

ACT NO. VI OF 1858.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 29th January 1858.)

AN ACT to authorize the impressment of artisans and laborers for the erection of Buildings for the European Troops in India, and for works urgently required for Military purposes.

Preamble. WHEREAS, in consequence of the necessity which exists of completing without delay sufficient Buildings for the accommodation of the European Troops in India, and of the difficulty of procuring without compulsion a sufficient number of artisans and laborers for that purpose, it is expedient to authorize as a temporary measure the impressment of such artisans and laborers as may be necessary; and whereas it may be necessary to impress artisans and laborers for the performance of works urgently required for Military purposes or for the defence of public property; It is enacted as follows:—

1. In any District or place to which the provisions of this Act shall be extended by order of the Governor General in Council or of the Executive Government of any Presidency or place, it shall be lawful for any Officer or Officers, authorized in that behalf by the Governor General in Council or by such Executive Government as aforesaid, to impress any native artisans and laborers who, in the judgment of such Officer or Officers, may be necessary for the erection, completion, alteration, or repair of any Building required for the accommodation of European Troops, or for the collection, preparation, or manufacture of materials for that purpose, or for any other work connected with the erection, completion, alteration, or repair of such Building; and also to impress such boats, carts, bullocks, or other animals as may be necessary in that behalf: and any such artisan or laborer, boat, cart, bullock, or other animal may be so impressed, whether such artisan or laborer shall be under a contract to work for, or such boat, cart, bullock, or other animal shall have been previously let to hire to, any private person or not.

Government may authorize Officers to impress native artisans &c. in Districts or places to which this Act may be extended.

II. No

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II. No action or other proceeding shall be commenced or prosecuted against the East India Company, or against Govern-

No action or other proceeding to lie against Government, or against the Officer ordering the impressment, for any thing done in pursuance of this Act.

shall be impressed, under the provisions of this Act, or any other person,

Or against persons impressed, for breach of contract.

by reason of such impressment or of any thing done under the authority of this Act.

III. Every person impressed, or whose property shall be impressed,

Full market-value of labor or hire to be paid in respect of the person or property impressed.

under this Act, shall be paid the full market-value of his labor, or of the hire of his property, as the case may be, according to such rules as shall from time to time be made by the Executive Government for securing the just and punctual payment thereof; the amount in case of dispute shall be settled by a Magistrate.

IV. If any person with whom any contract shall have been entered

Compensation to be made for damage sustained by breach of contract occasioned by impressment.

into before the passing of this Act, for the personal labor or services of any person impressed under this Act, or for the hire of any boat, cart, bullock, or other animal which may be so impressed, shall sustain damage by reason of any breach of such contract occasioned by any such impressment, or of any thing done under the authority of this Act, he shall be entitled to full compensation for such damage, to be paid by the Government.

V. The claimant shall send in to the Officer by whom or under whose

Claims for compensation to whom and how to be preferred.

orders the impressment shall be made, a written demand stating the terms of the contract for the breach of which he claims compensation, the date of the contract, the period for which the contract was entered into, the amount of advances (if any) made in pursuance of the contract, the nature of the damage sustained, and the amount of compensation claimed.

VI. A declaration in writing signed by the claimant shall be written

Declaration to accompany claim.

on or annexed to the claim, and the claimant shall thereby declare that the statements contained in the claim into before the passing of this Act, for the personal labor or services of any person impressed under this Act, or for the hire of any boat, cart, bullock, or other animal which may be so impressed, shall sustain damage by reason of

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are true in substance. If any person shall wilfully and corruptly make a false declaration, he shall be liable upon conviction to imprisonment, with or without hard labor, for a term not exceeding two years, and also to fine. Such conviction may be by a Magistrate, except in the case of European British subjects.

Punishment for false declaration.

VII. In case any dispute shall arise as to the amount of such compensation, the same shall be determined in a summary way by the Zillah Judge or other Officer exercising the powers of a Judge on the petition of the claimant or of the Officer under whose authority the impressment was made; and the decision of the Judge or other Officer shall be final.

Disputes as to amount of compensation how to be determined.

VIII. If any person impressed under this Act shall abscond or conceal himself, or endeavor to abscond or conceal himself; or shall without reasonable cause desert the work upon which he shall be employed by Government before the same shall have been completed; or shall refuse or wilfully neglect to bestow his labor upon such work to the best of his ability: or if any person shall be guilty of any device for the purpose of preventing the impressment of any boat, cart, bullock, or other animal—he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty Rupees, and, in case of non-payment of the fine, may be ordered by the Magistrate to suffer corporal punishment not exceeding fifteen stripes with a ratan. Every such conviction shall be final.

Penalty for absconding after impressment, refusing to work, &c.

IX. Nothing in this Act shall be deemed to authorize the infliction of corporal punishment upon any European or upon any female.

Act not to authorize the corporal punishment of Europeans or females.

X. No action or other proceeding shall be brought or prosecuted against the East India Company, or against Government, or against any person, for any impressment before the passing of this Act for any work or other matter for which impressment is authorized by this Act; nor against any person for the breach of any contract occasioned by any such impressment. Every person who shall have been impressed, or whose property shall have been impressed, before the passing of this Act, or who shall have sustained damage by reason of any breach of contract occasioned by any such impressment, shall be entitled to compensation to be determined in a summary way by the Zillah Judge or other Officer exercising the powers of a Judge on the petition of the claimant or of the Officer under whose authority the impressment was made; and the decision of the Judge or other Officer shall be final.

Impressments made prior to the passing of this Act.

Compensation.

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occasioned by such impressment, shall be entitled to the same payment or compensation, to be settled or ascertained in the same manner, as if this Act had been in force at the time of such impressment.

Act to apply to performance of works urgently required for Military purposes &c.

XI. The provisions of this Act shall extend to any works urgently required for Military purposes or for the defence of public property.

XII. The word "Magistrate" shall include every person exercising the full powers of a Magistrate, and every person authorized by the Executive Government to exercise the powers vested in a Magistrate by this Act.

Interpretation of the word "Magistrate."

XIII. This Act shall not authorize any impressment to be made after the expiration of six months from the passing of this Act.

Duration of Act.