



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE,
CONTAINING
Acts and Bills of the Legislative Council of India.

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Legislative Council of India.

12th May 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Governor General on the 1st May 1860 (communicated to the Legislative Council on the 12th idem), and is hereby promulgated for general information:—

ACT No. XIX. OF 1860.

An Act to amend Act XXII. of 1855 (for the regulation of Ports and Port-dues), and Act VII. of 1858 (for the levy of Port-dues at Ports within the Presidency of Port St. George).

Whereas it is expedient that Port-dues, fees, and charges, leviable under Section XLIX. of Act XXII. of 1855, if not paid in the Port in which any such dues, fees, or charges, may under the said Act have become due and payable, shall be recoverable in any Port in British India by the Collector of Customs or other Officer authorised to collect such Port-dues, fees, and charges, in any such Port, and that in certain cases Vessels shall be exempt from such dues, fees, and charges; it is enacted as follows:—

I. If the Master of any Vessel in respect of which any Port-dues, fees, or charges shall be payable under the said Act, shall cause such Vessel to leave any Port without having discharged such dues, fees, or charges, it shall be lawful for the Collector of Customs or other Officer authorised to collect the same to require in writing the Collector of Customs or other Officer as aforesaid, in any other Port in British India to which such Vessel may proceed or in which she may be, to levy such dues, fees, or charges; and every Collector or other Officer to whom such requisition shall be directed shall proceed to levy such dues, fees, or charges in the manner prescribed in Section XLIX. of the said Act; and a certificate purporting to be made and signed by the Collector of Customs or other Officer as aforesaid of the Port where the Port-dues, fees, or charges became payable, stating the amount so payable, shall be sufficient *prima facie* proof of such amount in any proceeding under the said Section, and also (in case the amount payable is disputed) in any subsequent proceeding under Section LIX. of the said Act.

II. If the Master of any such Vessel shall evade the payment of any Port-dues, fees, or charges payable under the said Act, he shall be liable on conviction to a penalty not exceeding five times the amount so payable. In any proceeding before a Magistrate for the adjudication of the said penalty, any such certificate as is mentioned in Section I. of this Act, stating that the Master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the Master shall show to the satisfaction of the Magistrate that the departure of the Vessel without having discharged the dues, fees, or charges payable was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

III. This Act shall be read with and taken as a part of the said Act XXII. of 1855, save that any Magistrate having jurisdiction under the said Act in any Port, River, or Channel to which the Vessel may proceed or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this Act.

IV. Section III. of Act VII. of 1858 is modified as follows, (that is to say)—
No Port-dues on Vessels leaving any Port mentioned in Act VII. of 1858 within 48 hours without discharging or taking in cargo. Vessels entering any of the Ports in the Schedule to the said Act mentioned, and departing from such Ports within forty-eight hours without discharging or taking in any cargo or passenger therein, shall not be charged with any Port-dues; and Vessels so entering and departing as aforesaid within seven days shall be charged with one-half only of the Port-dues leviable under the said Act.

W. WYLIE,
Clerk of the Council.

Legislative Council of India.

12th May 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Governor General on the 1st May 1860 (communicated to the Legislative

Council on the 12th idem), and is hereby promulgated for general information :—

Act No. XX. of 1860.

An Act for settling Promissory Notes of the Government of India, producing an annual income of one lac of Rupees and a Mansion-house and Hereditaments called Mazagon Castle, in the Island of Bombay, late the Property of Sir Jamsetjee Jejeebhoy, Baronet, deceased, so as to accompany and support the Title and Dignity of a Baronet, lately conferred on him and the heirs male of his body, by Her present Majesty Queen Victoria, and for other purposes connected therewith.

Whereas by Letters Patent of Her Majesty Queen Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland,

Queen, Defender of the Faith, dated at Westminster on or about the sixth day of August, in the Twenty-first year of Her Reign, and by Warrant under the Queen's sign manual Her said Majesty made known that she, of her special grace, certain knowledge, and mere motion had erected, appointed, and created Sir Jamsetjee Jejeebhoy, then of Bombay, Knight, but since deceased (a man eminent for family inheritance, estate, and integrity of manners), to and into the dignity, state, and degree of a Baronet, and him, the said Sir Jamsetjee Jejeebhoy for Her Majesty, her heirs, and successors, she did erect, appoint, constitute, and create a Baronet, by the said Letters Patent, to hold to him and the heirs male of his body lawfully begotten, and to be begotten for ever :

And whereas, in fulfilment of an engagement in that behalf made with Her Majesty's Government, during the lifetime of the said Sir Jamsetjee Jejeebhoy, deceased, the said Sir Jamsetjee Jejeebhoy was desirous of settling in perpetuity such property on himself and the heirs male of his body who might succeed to the said Baronetcy, as should be adequate to support the dignity of the title conferred on him and them as aforesaid :

And whereas the said Sir Jamsetjee Jejeebhoy was seised of a Mansion-house and hereditaments situate in the Island of Bombay called Mazagon Castle, and had an absolute estate of inheritance therein, and was desirous, in fulfilment of the aforesaid engagement, of settling Promissory Notes of the Government of India, producing an annual income of one lac of Rupees and the said Mansion-house and hereditaments, to the uses, upon the trusts, and for the purposes hereinafter limited and declared, concerning the same respectively :

And whereas the said Sir Jamsetjee Jejeebhoy was also desirous that the heirs male of his body, to whom the said title and dignity of Baronet should descend, should take and bear the names of "Jamsetjee Jejeebhoy," in lieu of any other name or names whatever which they respectively might bear at the time of such descent on them respectively; and he was also desirous that the Revenue Commissioner for the Northern Division of the Presidency of Bombay, the Accountant General, and the Sub-Treasurer at Bombay, for the time being, should be Trustees of the aforesaid Promissory Notes, and be likewise the Trustees for carrying into execution the general purposes and powers of this Act, with relation to the same securities, and also with relation to the same Mansion-house and hereditaments :

And whereas the said Sir Jamsetjee Jejeebhoy departed this life on the 14th of April 1859, before the aforesaid engagement with Her Majesty's Government was carried out on his part, and by his Will, dated the 9th of April 1853, duly signed and executed

by him, gave and devised the residue of his estate, houses, lands, securities, monies, and effects to and amongst his sons Cursetjee Jamsetjee, Rustomjee Jamsetjee, and Sorabjee Jamsetjee, and appointed his wife Avaboye and his said three sons, the Executrix and Executors of his said Will; and the said Will has since been duly proved by the said Cursetjee Jamsetjee, Rustomjee Jamsetjee, and Sorabjee Jamsetjee alone; and whereas on the death of the said Sir Jamsetjee Jejeebhoy, the said title or dignity of Baronet, created by Her Majesty's said Letters Patent, devolved on and became and is now vested in the said Cursetjee Jamsetjee, as the eldest son and heir male of the body of the said Sir Jamsetjee Jejeebhoy, deceased :

And whereas the said Cursetjee Jamsetjee, the second and present Baronet, Rustomjee Jamsetjee, and Sorabjee Jamsetjee, as the sons, residuary legatees, and executors of the said Sir Jamsetjee Jejeebhoy, deceased, and the said Avaboye, now the Dowager Lady Jejeebhoy, as executrix of the said Sir Jamsetjee Jejeebhoy, deceased, in fulfilment of the engagement so as aforesaid entered into by the said Sir Jamsetjee Jejeebhoy, deceased, with Her Majesty's Government, are desirous of settling the said Government Promissory Notes, and the said Mansion-house and hereditaments so as aforesaid agreed to be settled by the said Sir Jamsetjee Jejeebhoy, deceased, for the purpose of supporting the dignity of the said Baronetcy, to the uses, upon the trusts, and for the purposes hereinafter limited and declared concerning the same respectively. And whereas the said Dowager Lady Jejeebhoy is desirous that the said Mansion-house and hereditaments called Mazagon Castle, with their rights, members, and appurtenances shall be released, exonerated, and discharged from her right or title (if any) to dower or thirds, and every other right, interest, or estate whatsoever which she, the said Dowager Lady Jejeebhoy, may or might have or claim to have in the said premises under any custom or law of the Parsees, or otherwise howsoever :

And whereas the aforesaid purposes cannot be effected without this Act of the Legislative Council of India :

It is enacted as follows (The sanction of Her Majesty having been previously obtained and signified, in pursuance of an Act passed in the seventeenth year of the reign of Her said Majesty, entitled "An Act to provide for the Government of India") :—

I. The Revenue Commissioner for the Northern

Division of the Presidency of Bombay, the Accountant General, and the Sub-Treasurer at Bombay, to be a Corporation for execution of trusts of this Act.

and such Revenue Commissioner, Accountant General, and Sub-Treasurer shall be, and they are hereby constituted, as such Corporation, the Trustees for executing the powers and purposes of this Act; and all the powers hereby vested in such Revenue Commissioner, Accountant General, and Sub-Treasurer as Trustees for the purposes of this Act shall be exercised by the persons for the time being acting as such Revenue Commissioner, Accountant General, and Sub-Treasurer.

II. The present Baronet, and all other the heirs

male of the body of the said first Baronet to whom the said title and dignity shall descend, pursuant to the

limitation of the Patent whereby the said dignity is granted, shall take upon themselves respectively the names of "Jamsetjee Jejeebhoy" in lieu and in the place of any other name or names whatever; and the present Baronet, and all such other heirs male of the first Baronet severally and successively, shall be called by the names of "Jamsetjee Jejeebhoy," and by those names shall name, style, and write themselves respectively upon all occasions whatsoever.

III. Immediately from and after the passing of this

Government Promissory Notes producing an annual income of One Lac vested in Trustees;

Act, Promissory Notes of the Government of India, producing an annual income of not less than one lac of Rupees shall be transferred into the name of the said Corporation, who shall hold the same upon the trusts and for the purposes hereinafter expressed concerning the same (that is to say); upon trust, if the same should be discharged by the Government of India, to invest the said sum in or on any stocks, funds, or securities of the Government of the United Kingdom of Great Britain and Ireland, or of the Government of India; and in like manner, as often as the same shall become necessary, to alter, vary, and change such stocks, funds, and securities for others of the same or like nature; and upon further trust, from time to time to pay and apply the dividends, interest, and annual income of the said stocks, funds, and securities unto and for the benefit of the present Baronet, and the person who, as heir male of the body of the said first Baronet, shall, for the time being, have succeeded to and be in the enjoyment of the title of Baronet conferred by the said Letters Patent as aforesaid, notwithstanding any rule of law or equity to the contrary; and upon failure and in default of heirs male of the body of the said first Baronet to whom the same title and dignity of Baronet may descend, upon trust for the present Baronet, his executors, administrators, and assigns, which ultimate remainder or reversion it shall be lawful for the present Baronet, his executors, administrators, and assigns, at any time or times, during the continuance of the said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said first Baronet as aforesaid, to assign, transfer, bequeath, and dispose of by deed or will, or other assurance or assurances.

On trust to re-invest, if paid off.

And to pay income to the Baronet for the time being.

With ultimate trust for second Baronet, his executors, administrators, and assigns, and power to dispose thereof.

Power to Trustees to invest the surplus annual interest and income of the Trust Fund and premises during the minority of any Baronet, &c.

IV. The Trustees for the time being acting in the execution of the trusts hereby created during the minority of any person for the time being entitled to and in enjoyment of the said dignity of Baronet under the limitations of the said Letters Patent, shall pay and apply for and towards the maintenance, education, and benefit of such Baronet, in each and every year during such his minority as aforesaid, so much only of the annual interest, dividends, and income of the said Trust Funds and premises as such Trustees shall, in their discretion, think proper; and shall, from time to time, invest the residue of the said annual dividends, interest, and income of the said Trust Funds and premises in and upon the stock, funds, and securities of the Government of the United Kingdom of Great Britain and Ireland, or of the Government of India; and shall, upon such Baronet attaining his majority, pay over, transfer, and assign to him, or as he shall direct, and for his absolute benefit, the said investments and all accumulations thereof.

V. The Mansion-house and other hereditaments

Settlement of Mansion, &c., in support of Baronetcy.

called Mazagon Castle, situate in the Island of Bombay, with their rights, members, and appurtenances, of which the said first Baronet was seised to him and his heirs, shall, by force of this Act, from and immediately after the passing thereof, stand limited to the uses following (that is to say); to the use of the present Baronet, and the heirs male of the body of the said first Baronet who may succeed to the title of Baronet, conferred by the said Letters Patent as aforesaid; and upon failure and default of heirs male of the body of the said first Baronet to whom the same title and dignity of Baronet may descend as aforesaid, to the use of the present Baronet, his heirs and assigns for ever, which ultimate remainder or reversion it shall be lawful for him and his heirs and assigns, at any time or times during the continuance of the said title and dignity of Baronet, and until there shall be a failure of heirs male of the body of the said first Baronet as aforesaid, to grant, convey, devise, and dispose of by deed or will, or by any other assurance or assurances by which such an estate in remainder or reversion is capable by law of being conveyed or disposed of by Parsee inhabitants of British India.

VI. Provided always, that in case any person who, for the time being, shall be the heir male of the body of the said first Baronet to whom the said title of Baronet shall have descended, shall, for the space of one whole year after he shall, by virtue of this Act, become entitled to the dividends, interest, and income of the said stocks, funds, and securities, or to the possession or receipt of the rents and profits of the said hereditaments; or, being then underage, shall, for the space of one whole year after he shall attain the age of twenty-one years, refuse or neglect to use the names of "Jamsetjee Jejeebhoy" as hereinbefore enacted; or, in case any such person having so used those names, shall, for the space of six calendar months consecutively during his natural life, discontinue so to use such names, then, in any or either of the said cases, the estate or interest of the person who shall so refuse or neglect to use, or, having used, shall so discontinue to use, the said names of "Jamsetjee Jejeebhoy," shall, during the remainder of his respective natural life, be suspended; and that, during any and every such suspension, the dividends, interest, and income of the said stocks, funds, and securities, and the possession and actual occupation, and also the rents and profits of the said hereditaments, shall devolve and belong to the person who, as heir male of the body of the first Baronet, would have succeeded to and been in the enjoyment of the title of Baronet conferred by the said Letters Patent, in case the person so refusing or neglecting to use, or discontinuing to use, the said names of "Jamsetjee Jejeebhoy" had departed this life; but if there should be no such heir male, then to the person or persons who would be entitled, to the same in case there had then been a total failure of issue male of the first Baronet entitled to the said dignity of Baronet.

With ultimate remainder to the second Baronet in fee, and power to dispose thereof.

VI. Provided always, that in case any person who, for the time being, shall be the heir male of the body of the said first Baronet to whom the said title of Baronet shall have descended, shall, for the space of one whole year after he shall, by virtue of this Act, become entitled to the dividends, interest, and income of the said stocks, funds, and securities, or to the possession or receipt of the rents and profits of the said hereditaments; or, being then underage, shall, for the space of one whole year after he shall attain the age of twenty-one years, refuse or neglect to use the names of "Jamsetjee Jejeebhoy" as hereinbefore enacted; or, in case any such person having so used those names, shall, for the space of six calendar months consecutively during his natural life, discontinue so to use such names, then, in any or either of the said cases, the estate or interest of the person who shall so refuse or neglect to use, or, having used, shall so discontinue to use, the said names of "Jamsetjee Jejeebhoy," shall, during the remainder of his respective natural life, be suspended; and that, during any and every such suspension, the dividends, interest, and income of the said stocks, funds, and securities, and the possession and actual occupation, and also the rents and profits of the said hereditaments, shall devolve and belong to the person who, as heir male of the body of the first Baronet, would have succeeded to and been in the enjoyment of the title of Baronet conferred by the said Letters Patent, in case the person so refusing or neglecting to use, or discontinuing to use, the said names of "Jamsetjee Jejeebhoy" had departed this life; but if there should be no such heir male, then to the person or persons who would be entitled, to the same in case there had then been a total failure of issue male of the first Baronet entitled to the said dignity of Baronet.

Provision in case of refusal or discontinuance of names of first Baronet.

VII. It shall be lawful for the present Baronet, and for any person upon whom the said title of Baronet shall, from time to time, descend, when in the actual enjoyment of the said title, and who shall not refuse, neglect, or discontinue to use, for the respective periods hereinbefore in that behalf mentioned, the said names of "Jamsetjee Jejeebhoy" as hereinbefore enacted, either before or after his marriage with any woman or women by any deed or deeds, writing or writings, with or without power of revocation, to be by him sealed and delivered in the presence of two or more credible witnesses (but subject and without prejudice to any annuity or annuities, if any, which shall be then subsisting and payable by virtue of any appointment made under and in pursuance of this present power), to limit and appoint unto any woman or women whom he shall marry, for her or their life or lives, and for her or their jointure or jointures, in bar of dower or other legal or customary rights, any annuity or yearly sum not exceeding the sum of Company's Rupees Ten Thousand, clear of all taxes, charges, and deductions whatsoever, to commence and take effect immediately after the decease of the person limiting or appointing the same, and to be issuing and payable out of the dividends, interest, and annual income of the said stocks, funds, and securities, and to be paid and payable by equal half-yearly payments on the thirtieth day of June and the thirty-first day

Baronet in possession may jointure.

from time to time, descend, when in the actual enjoyment of the said title, and who shall not refuse, neglect, or discontinue to use, for the respective periods hereinbefore in that behalf mentioned, the said names of "Jamsetjee Jejeebhoy" as hereinbefore enacted, either before or after his marriage with any woman or women by any deed or deeds, writing or writings, with or without power of revocation, to be by him sealed and delivered in the presence of two or more credible witnesses (but subject and without prejudice to any annuity or annuities, if any, which shall be then subsisting and payable by virtue of any appointment made under and in pursuance of this present power), to limit and appoint unto any woman or women whom he shall marry, for her or their life or lives, and for her or their jointure or jointures, in bar of dower or other legal or customary rights, any annuity or yearly sum not exceeding the sum of Company's Rupees Ten Thousand, clear of all taxes, charges, and deductions whatsoever, to commence and take effect immediately after the decease of the person limiting or appointing the same, and to be issuing and payable out of the dividends, interest, and annual income of the said stocks, funds, and securities, and to be paid and payable by equal half-yearly payments on the thirtieth day of June and the thirty-first day

of December; the first of the said half-yearly payments to be made on the half-yearly day which shall first happen after the decease of the person who shall have appointed such annuity or yearly sum; provided always, that in case any person on whom such title shall descend, shall have refused or neglected to use the names of "Jansetjee Jejeebhoy," or shall discontinue to use such names for six calendar months consecutively during his natural life, every such limitation and appointment, either previously or afterwards made by him, shall be and become inoperative and invalid; and no such annuity thereby created or appointed shall take effect, or be payable or chargeable on the said stocks, funds, and securities, notwithstanding any such limitation or appointment.

VIII. Provided always, that the said dividends, interest, and annual income of the said stocks, funds, and securities shall not, at one and the same time, be subject to the payment of more than the yearly sum of Company's Rupees Twenty Thousand for or in respect of any jointure or jointures which shall be made in pursuance of the power hereinbefore contained, so that, if by virtue of or under the same power, the said dividends, interest, and annual income would, in case this present provision had not been inserted, be charged at any one time with a greater yearly sum for jointures in the whole than the yearly sum of Company's Rupees Twenty Thousand, the yearly sum which shall occasion such excess, or such part thereof as shall occasion the same, shall, during the time of such excess, abate and not be payable.

IX. The said Mansion-house and hereditaments called Mazagon Castle, with their rights, members, and appurtenances, shall not be subject to dower of the said Dowager Lady Jejeebhoy, the widow of the first Baronet, or of the wife or wives of the present Baronet, or of any of the persons who may successively be entitled thereto under the aforesaid limitations, or to any other right, interest, or estate whatsoever which the said Dowager Lady Jejeebhoy or any such wife or wives may or might have or claim to have in the said Mansion-house and hereditaments, under any custom or law of the Parsees, or otherwise whatsoever.

X. Subject to the enactments contained in the third and fifth Sections, with respect to the ultimate remainders or reversions, so long as the said title and dignity of Baronet shall endure, and until there shall be a failure of heirs male of the body of the first Baronet to whom the said title and dignity of Baronet might descend, pursuant to the limitations of the Patent whereby the said dignity was granted, neither the present Baronet, nor any of the heirs male of the body of the first Baronet, in whose favour trusts are hereinbefore declared of the dividends, interest, and annual income of the said stocks, funds, and securities, or to whom the said Mansion-house and hereditaments called Mazagon Castle shall stand limited under this Act, shall transfer, dispose of, alien, convey, charge, or encumber the said stocks, funds, and securities, or any part thereof, or the dividends, interest, and annual income thereof, or of any part thereof, or the said Mansion-house or hereditaments or any part thereof, for any greater or larger estate, interest, or time than during his natural life, and for such portion thereof only as he shall continue to use the names of "Jansetjee Jejeebhoy," nor shall have any power to discontinue or bar the estate of any person or persons for whose benefit trusts are declared by this Act of the dividends, interest, and annual income of the said stocks, funds, and securities, or to or upon whom the said Mansion-house and hereditaments and the rents and profits thereof are by this Act limited to come or devolve in any manner whatsoever, either by default or otherwise, or to prevent any such person or persons from succeeding to, holding, or enjoying, receiving or taking, the same premises, according to the true intent of the provisions

hereinbefore contained; nor shall the same premises or any of them be held, by any Court of law or equity, to have vested in any such person as aforesaid for any greater estate or interest than during his life, and only during such portion thereof as he shall continue to use the names of "Jansetjee Jejeebhoy;" and every attempt to make any conveyance, assignment, or assurance contrary to the intention of this Act shall be, and is hereby declared and enacted to be void.

XI. If at any time hereafter the said Offices of Revenue Commissioner for the Northern Division of the Presidency of Bombay, Accountant General, and Sub-Treasurer at Bombay, or any or either of them, shall be abolished or cease to exist, it shall be lawful to and for the Governor in Council of Bombay for the time being,

with the consent and approbation of the person for the time being in the actual enjoyment of the said title of Baronet, and using the said names of "Jansetjee Jejeebhoy," and having attained the age of twenty-one years; and if there shall not be any such person, then, without the consent or approbation of any person or persons whomsoever, to nominate and appoint any other persons or person holding or filling any other public Government offices or office at Bombay, to be and act as Trustees or Trustee in the execution of the trusts created by this Act; and upon such nomination and appointment the said Trust Funds and premises shall, by force of this Act, forthwith vest in the persons or person so nominated and appointed Trustees or Trustee as lastly mentioned, together with the then continuing Trustees or Trustee; but if there shall be no such continuing Trustees or Trustee, then in new Trustees, only upon and for the trusts and purposes hereby created and declared, and when and so often as any such nomination and appointment shall be made, such new Trustee or Trustees jointly with such continuing Trustees or Trustee, or such new Trustees only, as the case may be, shall be, and they are hereby constituted a Corporation for executing the powers and purposes of this Act.

XII. The Trustees for the time being acting in execution of the trusts and powers hereby created and reposed in them respectively, and their successors respectively, shall be charged and chargeable for such monies only as he and they respectively shall actually receive by virtue of the trusts, powers, and provisions of this Act, notwithstanding his, their, or any of their giving or signing, or joining in giving or signing, any receipt or receipts for the sake of conformity; and he and they respectively shall not be answerable or accountable for any banker or broker, agent, or other person with whom or in whose hands any part of the said trust money shall or may be deposited or lodged for safe custody, or otherwise in the execution of any of the trusts, powers, and provisions hereinbefore created or contained; and the Trustees for the time being acting in execution of the trusts and powers hereby created and reposed in them respectively, and their successors respectively, shall not be answerable or accountable for the insufficiency or deficiency of any security or securities, stocks or funds, if or upon which the said trust money or any part thereof shall be placed out or invested, nor for any other misfortune, loss, or damage which may happen in the execution of the aforesaid trusts, powers, and provisions, or in relation thereto; and it shall be lawful for him and them respectively with or out of the money which shall come to his or their respective hands by virtue of the trusts and provisions of this Act, to retain and reimburse to himself and themselves respectively all costs, damages, and expenses which he and they respectively shall or may sustain, expend, or disburse in or about the execution of the aforesaid powers, trusts, and provisions, or in relation thereto.

XIII. Saving always to the Queen's Most Excellent

General saving. Majesty, Her heirs and successors, and to all and every other person and persons, bodies politic and corporate, and his, her, and their respective heirs, successors, executors, and administrators, and every of them (other than and except the said Sir Jamssetjee Jeebhoy, deceased, his devisees, heirs, and assigns), all such estate, right, title, interest, claim, and demand whatsoever of, in, to, out of, or upon the said Mansion-house and hereditaments called Mazagon Castle, or any part or parts thereof, as they, every or any of them, had before the passing of this Act, and would, could, or might have had, held, or enjoyed in case this Act had not been passed.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

26th May 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 21st May 1860, and is hereby promulgated for general information:—

ACT No. XXI. of 1860.

An Act for the Registration of Literary, Scientific, and Charitable Societies.

Whereas it is expedient that provision should be made for improving the legal condition of Societies established for the promotion of Literature, Science, or the Fine Arts, or for the diffusion of useful knowledge, or for Charitable purposes; It is enacted as follows:—

I. Any seven or more persons associated for any Literary, Scientific, or Charitable purpose, or for any such purpose as is described in Section XX. of this Act, may, by subscribing their names to a Memorandum of Association, and filing the same with the Registrar of Joint-Stock Companies under Act XIX. of 1857, form themselves into a Society under this Act.

II. The Memorandum of Association shall contain the following things (that is to say),—

The name of the Society,
The objects of the Society,

The names, addresses, and occupations of the Governors, Council, Directors, Committee, or other governing body to whom, by the Rules of the Society, the management of its affairs is entrusted. A copy of the Rules and Regulations of the Society, certified to be a correct copy by not less than three of the Members of the governing body, shall be filed with the Memorandum of Association.

III. Upon such Memorandum and certified copy being filed, the Registrar shall certify under his hand that the Society is registered under this Act. There shall be paid to the Registrar for every such registration a fee of fifty Rupees, or such smaller fee as the Governor General of India in Council may from time to time direct; and all fees so paid shall be accounted for to Government.

IV. Once in every year, on or before the 14th day succeeding the day on which, according to the Rules of the Society, the Annual General Meeting of the Society is held, or if the Rules do not provide for an Annual General Meeting, in the month of January, a list shall be filed with the Registrar of Joint-Stock Companies, of the names, addresses, and occupations of the Governors, Council, Directors, Committee, or other governing body then entrusted with the management of the affairs of the Society.

V. The property, moveable and immoveable, belonging to a Society registered under this Act, if not vested in trustees, shall be deemed to be vested for the time being in the governing body of such Society, and in all proceedings, Civil and Criminal, may be described as the property of the governing body of such Society by their proper title.

VI. Every Society registered under this Act may sue or be sued in the name of the President, Chairman, or principal Secretary or Trustees, as shall be determined by the Rules and Regulations of the Society, and in default of such determination, in the name of such person as shall be appointed by the governing body for the occasion; provided that it shall be competent for any person having a claim or demand against the Society, to sue the President or Chairman or Principal Secretary or the Trustees thereof, if, on application to the governing body, some other Officer or person be not nominated to be the defendant.

VII. No suit or proceeding in any Civil Court shall abate or discontinue by reason of the person, by or against whom such suit or proceedings shall have been brought or continued, dying or ceasing to fill the character in the name whereof he shall have sued or been sued, but the same suit or proceeding shall be continued in the name of or against the successor of such person.

VIII. If a judgment shall be recovered against the person or Officer named on behalf of the Society, such judgment shall not be put in force against the property, moveable or immoveable, or against the body of such person or Officer, but against the property of the Society. The application for execution shall set forth the judgment, the fact of the party against whom it shall have been recovered having sued or having been sued, as the case may be, on behalf of the Society only, and shall require to have the judgment enforced against the property of the Society.

IX. Whenever by any Bye-law, duly made in accordance with the Rules and Regulations of the Society, or, if the Rules do not provide for the making of Bye-laws, by any Bye-law made at a General Meeting of the Members of the Society convened for the purpose (for the making of which the concurrent votes of three-fifths of the Members present at such Meeting shall be necessary), any pecuniary penalty is imposed for the breach of any Rule or Bye-law of the Society, such penalty, when accrued, may be recovered in any Court having jurisdiction where the defendant shall reside, or the Society shall be situate, as the governing body thereof shall deem expedient.

X. Any Member who may be in arrear of a subscription which, according to the Rules of the Society, he is bound to pay, or who shall possess himself of or detain any property of the Society, in a manner or for a time contrary to such Rules, or shall injure or destroy any property of the Society, may be sued for such arrear, or for the damage accruing from such detention, injury, or destruction of property, in the manner hereinbefore provided. But if the defendant shall be successful in any suit or other proceeding brought against him at the instance of the Society, and shall be adjudged to recover his costs, he may elect to proceed to recover the same from the Officer in whose name the suit shall be brought, or from the Society, and in the latter case shall have process against the property of the said Society, in the manner above described.

XI. Any Member of the Society who shall steal, purloin, or embezzle any money or other property, or wilfully and maliciously de-

stroy or injure any property of such Society, or shall forge any deed, bond, security for money, receipt, or other instrument, whereby the funds of the Society may be exposed to loss, shall be subject to the same prosecution, and, if convicted, shall be liable to be punished in like manner as any person not a Member would be subject and liable to in respect of the like offence.

XII. Whenever it shall appear to the governing body of any Society registered under this Act, which has been established for any particular purpose or purposes, that it is advisable to alter, extend, or abridge such purpose, to or for other purposes within the meaning of this Act, or to amalgamate such Society either wholly or partially with any other Society, such governing body may submit the proposition to the Members of the Society in a written or printed report, and may convene a Special Meeting for the consideration thereof, according to the Regulations of the Society; but no such proposition shall be carried into effect unless such report shall have been delivered or sent by post to every Member of the Society ten days previous to the Special Meeting convened by the governing body for the consideration thereof, nor unless such proposition shall have been agreed to by the votes of three-fifths of the Members delivered in person or by proxy, and confirmed by the votes of three-fifths of the Members present at a second Special Meeting convened by the governing body at an interval of one month after the former Meeting.

XIII. Any number not less than three-fifths of the Members of any Society may determine that it shall be dissolved, and thereupon it shall be dissolved forthwith, or at the time then agreed upon, and all necessary steps shall be taken for the disposal and settlement of the property of the Society, its claims, and liabilities, according to the Rules of the said Society applicable thereto, if any, and if not, then as the governing body shall find expedient; provided that, in the event of any dispute arising among the said governing body or the Members of the Society, the adjustment of its affairs shall be referred to the principal Court of original Civil jurisdiction of the District in which the Chief building of the Society is situate; and the Court shall make such order in the matter as it shall deem requisite. Provided that no Society shall be dissolved unless three-fifths of the Members shall have expressed a wish for such dissolution, by their votes, delivered in person, or by proxy, at a general Meeting convened for the purpose. Provided that whenever the Government is a Member of, or a contributor to, or otherwise interested in any Society registered under this Act, such Society shall not be dissolved without the consent of Government.

XIV. If, upon the dissolution of any Society registered under this Act, there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the Members of the said Society, or any of them, but shall be given to some other Society, to be determined by the votes of not less than three-fifths of the Members present personally or by proxy at the time of the dissolution, or in default thereof, by such Court as aforesaid; provided, however, that this Clause shall not apply to any Society which shall have been founded or established by the contributions of shareholders in the nature of a Joint-Stock Company.

XV. For the purposes of this Act a Member of a Society shall be a person who, having been admitted

therein according to the Rules and Regulations thereof, shall have paid a subscription, or shall have signed the roll or list of Members thereof; and shall not have resigned in accordance with such Rules and Regulations; but in all proceedings under this Act, no person shall be entitled to vote or be counted as a Member whose subscription at the time shall have been in arrear for a period exceeding three months.

XVI. The governing body of the Society shall be the Governors, Council, Directors, Committee, or Trustees, or other body to whom, by the Rules and Regulations of the Society, the management of its affairs is entrusted.

XVII. Any Company or Society established for a Literary, Scientific, or Charitable purpose, and registered under Act XLIII. of 1850, or any such Society established and constituted previous to the passing of this Act, but not registered under the said Act XLIII. of 1850, may, at any time hereafter, be registered as a Society under this Act; subject to the proviso that no such Company or Society shall be registered under this Act unless an assent to its being so registered has been given by three-fifths of the Members present personally, or by proxy, at some General Meeting convened for that purpose by the governing body. In the case of a Company or Society registered under Act XLIII. of 1850, the Directors shall be deemed to be such governing body. In the case of a Society not so registered, if no such body shall have been constituted on the establishment of the Society, it shall be competent for the Members thereof, upon due notice, to create for itself a governing body to act for the Society thenceforth.

XVIII. In order to any such Society as is mentioned in the last preceding Section obtaining registry under this Act, it shall be sufficient that the governing body file with the Registrar of Joint-Stock Companies, under Act XIX. of 1857, a Memorandum showing the name of the Society, the objects of the Society, and the names, addresses, and occupations of the governing body, together with a copy of the Rules and Regulations of the Society, certified as provided in Section II., and a copy of the report of the Proceedings of the General Meeting at which the registration was resolved on.

XIX. Any person may inspect all documents filed with the Registrar under this Act on payment of a fee of one Rupee for each inspection; and any person may require a copy or extract of any document or any part of any document, to be certified by the Registrar, on payment of two annas for every hundred words of such copy or extract; and such certified copy shall be *prima facie* evidence of the matters therein contained, in all legal proceedings whatever.

XX. The following Societies may be registered under this Act:—Charitable Societies, the Military Orphan Funds or Societies established at the several Presidencies of India, Societies established for the promotion of Science, Literature, or the Fine Arts, for instruction, the diffusion of useful knowledge, the foundation or maintenance of Libraries or Reading-rooms for general use among the Members or open to the Public, or Public Museums and Galleries of Paintings and other works of Art, Collections of Natural History, Mechanical and Philosophical Inventions, Instruments, or Designs.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

The 26th May 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 21st May 1860 and is hereby promulgated for general information:—

ACT No. XXII. OF 1860.

An Act to remove certain Tracts on the Eastern Border of the Chittagong District from the Jurisdiction of the Tribunals established under the General Regulations and Acts.

Whereas it is expedient to remove the Hilly and Forest tracts of country, situated on the eastern

border of the District of Chittagong, from the jurisdiction exercised by the Civil, Criminal, and Revenue Courts and Offices of that District, under the general Regulations and Acts of the Government; It is enacted as follows:—

I. The tracts of country described in the Schedule to this Act are hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature, and from the control of the Officers of Revenue constituted by the Regulations of the Bengal Code and the Acts passed by the Governor General of India in Council and the Legislative Council of India, as well as from the system of procedure prescribed for the said Courts and Offices by the Regulations and Acts aforesaid; and no Act hereafter passed by the Legislative Council of India relative to the constitution or procedure of the said Courts and Offices shall be deemed to extend to any part of the said tract, unless the same be specially named therein: provided that nothing herein contained shall extend to or affect any case now pending in any Court or Office.

II. The administration of Civil and Criminal justice and the superintendence of the settlement and realisation of the public Revenue and of all matters relating to rent within the said tracts, are hereby vested in such Officer or Officers as the Lieutenant Governor of Bengal may, for the purpose of tribunals of first instance, or of reference and appeal, appoint, and the Officer or Officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the Lieutenant Governor of Bengal, and be guided by such instructions as the Lieutenant Governor of Bengal may from time to time issue.

III. It shall be lawful for the Lieutenant Governor of Bengal to direct that an appeal may be heard in any of the matters described in the last preceding Section by the Civil and Sessions Judges of Chittagong, or the Commissioner of Revenue for that District, or by the Sudder Dewanee and Nizamut Adawlut, or by the Board of Revenue, and to declare in what cases the order made by any Officer or Court, empowered by the Lieutenant Governor to dispose of any of the matters aforesaid, shall be final.

IV. It shall be lawful for the Lieutenant Governor of Bengal to direct any Officer empowered to administer Criminal jurisdiction in or for the tracts aforesaid, to refer the sentence passed by him in any class of Criminal trials for the confirmation of the Sudder Court; and no sentence of death passed by any person competent, under the direction of the Lieutenant Governor, to pass such sentences, shall be carried into execution until it be confirmed by the Sudder Court. In disposing of any trial referred for disposal under this Section, the Sudder Court shall not call for the Futwah of its Law Officer, and shall pass

such order as it may deem just and proper, so as that it shall not convict any person acquitted by the referring Officer, or enhance any sentence pronounced by him.

V. Any person liable to be imprisoned in any Civil or Criminal Jail, or to be transported beyond sea under any order or sentence passed by any Officer or Court empowered as provided in this Act, may be imprisoned in any Civil or Criminal Jail, or transported to any place which the Lieutenant Governor of Bengal may direct.

VI. When a question shall arise whether any place falls within the tracts described in the Schedule of this Act, it shall be competent to the Commissioner of Revenue for the District of Chittagong to consider and determine on which side of the described boundary the place aforesaid may lie, and the order made by the Commissioner shall be final.

VII. This Act shall take effect from such date as shall be fixed by the Lieutenant Governor of Bengal, and notification thereof shall be published in the Office of the Commissioner of Revenue and the Courts of the Civil and Sessions Judge and of the Magistrate of Chittagong, and in such other manner as the Lieutenant Governor may direct.

SCHEDULE.

The boundary of the Hilly and Forest tract referred to in the foregoing Act shall be understood generally to run to the eastward of the surveyed area of the villages situated on the eastern frontier of the Chittagong District as surveyed and mapped in the course of the Revenue Survey of that District, and shall be more particularly taken to be indicated as follows:—

As respects Thannah Futtickcherree: all the country lying east of the villages Ramghur, Joozkola, Hapuneah, Fuckeocrachung, Kunchunpoor, and Goomareetulla.

Thannah Hathezaree: all the country lying east of Muggatta, Radahmadheppoor, and other surveyed villages of this Thannah, and of a line drawn from the south-eastern boundary to Gogra in Faree Rungunneah.

Faree Rungunneah: all the country lying to the east of Gogra, Nichintapoor, Kodala, Puddooa, Dood-Pookereah, and other surveyed villages of this Faree, situated on both sides of the Fenny River.

Thannah Putteah: all the country lying east of the surveyed villages of this Thannah, that is to say, lying east of a line drawn from the eastern surveyed boundary of Doo-Pookereah, in Faree Rungunneah, down to the eastern surveyed boundary of the village Doobacherree lying north of the River Sunkoo.

Thannah Sutkuneah: all the country lying east of Pooranghur, Burdoora, Andar Manick, Rajbarree, and other surveyed villages of this Thannah.

Thannah Chukereah: all the country lying eastward of a line drawn from the village Rajbarree, in Thannah Tulkuneah, to the surveyed villages Boonoo and Bilcherrie on the Moree River, in Thannah Chukereah, and also all the country lying eastward of the surveyed villages of this Thannah between Bilcherrie and Pagolebeel.

Thannah Ramoo: all the country lying east of a line drawn from Pagolebeel, in Thannah Chukeriah, to Edghur, Gurjaham, and Kucheppeah in Thannah Ramoo.

Also all the country comprised in Thannah Teknaaf and lying south of the mouth of the Rajoo

River, and south and east of a line drawn from the Rajoo River to the surveyed village Kucheppeah of Thannah Ramoo.

M. WYLIE, Clerk of the Council.

Legislative Council of India.

26th May 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 23rd May 1860, and is hereby promulgated for general information:—

ACT No. XXIII. of 1860.

An Act to amend Act XXI. of 1856 (to consolidate and amend the law relating to the Akbarie Revenue in the Presidency of Fort William in Bengal).

Whereas it is expedient to increase the rate of duty levied on spirits manufactured at distilleries worked according to the English method, and otherwise to amend Act XXI. of 1856; it is enacted as follows:—

I. Section IX. Act XXI. of 1856, so much of Section VII. of the said Act as prescribes that the duty

leviable on spirits manufactured at distilleries worked according to the English method for the Imperial gallon of the strength of London proof shall be one Rupee, and so much of Section XV. of the said Act as prohibits spirits under bond from being exported or shipped to any Port in India without payment of duty, are hereby repealed. On

and after the 21st January 1860 it shall be lawful for the Government to levy the duty as aforesaid at the rate

of three Rupees, and duty shall be rateably increased as the strength exceeds London proof.

II. Spirits may be removed from any licensed distillery for exportation without

payment of duty under such rules and restrictions as may be from time to time prescribed by the Board of Revenue, on the person removing them executing a bond with one or more sureties to the Government in the form hereunto annexed for the payment of the prescribed duty upon such portion of the said spirits as may not be exported within four months from the date of the bond, or upon such portion as may be exported to any other Port within British India not being a free Port, proof of the landing whereof and of the payment of the duty whereon shall not be furnished to the satisfaction of the Board of Revenue within six months from the date of such bond. Provided however that it shall be lawful for the Collector, with the sanction of the Commissioner, on sufficient cause shown, to extend the period allowed for the exportation of the spirits, or as the case may be for the production of such proof as aforesaid, for a further term of four months. Provided also that spirits exported as aforesaid shall if imported at any Port in the Territories subject to the Government of India, be charged with the duty payable on account of spirits imported by sea under any Act for the time being in force.

III. When any person is sentenced to pay any fine or forfeiture under the

said Act, such person in default of payment of the same may be imprisoned by order of the Magistrate for any term not exceeding two months when the amount of the fine or forfeiture shall not exceed fifty Rupees, or for any term not exceeding four months when the amount of the fine or forfeiture shall not exceed two hundred Rupees, or for any term not exceeding six months when the amount of the fine or forfeiture shall exceed two hundred Rupees: but in any case the imprisonment shall determine upon the payment of the fine or forfeiture adjudged.

IV. Every Collector or other Officer is hereby indemnified for any thing done on and after the said 21st of January 1860 in collecting

or enforcing the duty leviable under the 1st Section of this Act, or by virtue of any order of Government heretofore made authorising the levy of any such duty or in otherwise carrying out this Act; and no action or other proceeding shall be maintained against any such Collector or other Officer in respect of any thing so done.

V. This Act and Act XXI. of 1856, as hereby amended, shall be read as one Act.

Construction of Act.

FORM OF BOND UNDER SECTION II.

Know all men by these presents, that we are jointly and severally held and firmly bound unto the Secretary of State for India in the sum of Company's Rupees to be paid to the said Secretary of State for India; for which payment well and truly to be made, we jointly and severally bind ourselves and each of us binds himself and each and every one of our respective heirs, administrators, and representatives by these presents.

Sealed with our seals.

Dated this day of

Whereas the above bounden are justly and truly indebted to the Secretary of State for India in the sum of Company's Rupees being the amount of duty payable to the Secretary of State for India at the rate of three Rupees per Imperial gallon London proof for gallons of manufactured at

which the said ha been allowed to remove thence for exportation by sea without having paid the amount of such duty. Now the condition of this obligation is such that, if the above-bounden his or their heirs, executors, administrators, or representatives or some or one of them, do and shall at the expiration of four calendar months from the date of this obligation well and truly pay or cause to be paid to the said Secretary of State for India duty at the rate of three Rupees per Imperial gallon of proof spirit for all or any portion of the abovementioned

which shall not have been exported by sea or which shall have been passed for local consumption, or if the above bounden his or their heirs, executors, administrators, or representatives or one of them do and shall within four months from the date of this obligation export the said by sea to some Port in British India (not being a free Port) and within six months from the date of this obligation afford proof to the satisfaction of the Board of Revenue that the same has been landed at such Port (not being a free Port) and that duty thereon according to the provisions of this Act has at such Port been paid thereon, then this obligation shall be void; otherwise it shall remain in full force and virtue.

Sealed and delivered

in the presence of

M. WYLIE, Clerk of the Council.

Legislative Council of India.

26th May 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 23rd May 1860, and is hereby promulgated for general information:—

ACT No. XXIV. of 1860.

An Act for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland.

Where by and Act of Parliament passed in the 58th year of the reign of King George the 3rd, entitled

Preamble.

"An Act to remove doubts as to the validity of certain Marriages had and solemnized within the British Territories in India," it was declared and enacted (amongst other things) that, from and after the 31st day of December then next ensuing, all marriages between persons, both or one of such persons being Members or Member of, or holding communion with the Church of Scotland, and making a declaration to the effect thereafter mentioned, which marriages should be had and solemnized within the British Territories in India by ordained Ministers of the Church of Scotland as by law established, and appointed by the United Company of Merchants of England trading to the East Indies to officiate as Chaplains within the said Territories, should be, and should be adjudged, esteemed, and taken to be of the same, and no other force and effect, as if such marriages were had and solemnized by Clergymen of the Church of England, according to the rites and ceremonies of the Church of England: and whereas it is expedient that so much of the said Act of Parliament as requires ordained Ministers of the Church of Scotland celebrating such marriages to be also persons appointed to officiate as Chaplains within the said Territories, should cease to have effect: It is enacted as follows:—

I. So much of the said Act of Parliament as requires Part of 58 George III., that the ordained Ministers of the Church of Scotland as by law established therein referred to should be persons appointed to officiate as Chaplains within the said Territories, is hereby repealed.

M. WYLIE,
Clerk of the Council.

Legislative Council of India.

26th May 1860.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 23rd May 1860, and is hereby promulgated for general information:—

ACT No. XXV. OF 1860.

An Act for the Levy of Port-Dues in the Port of Bassein.

Whereas it is necessary to fix the amount of the Port-dues to be hereafter levied and taken in the Port,
Preamble.

of Bassein in accordance with the provisions of Act XXII. of 1855; It is enacted as follows:—

I. A Port-due at a rate not exceeding the rate of four annas per every ton of burden, shall be chargeable in respect of every sea-going vessel of the burden of ten tons and upwards entering the said Port.

II. When any vessel enters the said Port, being driven in by stress of weather, or in consequence of having sustained any damage or for any other reason, but does not discharge or take in any cargo or passenger therein (with the exception of such unshipment and re-shipment as may be necessary for the purpose of repair), the Port-due chargeable in respect of such vessel shall be at a rate equal to one half the rate chargeable in respect of other vessels.

III. Provided that, when any vessel having left the said Port is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, no Port-due shall be chargeable in respect of such vessel.

No vessel to pay the Port-due oftener than once in sixty days.

IV. No vessel shall be required to pay the Port-due chargeable under this Act oftener than once in sixty days.

V. This Act shall commence and have effect from and after the first day of August 1860; and the local Government shall, on or before that date, pursuant to Section XLII. Act XXII. of 1855, declare, by notification to be published in the Calcutta Gazette, the rates at which Port-dues shall be levied in the said Port subject to the provisions of and within the limits prescribed by this Act; and from and after the said date no Port-due shall be levied at the said Port except under the authority of Act XXII. of 1855 and of this Act.

No Port-due to be levied except under Act.

VI. This Act shall be read with and taken as a part of Act XXII. of 1855.

Act to be read as part of Act XXII. of 1855.

M. WYLIE, Clerk of the Council.