



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE,

CONTAINING

Acts and Bills of the Legislative Council of India.

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 Separate Paging is given to these Supplements, in continuation from one to the other, that the Acts and Bills may be collected into a separate Compilation.

Legislative Council of India.

9th July 1859.

The following Bill was read a second time in the Legislative Council of India on the 9th July 1859, and was referred to a Select Committee, with instructions to report thereon within eight days :—

A Bill to Amend the Law for the Realisation of Revenue from Abkaree in the Island of Bombay.

Whereas it is expedient to raise the taxes chargeable in respect of licences for drawing liquor from Coconut, Brab, or Date Trees in the Island of Bombay, and to prohibit the manufacture, in the Island of Bombay, of any spirituous liquor except from the juice of Coconut, Brab, or Date Trees ; It is enacted as follows :—

I. From and after the commencement of this Act, Regulation X. 1833, of the Bombay Code, shall be repealed, except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

II. The collection of Revenue from the Abkaree in the Island of Bombay shall be conducted by the Collector of Bombay, or under a farming management subject to the control of the Collector.

III. No spirituous liquor shall be manufactured in any part of the Island of Bombay, except from the juice drawn from Coconut, Brab, or Date Trees, and in such manufacture no Moura, Dates, Rice, or other material whatsoever shall be used.

IV. Any person manufacturing liquor contrary to the provisions of the preceding Section shall, on conviction before a Police Magistrate or Justice of the Peace, be liable to a penalty not exceeding Five Hundred Rupees for each offence ; and all stills and other implements and all materials whatsoever used in such illicit manufacture shall be seized and confiscated.

V. It shall not be lawful for any person to draw liquor, toddy, or juice from any Coconut, Brab, or Date Tree, or to make or distil any spirituous liquors, or to use, keep, or have in his possession any still or other utensils or apparatus for making or distilling any spirituous liquors in the Island of Bombay, except under the authority of a licence from the Collector, to be granted in such form, and for such period, and subject to the payment of such fee or duty, as the Governor of Bombay in Council may from time to time appoint.

VI. The Collector, with the sanction of Government, may prescribe such rules relative to the granting of licences, to the number, size, and description of the stills, to the situation where the stills may be kept or worked, and to the inspection and supervision of the distillery or other place where such stills may be kept or worked, as may from time to time be deemed expedient.

VII. It shall be competent to the Collector to refuse or to revoke any licence whenever he shall deem it expedient ; and every licence when granted, shall specify the number and description of trees to be drawn, the place at which the liquor is to be distilled or manufactured, and where the still or other apparatus is to be kept or used, the length of time for which such licence is to be in force, the amount of fee or duty to be levied in respect of each tree included in the licence, and any other conditions or terms which the Governor of Bombay in Council may from time to time deem it expedient to require.

VIII. The fee or duty aforesaid shall be paid at such periods as the Collector may deem expedient, the same being specified in each respective licence.

IX. Any person who shall draw any liquor, toddy, or juice from a Cocoanut, Brab, or Date Tree, in the Island of Bombay, not included in such licence as aforesaid, or contrary to the terms of the licence granted in respect of any such Tree, shall be liable to a penalty not exceeding One Hundred Rupees for each offence.

X. The Collector may recover any arrear of fee or duty due on account of any licence granted under this Act, by distress or sale of the goods and chattels of the person from whom the same is due, or by any other process which now is or hereafter may be in force for the recovery of arrears of rent or revenue due from tenants or farmers of land within the Island of Bombay.

XI. Every person who, within the Island of Bombay, shall make, distil, or compound any spirits, arrack, or other spirituous liquor, or shall keep, use, or have in his possession any still or other utensil or apparatus for making, distilling, compounding, or rectifying such spirits, arrack, or spirituous liquors without a licence in writing under the hand of the Collector, or who, having such licence, shall contravene any of the terms thereof, or any of the rules which may have been prescribed under Section VI. of this Act, shall, for every such offence, be liable to a penalty not exceeding Five Hundred Rupees; and all stills and other implements and all materials used in the manufacture shall be seized and confiscated.

XII. Every fine or penalty leviable under this Act shall be recovered by summary proceedings before any Justice of the Peace or Police Magistrate for the Town and Island of Bombay, upon information exhibited by or by order of the Collector; and all confiscations under this Act shall be adjudicated by such Magistrate or Justice, and sold under his warrant.

XIII. All fines and confiscations levied under this Act shall belong to Government; but a moiety of any fine may, at the discretion of the Collector, be paid to the person, or divided among the persons, if more than one, through whose means the offence may have been detected, in such proportions as the Collector may think fit.

XIV. The words "Island of Bombay" in this Act shall include all places within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature at Bombay.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

9th July 1859.

The following Bill was read a second time in the Legislative Council of India on the 9th July 1859, and was referred to a Select Committee, who are to report thereon after the 13th of October next :—

A Bill to Amend Act VIII. of 1859 (for Simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter).

Whereas it is expedient to amend Act VIII. of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter); It is enacted as follows :—

I. From and after the passing of this Act so much of the 332nd Section of Act VIII. of 1859, as enacts that "If the appeal lie to the Sudder Court, it shall be

heard and determined by a Court consisting of three or more Judges of that Court," shall be repealed; and in lieu thereof the following shall form portion of the said Section :—

"If the appeal lie to the Sudder Court, it shall be heard and determined by a Court consisting of two or more Judges of that Court. If the Court consist of two Judges only, and there is a difference of opinion upon the evidence, and one Judge concur in opinion with the Lower Court as to the facts, the case shall be determined accordingly: if in a Court so constituted there is a difference of opinion upon a point of law, the Judges shall state the point upon which they differ, and the case shall be re-argued upon that question before one or more of the other Judges, and shall be determined according to the opinion of the majority of the Judges of the Sudder Court."

II. From and after the passing of this Act, the 215th Section of the said Act shall be repealed; and in lieu thereof the following shall be the 215th Section :—

"The Court, on receiving any application for execution of a decree containing the particulars abovementioned, or such of them as may be applicable to the case, shall enter a note of the application and the date on which it was made in the Register of the suit. If it shall be shown to the Court that the particulars do not correspond with the original decree, the Court shall either return the application for correction to the person making it, or shall, with the consent of such person, cause the necessary correction to be made. If the application be admitted, the Court shall order execution of the decree according to the nature of the application."

III. When, under the provisions of Section 385 of the said Act, the Act is extended to any part of the territories not subject to the general Regulations of Bengal, Madras, and Bombay, it shall be lawful for the Government to which the territory is subordinate to declare that the Act shall take effect therein, subject to any restriction, limitation, or proviso which it may think proper. In such case, the restriction, limitation, or proviso, shall be inserted in the declaration or notification of such extension. When the Act is extended by the local Government to any territory subordinate to such Government, and such extension is made subject to any restriction, limitation, or proviso, the previous sanction of the Governor General of India in Council shall be requisite.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

9th July 1859.

The following Bill was read a second time in the Legislative Council of India on the 9th July 1859, and was referred to a Select Committee, who are to report thereon after the 13th of October next :—

A Bill to Amend the Law relating to the Emigration of Native Inhabitants of India to the Island of Mauritius and other Places.

Whereas it is expedient to amend the law relating to the Emigration of the Native Inhabitants of India to the Mauritius and to other Places to which the provisions of this Act shall be extended by the Governor General in Council; It is enacted as follows :—

I. Every contract which shall be entered into with any Native of India for labour to be performed in the Mauritius shall be in writing, and shall be signed by the Emigrant in the presence of

Contracts with Emigrant labourers to be in writing, signed in the presence of the Protector.

the Protector of Emigrants. It shall be the duty of such Protector to satisfy himself, with the aid, if necessary, of a duly qualified interpreter, that the contract is fully understood by the Emigrant or Emigrants who shall sign the same; and such Protector shall sign a Memorandum or Certificate on the contract, to the effect that the contract was signed in his presence, and fully explained to the Emigrant or Emigrants signing the same.

II. If any person shall contract with any Native of India for labour to be performed in the Mauritius otherwise than according to the provisions of this Act, he shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding Two Hundred Rupees for every Native with whom he shall so contract; and every such contract shall be void and of no effect.

III. Act XIV. of 1839, in so far as it subjects to a fine any person who shall make with any Native of India a contract for labour to be performed in the Mauritius, and Acts XXI. of 1843, VIII. of 1847, and IV. of 1852, so far as they prohibit the embarkation of any Emigrant without a certificate from the Agent appointed by the Governor of the Mauritius, countersigned by the Protector of Emigrants, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government—are repealed from the 2nd of April 1859.

IV. The Governor General in Council may order that the provisions of this Act, or such of them as he may deem necessary, shall be applicable to the Emigration of Natives of India to any Colony or place to which the Emigration of Natives of India is or shall be regulated by any law passed by the Governor General in Council, and to contracts to be entered into with them previously to their embarkation.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

9th July 1859.

The following Bill was read a second time in the Legislative Council of India on the 9th July 1859, and was referred to a Select Committee, who are to report thereon after the 13th of October next:—

A Bill relating to the Emigration of Native Labourers to the British Colony of Saint Vincent.

Whereas it is expedient to render lawful the Emigration of labourers, being Native Inhabitants of British India, to the British Colony of Saint Vincent, and to extend the provisions of Act XXXI. of 1855 (*relating to the Emigration of Native Labourers to the British Colonies of Saint Lucia and Grenada*) to the emigration of Native Inhabitants of British India, who may emigrate to Saint Vincent; It is enacted as follows:—

I. Act XIV. of 1839, in so far as it renders liable to penalties every person who shall make with any Native of India any contract for labour to be performed in the British Colony of Saint Vincent, or who shall knowingly aid or abet any Native of India in emigrating from the Ports of Calcutta, Madras, and Bombay respectively, to the said Colony, is repealed.

II. All the provisions of Act XXXI. of 1855, and of the Schedule thereto, shall extend and apply to Native Inhabitants of the British Territories in India who shall emigrate to Saint Vincent and that Act shall be read as if the words "or the British Colony of Saint Vincent" had been inserted therein after the words "Saint Lucia and Grenada," or "Saint Lucia or Grenada," wherever those words occur in the said Act.

III. This Act shall take effect as to the said Colony of Saint Vincent from the day when the Governor General of India in Council shall notify in the *Calcutta Gazette* that such Regulations have been provided and such measures taken, as the Governor General in Council deems necessary, for the protection of such Emigrants, during their residence in the said Colony of Saint Vincent, and in respect of their return to India.

W. MORGAN, Clerk of the Council.