



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.

13th August 1859.

The following Act, passed by the Legislative Council of India, received the assent of the Right Honorable the Governor General on the 12th August 1859, and is hereby promulgated for general information:—

Act No. XIX. of 1859.

An Act to continue in force, until the end of the year 1859, Act XXVIII. of 1857 (relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same).

Whereas it is expedient that Act XXVIII. of 1857

Preamble. (relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same) should continue in force until the end of the year 1859; It is enacted as follows:—

I. Act XXVIII. of 1857 shall continue in force until the end of the year 1859.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

13th August 1859.

The following Bill was read a second time in the Legislative Council of India, on the 13th August 1859, and was referred to a Select Committee, who are to report thereon after the 17th of November next:—

A Bill to continue in force, for a further period of two years, Act XXXIII. of 1857 (to make further provision relating to Foreigners.)

Whereas it is expedient that Act XXXIII. of 1857

Preamble. (to make further provision relating to Foreigners)

should be continued for a further period of two years; It is enacted as follows:—

I. Act XXXIII. of 1857 shall continue in force for the period of two years from the 5th day of December 1859.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

6th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 6th August 1859, and was referred to a Select Committee, who are to report thereon after the 10th of November next:—

A Bill to Extend to the Straits Settlement, Act XXIII. of 1840 (for executing within the Local Limits of the Jurisdiction of Her Majesty's Courts, Legal Process issued by Authorities in the Mofussil).

Whereas it is expedient to extend to the Straits Settlement, Act XXIII. of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts, legal process issued by Authorities in the Mofussil):—It is enacted as follows:—

I. The said Act XXIII. of 1840 shall be read as if the words "any Court of Judicature established by Royal Charter" were mentioned therein, instead of the words "Supreme Courts of Calcutta, Madras, and Bombay."

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

13th August 1859.

The following Bill was read a second time in the Legislative Council of India, on the 13th August 1859, and was referred to a Select Committee, who are to report thereon after the 17th of November next:—

A Bill for settling Promissory Notes of Government of India, producing an annual income of Rupees 1,00,000, 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 life time 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 seized 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 engagements, of settling Promissory Notes of the Government of India, producing an annual income of Rupees 1,00,000, 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 said 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, Rustumjee Jamsetjee, and Sorabjee Jamsetjee, and appointed his wife Araboye 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, Rustumjee 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, Rustumjee Jamsetjee, and Sorabjee Jamsetjee, as the sons, residuary legatees, and executors of the said Sir Jamsetjee Jejeebhoy, deceased, and the said Araboye, 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 however.

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 in Council 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

The Revenue Commissioner Northern Division, the Accountant General, and the Sub-Treasurer of Bombay, to be a Corporation for execution of trusts of this Act. Division of the Presidency of Bombay, the Accountant General, and the Sub-Treasurer at Bombay, shall, for the purposes of this Act, be a Corporation; 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

The present and all future Baronets to take names of first Baronet. 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 Act, Promissory Notes of the Government of India, producing an annual income of One Lac vested in Trustees;

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 benefits of the present Baronet, and the person who, at

on trust to re-invest, if paid off, 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 benefits of the present Baronet, and the person who, at

and to pay income to 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.

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 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 under age, 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 herebefore 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.

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 herebefore 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

Baronet in possession may jointure.

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 herebefore 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

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

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

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 "Jamsetjee 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 stock, 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 payments 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 howsoever.

X. Subject to the enactments contained in the third and fifth Sections, with respect to the ultimate remainders of 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 the use the names of "Jamsetjee 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 "Jamsetjee 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 "Jamsetjee 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, in 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 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 Jamsetjee Jejeebhoy, 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.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

6th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 6th August 1859, and was referred to a Select Committee, who are to report thereon after the 10th of November next:—

A Bill to Amend the Law relating to the Carriage of Passengers by Sea.

Whereas by Section XCIX. of an Act of the Imperial Parliament called

Preamble.

"The Passengers Act, 1855," it is enacted that "it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act, or any part thereof, shall apply to the carriage of passengers upon any voyage, from any ports or places within the Territories of British India, to be specified in such Act or Acts, to any other places whatsoever, to be also specified in such Act or Acts:" and it is thereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified: the provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced." And whereas it is expedient to make certain parts of the said Act of Parliament applicable to the carriage of Passengers upon the voyages hereinafter specified: It is enacted as follows:—

I. The provisions contained in Sections II., III., and IV. of this Act (being parts of the said Act of Parliament) are declared applicable to the Carriage of Passengers upon the following voyages:—

Voyages from the Ports of Calcutta, Madras, and Bombay, to the Mauritius, under Act XV. of 1842.

Voyages from the Ports of Calcutta, Madras, and Bombay, to Jamaica, British Guiana, and Trinidad, under Act XXI. of 1841.

Voyages from the Ports of Calcutta, Madras, and Bombay, to St. Lucia and Grenada, under Act XXXI. of 1855.

Voyages from Ports in British India, to Ports in the Red Sea or Persian Gulf, under Act XXI. of 1858.

II. If the Passengers on any such voyage as is specified in the last preceding Section, shall be taken off from the ship carrying such Passengers, or shall be picked up at Sea from any boat, raft, or otherwise, it shall be lawful, if the port or place

Governors or Consuls may pay expenses of Passengers taken off a Passenger ship.

to which they shall be conveyed shall be in any of Her Majesty's Colonial possessions, for the Governor of such Colony, or for any person authorised by him for the purpose, or if in any Foreign country, for Her Majesty's Consular Officer at such port or place therein, to defray all or any part of the expenses thereby incurred.

III. If any Passenger of any such Passenger ship as aforesaid shall, without

Governors or Consuls may send on Passengers, if the Master of the ship fail to do so.

any neglect or default of his own, find himself within any Colonial or Foreign Port or place other than that at which he may have contracted to land, it shall be lawful for the Governor of such Colony, or for any person authorised by him for the purpose, or for Her Majesty's Consular Officer at such Foreign Port or place, as the case may be, to forward such Passenger to his intended destination, unless the Master of such ship shall, within forty-eight hours of the arrival of such Passenger, give to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on, within six weeks thereafter, such Passenger to his original destination, and unless such Master shall accordingly forward or carry him on within that period.

IV. All expenses incurred under the last two preceding Sections or either of them, by or by the authority of such Governor or Consular Officer as aforesaid, including the cost of maintaining the Passengers until forwarded to their destination, and of all necessary beddings, provisions, and stores, shall become a debt to Her Majesty and Her successors from the Owner, Charterer, and Master of such ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts; and a certificate purporting to be under the hand of any such Governor or Consular Officer (as the case may be) stating the total amount of such expenses, shall, in any suit or other proceeding for the recovery of such debt, be received in evidence without proof of the hand-writing or of the Official character of such Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of such expenses, and that the same were duly incurred: provided nevertheless that in no case shall any larger sum be recovered on account of such expenses than a sum equal to twice the total amount of passage money received by the Owner, Charterer, or Master of such Passenger ship, or any of them, from or on account of the whole number of Passengers who may have embarked in such ship; which total amount of passage money shall be proved by the defendant if he will have the advantage of this limitation of the debt; but if any such Passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding Section, they shall not be entitled to the return of their passage money, or to any compensation for loss of passage.

Expenses incurred under the two preceding Sections to be a Crown debt.

Passengers forwarded by Governor, &c. not entitled to compensation.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

6th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 6th August 1859, and was referred to a Select Committee, who are to report thereon after the 10th of November next:—

A Bill for Regulating the Establishment and Management of Electric Telegraphs in India.

Whereas it is expedient that better provision should be made for regulating the establishment and manage-

Preamble.

ment of lines of Electric Telegraph in India; It is enacted as follows:—

I. Act XXXIV. of 1854 is hereby repealed, except as to any act or offence which shall have been done or committed, 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. Within the British territories in India, the Governor General in Council shall have the exclusive privilege of establishing Electric Telegraphs. the Governor General of India in Council may grant a licence to any person or company to establish a line of Electric Telegraph within any part of such territories, which licence shall be revocable on the breach of any of the conditions therein contained.

III. Whoever shall, otherwise than under a licence duly granted as aforesaid, establish, or, after revocation of such licence, maintain a line of Electric Telegraph within the said territories, shall be liable to a fine not exceeding one thousand Rupees; and for every week during which such line shall be maintained, shall be liable to a further fine not exceeding five hundred Rupees.

IV. Whoever shall use a line of Electric Telegraph, knowing or having reason to believe that it is an unlicensed line, for the purpose of sending or receiving messages, or shall perform any service incidental thereto, shall, for every such offence, be liable to a fine not exceeding fifty Rupees.

V. The Governor General of India in Council may, on the occurrence of any public emergency, take temporary possession of any line of Electric Telegraph established under licence within the said territories.

VI. Any Railway Company, on being required so to do by the Governor General of India in Council, shall permit the Government to establish upon the land of such Company adjoining the line of Railway, a line of Electric Telegraph, and shall give every reasonable facility for establishing and using the same.

VII. The Governor General of India in Council may, from time to time, frame rules for the conduct of Electric Telegraphs established by Government not inconsistent with this Act, and therein prescribe the regulations, conditions, and restrictions according to which all messages and signals shall be transmitted.

VIII. The Government shall not be responsible for any loss or damage which may occur in consequence of any person employed by the Government in the Electric Telegraph Department failing to transmit with accuracy any message entrusted to him for transmission; and no such person shall be responsible for any such loss or damage, unless he shall cause the same negligently, maliciously, or fraudulently.

IX. Whoever shall, without permission, enter into the signal room of a Government Telegraph Office, or shall refuse to quit the

same on being requested to do so by any Officer or servant employed therein, or shall wilfully obstruct or impede any such Officer or servant in the performance of his duty, shall be liable to a fine not exceeding one hundred Rupees.

X. Whoever shall wilfully cause or attempt to cause any interruption to the transmission of signals along a line of Electric Telegraph established by the Government, by cutting or injuring the wire, or by injuring any portion of the line or posts or any instrument or apparatus, or by any other means, shall be liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XI. Whoever, being in the employ of the Government in the Electric Telegraph Department, shall wilfully secrete, make away with, alter, or omit to transmit any message which he may have received for transmission or delivery, or shall wilfully, or otherwise than by the official order of a Secretary to the Government of India, or Government of Madras or Bombay, or Lieutenant Governor of Bengal or of the North-Western Provinces or of the Punjab, or Chief Commissioner of Oude, or such other Officers as the Governor General of India in Council shall authorise to give such order, disclose any message so received by him and directed to be kept secret, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XII. Whoever offers a bribe to any person in the employ of the Government in the Electric Telegraph Department in order to induce such person to act in a manner inconsistent with his duty, shall be liable to be imprisoned for a term not exceeding six months, or to fine, or to both.

XIII. Whoever, being in such employ, shall be guilty of any act of drunkenness, carelessness, or other misconduct, whereby the transmission or delivery of any message shall be endangered, or who shall loiter or make delay in the transmission or delivery of any message, shall be liable to imprisonment, with or without hard labour for a term not exceeding three months, or to a fine not exceeding one hundred Rupees, or to both.

XIV. Whoever, being in such employ, shall transmit by the Electric Telegraph any message upon which the prescribed charge has not been paid, intending thereby to defraud the Government, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XV. Whoever shall transmit or cause to be transmitted by an Electric Telegraph established by Government a message which he knows to be false or fabricated, shall be liable to be imprisoned, with or without hard labour, for a term not exceeding two years, or to fine, or to both.

XVI. Any person not being a European British subject, who shall, beyond the local limits of the jurisdiction of a Court of Judicature established by Royal Charter, commit any of the offences mentioned in Sections X., XI., XII., XIII., XIV., and XV., of this Act, shall be punishable upon conviction by any Magistrate within whose jurisdiction the offence shall be committed.

XVII. Any person, whether a European British subject or not, who shall be guilty of any offence, for

which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Magistrate of Police for any of the Presidency Towns of Calcutta, Madras, and Bombay, or for the Settlement of Prince of Wales' Island, Singapore, and Malacca, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate, within whose jurisdiction the offence shall be committed; and any person hereby made punishable by a Magistrate of Police, shall be punishable upon summary conviction.

XVIII. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Police Magistrate, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the abovenamed Officers; and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security, to the satisfaction of such Officer, for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognisance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer, by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XIX. If any Servant of the Government employed in the Electric Telegraph Department, within the dominions of any Foreign Prince or State in alliance with the Government of India in which an Electric Telegraph is established by the Government, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done by any person similarly employed within the British territories in India, such Servant of the Government shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or committed within the said last mentioned territories; and every such person may be tried, convicted, and punished either by fine or otherwise, according to the nature of the offence, by any Court or Officer duly empowered by the Governor General of India in Council to take cognisance of offences committed in such dominions by Servants of the Government, or by any Court or Magistrate or other competent Officer in any part of the British territories in India in the same manner as if the offence had been committed in such part of the said territories.

XX. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates; and the word "Fine" shall include a penalty or forfeiture.

XXI. It shall be lawful for the Governor General in Council to frame rules for the conduct of any Electric Telegraphs established by licence under this Act, and to declare, from time to time, what portions of this Act shall be applicable to such Telegraph, and to persons using the same or employed in connexion therewith.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

20th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 20th August 1859, and was referred to a Select Committee, who are to report thereon after the 24th of November next:—

A Bill to Provide for better Supplying with Water the Town and Suburbs of Kurrachee.

Whereas it is expedient that the Municipal Commissioners for the Town of Kurrachee should be empowered to construct waterworks for better supplying with water the Town of Kurrachee and the Suburbs thereof, and that funds should be provided for the purpose; It is enacted as follows:—

I. The Commissioners appointed under Act XXVI. of 1850, for putting the said Act in force in the Town and Suburbs of Kurrachee, shall carry out, with as little delay as possible, such a complete system of waterworks, and shall construct such tanks, reservoirs, and wells as shall be necessary to provide for the use of the Inhabitants of the said Town and Suburbs a proper supply of good and wholesome water for drinking and domestic purposes, and as shall be directed or sanctioned by the Chief Commissioner in Sind, and subject to such alterations as may from time to time be ordered by him; and until such works have been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses on the security of the rates and taxes and interest thereon, have been repaid, shall set apart for the purposes above-mentioned an annual sum not less than out of the proceeds of the rates and taxes provided by this Act and the said Act XXVI. of 1850.

II. It shall be lawful for the said Commissioners appointed under Act XXVI. of 1850, with the sanction of the Chief Commissioner in Sind, to borrow and take up at interest, on the credit of the rates and taxes imposed and levied under the said Act and under this Act, or of a portion of them, any sums of money necessary for defraying any expenses incurred or to be incurred by them in the execution of any works under the authority of this Act for supplying water for the use of the said Town and Suburbs; and for the purpose of securing the repayment of any sums so borrowed, together with such interest as aforesaid, the Commissioners may mortgage and assign over to the person by or on behalf of whom such sums shall be advanced, the rates and taxes or the portion of them upon the credit of which such sums shall be borrowed.

III. To provide for the repayment of the said loan and interest, an annual rate not exceeding two per centum of the value shall be imposed upon all houses, buildings, and lands within the limits of the said Town and the Suburbs thereof, and shall be payable by the owners thereof by half-yearly instalments. Provided that it shall be lawful for the Chief Commissioner, on the representation of the Municipal Commissioners, to fix from time to time, in lieu of the said annual rate of two per cent., any less annual rate. Any rate so fixed shall be publicly notified before the commencement of the year in which such rate is to have effect. The said rate shall be leviable in addition to any rate or tax now leviable under the authority of Act XXVI. of 1850.

IV. When the said waterworks shall have been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon shall have been repaid, the annual rate imposed by the last preceding Section shall not exceed such rate as may be sufficient, in the judgment of the Chief Commissioner, to defray the annual cost of the maintenance of the said works, or such portion of the annual cost as shall not be defrayed by the income derived from the sale of water under Section X.

V. The Municipal Commissioners shall prepare a roll showing the estimated value of all houses, buildings, and lands, and the amount of rate thereon to be levied; and such statement shall be open to public inspection for at least sixty days before any payment of tax under this Act can be enforced.

VI. Should any person object to the valuation placed upon his house, building, or land, he may cause the matter to be referred to arbitration; in which case the Chairman of the Managing Committee of the Kurrachee Municipality shall name one arbitrator who is not a Municipal Commissioner, and the owner of the property to be assessed shall name one arbitrator on his part, and the two shall, if necessary, appoint a referee; and the finding of these arbitrators, or the majority of them, shall be final.

VII. The valuation roll shall not be liable to alteration except at a general revision to be made, if requisite, at intervals of not less than five years; subject to which limitation, it shall be in the power of a majority of the Municipal Commissioners to order such a revision whenever it may appear to them to be necessary; and any difference of opinion between the Commissioners and the owner of any assessed property on the subject of such valuation may be referred to arbitration, as above provided in Section VI.

VIII. The Commissioners shall have full power to make all necessary contracts for the construction of the said waterworks, but no Commissioner shall be personally liable for any contract so made.

IX. The management and control of the waterworks when constructed shall be in the hands of the Municipal Commissioners, who shall provide for the proper supply of water in public reservoirs conveniently situated for the ratepayers, and any water supplied in any other manner than to the public reservoirs, shall be charged at a rate to be fixed by the Municipal Commissioners, in addition to the rate to be levied under Section III. The income derived from the sale of this water shall go to pay for the annual working expenses, establishments, repairs, and improvements, any balance being applied in repayment of the original loan.

Supply of water.

any water supplied in any other manner than to the public reservoirs, shall be charged at a rate to be fixed by the Municipal Commissioners, in addition to the rate to be levied under Section III. The income derived from the sale of this water shall go to pay for the annual working expenses, establishments, repairs, and improvements, any balance being applied in repayment of the original loan.

X. The provisions of Sections X., XI., and XII., of Act XXVI. of 1850 shall be applicable to the rate leviable under this Act.

Form of rate, &c.

XI. The Commissioners may demand from the occupier for the time being of any house, building, or land the sum due from the owner thereof on account of any rate leviable under this Act, and on non-payment of such sum may recover the same by distress and sale of any goods and chattels found on the premises; and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid by or recovered from him. Provided that no arrear of rate remaining due from the owner for more than one year, shall be so recovered from the occupier.

XII. In the construction of this Act, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number:

Construction.

Number.

Gender.

Words importing the masculine gender shall include females:

The words "the Town of Kurrachee and the Suburbs thereof" shall include the Town and Cantonment of Kurrachee, and the Suburbs of Ghizree, Clifton, and Keamaree.

Town of Kurrachee and Suburbs.

W. MORGAN,
Clerk of the Council.

A BILL TO CONTINUE IN FORCE FOR A FURTHER PERIOD OF TWO YEARS ACT XXXIII. OF 1857 (TO MAKE FURTHER PROVISION RELATING TO FOREIGNERS).—Murathee.

खाली लिहिलेला आक्टाचा मसुदा सन १८५९ चे आगस्ट महिन्याचे १३ वे तारिखेस इंडियाचे लेजिस्लेटिव कौन्सिलांत दुसरे वेळीं वाचून सिलेक्ट कमिटी कडे सोंपला ती कमिटी येत्या नवेबर महिन्याचे १७ वे तारिखे नंतर त्या मसुद्या विषयी रिपोर्ट करणार आहे.

“पर राज्यांतील मनुष्या संबंधी आणखी ठराव करण्याबाबत” सन १८५७ चा आक्ट ३३ वा आणखी दोन वर्षे पर्यंत अमलांत ठेवण्याविषयीचे आक्टाचा मसुदा.

“पर राज्यांतील मनुष्यां संबंधी आणखी ठराव करण्याबाबत” सन १८५७ चा आक्ट ३३ वा आणखी दोन वर्षे पर्यंत अमलांत ठेवणे योग्य आहे; यास्तव खाली लिहिल्या प्रमाणे ठरविले आहे.

१. सन १८५७ चा आक्ट ३३ वा सन १८५९ चे डिसेंबर महिन्याचे ५ वे तारिखे पासून दोन वर्षे पर्यंत अमलांत राहील.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

उद्देश.

सन १८५७ चा आक्ट ३३ वा सन १८५९ चे डिसेंबर महिन्याचे ५ वे तारिखे पासून दोन वर्षे पर्यंत अमलांत राहील.

A BILL TO CONTINUE IN FORCE FOR A FURTHER PERIOD OF TWO YEARS ACT XXXIII. OF 1857 (TO MAKE FURTHER PROVISION RELATING TO FOREIGNERS).—Guzerathee.

हेठळ लखेली आक्टनो मसुदो सन १८५९ ना आगस्ट महिनानी १३ मी तारिखे इंडियानी लेजिस्लेटिव कौन्सिलमां बीजीवार वांचीने सिलेक्ट कमिटीने सोंप्यो, ते कमिटी आवता नवेबर महिनानी १७ मी तारीख पछी ते मसुदाबाबत रिपोर्ट करनार छे.

“पारकां राजनां मांणसोबाबत वळी बीजा ठराव करवाबाबत” सन १८५७ नो ३३ मो आक्ट छे ते वळी बीजां वे वर्ष लगी अंमलमां राखवा बाबतना आक्टनो मसुदो.

“पारकां राजनां मांणसोबाबत वळी बीजा ठराव करवाबाबत” सन १८५७ नो ३३ मो आक्ट छे ते वळी बीजां वे वर्ष लगी अंमलमां राखवो योग्य छे, वास्ते हेठळ लख्या प्रमाणे ठराव्युं छे.

१. सन १८५९ नो ३३ मो आक्ट सन १८५९ ना डिसेंबर महिनानी ५ मी तारिखयो वे वर्ष लगी अमलमां रेहेशे.

(True translation)

VENAYEK WASSOODEW,
Oriental Translator to Government.

उद्देश.

सन १८५७ नो ३३ मो आक्ट सन १८५९ ना डिसेंबर महिनानी ५ मी तारिखयो वे वर्ष लगी अंमलमां रेहेशे.