

MOFUSSIL PRISONERS' COUNSEL ACT.

ACT No. XXXVIII. OF 1850.

[Passed on the 1st November, 1850.]

Recites expediency of extending the privilege given by Act 22, 1839, to prisoners under trial in East India Company's Courts.

1, 2. *Enacts, In all Courts, &c. of East India Company every person on trial may make defence either personally or by agent; (2) subject to rules made by Nizamut Adawlut, &c.*

3. *This Act not to restrict any existing right as to employing Counsel or Pleader; but in general only Advocates of Supreme Court or authorized Pleaders to be employed as agents for making defence, &c.*

4. *Presence of prosecutor or accused not to be deemed dispensed with by this Act.*

An Act to allow Counsel to all persons on the trial of offences.

Whereas an Act of Parliament was passed in the seventh year of the reign of His late Majesty for enabling persons indicted of felony to make their defence by Counsel or Attorney, the provisions of which Act were enlarged and extended to Her Majesty's Courts of Justice in the Territories under the Government of the East India Company by Act XXII. 1839, and whereas it is just and reasonable that the like privilege be given to all persons on the trial of offences against the law, It is enacted as follows:

I. In all Courts and before all Magistrates, or persons exercising any of the powers of a Magistrate, under the authority of the East India Company, every person on trial for the commission of any offence shall be admitted to defend himself either personally or by his authorized agent, and, after the close of the case for the prosecution, to make full answer and defence thereto either personally or by his authorized agent.

II. The said Courts, Magistrates and persons, subject to such rules as shall be from time to time made for their guidance by the Nizamut or Fouzdaree Adawlut, may allow any prosecution to be conducted by an authorized agent.

III. In those Courts in which any person now has by law the right of employing whomsoever he can employ as Counsel or Pleader, nothing in this Act shall be deemed to restrict that right: in all other cases those persons only shall be deemed authorized agents within the meaning of this Act who are either

Advocates of one of the Supreme Courts of Justice established by Royal Charter, or authorized Pleaders of the Civil Courts of the East India Company, or, by leave of the Court, Magistrate or other person before whom the prisoner is on trial, any other person who is employed by the prosecutor or prisoner as his agent.

IV. This Act shall not be deemed to dispense with the presence of any prosecutor or person on trial for the commission of any offence when the presence of such prosecutor or accused person is now by law required.
