times in like manner as they have been heretofore accustomed to do.

IV. All rules, orders, forms of procedure and tables of fees now used or established in the said Court shall be deemed to be and to have been from the time of their being first used or established respectively, valid in law to all intents, notwithstanding the omission to procure the allowance by the Supreme Court of Judicature of such of the same as should have been so allowed, and notwithstanding the non-printing and non-publication of such of the same as should have been printed and published.

V. All summonses and other process issued by the said Commissioners, or any of them, whether issued before or after the passing of this Act, shall be deemed to be valid and effectual in the law on whatsoever day the same shall have made returnable.
