



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.

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

Preamble. 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 scised 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, and of Government Promissory Notes.

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

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 less than Rupees 1,00,000, 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

on trust to re-invest, if paid off,

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

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.

IV. The Trustees for the time being acting in the

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

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

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,

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

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 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.

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, 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 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 "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, in-

Limit of aggregate of jointure payable contemporaneously. 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

Mansion-house and hereditaments not to be subject to dower. 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

Alienation prohibited during the Baronetcy. 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 "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.

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 empow-

Preamble.

ered 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.

Water supply. 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

Mortgage of rates. 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

Rate on houses and lands. 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

After repayment of money borrowed, rate not to exceed what is sufficient for the cost of maintaining the works. 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

Valuation. 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

Objections to 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

Revision of valuation roll. 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

Contracts by Commissioners. 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 water-

Management and control of waterworks. works 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.

X. The provisions of Sections X., XI., and XII., of

Form of rate, &c. Act XXVI. of 1850 shall be applicable to the rate leviable under this Act.

XI. The Commissioners may demand from the oc-

Rate may be recovered from occupier. cupier 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 import-

Construction. ing the singular number shall include the plural number, and words importing the plural number shall include the singular 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.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

27th 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 1st of December next :—

A Bill to Amend Act VI. of 1857 (for the Acquisition of Land for Public Purposes).

Whereas it is expedient to amend, in certain cases, Act VI. of 1857; It is enacted as follows :—

I. In the case of land being required for a Road, Canal, or Railway, when it shall be certified to the Collector or other Officer appointed as provided in Section III. Act VI. of 1857, that, in conformity with the provisions of

Publication of notice to persons interested in land required for a Railway, &c. after the land has been marked out.

Section XXXIV. of that Act, the intended line of the Road, Canal, or Railway has been surveyed and marked out by a trench or other land-marks, the Collector or other Officer shall cause a notice to be affixed in some conspicuous place or places upon the land at intervals of not less than one mile, and published by Proclamation in the neighbouring Bazaars and Villages, intimating that the land about to be taken for a Road, Canal, or Railway, as may be, as already notified by Section II. Act VI. of 1857, has been marked out to the extent of inches (or as may be) from to , and that a detailed measurement of the land so marked out would commence from the , and requiring all parties interested in the land to appear at a place mentioned in the notice before him personally, or by agent, on the expiration of a specified period, not being less than fifteen days from the date of the publication of the notice, and state the nature of their interests in the land and the amount and particulars of their claims to compensation for the same.

II. It shall be the duty of the Collector to fix the Time for appearance of parties how to be fixed. the parties with reference to the time that will probably be required for the completion of the measurement of the section of land included in the notice, so that ordinarily that measurement should be completed by the expiration of the period specified in the notice.

III. When the detailed measurement of the land, marked out as aforesaid, shall be completed, the Collector or other Officer, at any time after the expiration of (ten days following) the period provided for in the above notices, may take immediate possession of the land so measured, or of any portion thereof, which shall thenceforward be vested absolutely in the Government, free from all other estates, rights, titles, and interests; provided

Proviso. always that, on the date fixed in the notices directed in Section I. of this Act to be served, the Collector or other Officer shall immediately proceed, in conformity with Section V. and the following Sections of Act VI. of 1857, to award the compensation due for the land marked out or taken.

IV. When the Collector or other Officer shall, in any case after the passing of this Act, exercise the authority conferred on him by Section XXXIV. Act VI. of 1857, he shall publish a notification of the order made, from time to time, in every Moonsiff's Court and in every Thannah within which the land about to be surveyed and marked out is situated; but it shall suffice if the publication be made at the time that the surveying Officer is about to mark out the land situated within the limits of any one Moonsiffship or Thannah.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

27th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 27th August 1859, and was referred to a Select Committee, who are to report thereon after the 1st of December next :—

A Bill to make perpetual 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 an Act was passed on the 11th of September 1857, intituled "An Act relating to the importation,

manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same," and it was thereby enacted that the said Act should continue in force for two years: and whereas, by Act XIX. of 1859, it is enacted that the said Act XXVIII. of 1857 shall continue in force until the end of the year 1859: and whereas it is expedient to make the said Act XXVIII. of 1857 perpetual; It is enacted as follows :—

I. The said Act XXVIII. of 1857 shall be and the same is hereby made perpetual.

W. MORGAN,
Clerk of the Council.

The following is a copy of the Act :—

ACT No. XXVIII. of 1857.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the Assent of the Governor General on the 11th September 1857.)

An Act 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 to regulate the importation, manufacture, and sale of Arms and Ammunition, and the right to keep or use the same; It is enacted as follows :—

I. In any district or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council or of the Executive Government of any Presidency or place, every person shall, within such time as shall be mentioned in the order, or, if no time be mentioned therein, within one week from the publication of the order in the District or place, give notice in writing, to the Magistrate or other Officer specified by the Executive Government, of any fire-arms, bayonet, sword, spear, spear-head, or other deadly weapon to be specified in such order, which shall be in his possession, or shall be on his premises in the possession of any of his retainers or servants; and shall also give immediate notice in writing of all other Arms of the like description which shall, at any subsequent time, come into his possession or into the possession of any of his retainers or servants as aforesaid. The notice shall specify the number and description of the Arms so possessed, and also in the case of Arms so possessed by retainers or servants, the names of such retainers or servants, and in what capacities they are respectively employed.

II. Whoever wilfully neglects to give such notice as aforesaid, shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all Arms in the possession of such person may be seized, and shall be confiscated, if the convicting Magistrate shall so adjudge; and in case the Arms of which he shall so neglect to

give notice shall exceed what may be considered reasonable for the private use of such person, he shall be liable to imprisonment, with or without hard labour, for a term not exceeding two years, and shall also be liable to a fine not exceeding Five Thousand Rupees; and all the Arms and any Ammunition or Military Stores in the possession of such person, or on his premises, shall be confiscated.

III. The Magistrate shall cause to be prepared from such notices a register of the names of persons having Arms in their possession, and the number and description of such Arms; and shall also, at the request of any person giving such notice as aforesaid, deliver to him a certificate specifying the date of the notice, and the number and description of Arms specified therein.

IV. If, in the judgment of the Government or of the Magistrate, any such Arms as aforesaid, or any Ammunition in the possession of any person cannot be left in such possession without danger to the public peace, it shall be lawful for the Magistrate to cause such Arms or Ammunition to be seized and detained in safe custody for such time as may be deemed necessary.

V. In any District or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency or place, if any person goes armed with any such Arms as aforesaid, and shall not produce a certificate from a Magistrate or other Officer authorised by Government to grant licences to go armed, that he has obtained such a licence, or that he is exempted by Government from the foregoing provisions, or give reasonable proof of his being otherwise exempted from the said provisions, he shall be liable to be disarmed by any Magistrate, Deputy

Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the service of Her Majesty or of the East India Company, or by any member of a Volunteer Corps enrolled by authority of Government whilst on duty, or by any Police Officer, if, in the judgment of such Magistrate or other person as aforesaid, it is dangerous to the public peace to allow such person to go armed. Provided always, that if any person shall have a licence from the Magistrate of the District or place at which he resides or may be, to carry on a journey such Arms as the Magistrate may consider reasonable for his private use, and shall obtain from such Magistrate a certificate stating the name and address of the licence, the route by which he intends to proceed, the time which such journey is expected to occupy, and the Arms which he is permitted to carry, such certificate shall have the same force and effect, according to its tenor, in every District or place specified therein, as if leave to go armed had been granted by the Magistrate of such District or place.

Licence to travellers to carry Arms.

Exemptions.

1. Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty or of the East India Company, in respect of Arms and Ammunition kept by them for use in the public service.

Volunteers.

3. Police and Revenue Officers and other persons, in respect of Arms and Ammunition furnished by Government for use in the public service, or provided by themselves with the sanction of Government for such use.

4. Such other persons as the Government may think fit to exempt from such provisions.

Arms and Ammunition belonging to any ship or vessel, not exceeding the reasonable armament thereof, shall also be exempt from such provisions.

VII. If any person shall manufacture, repair, sell, or keep or expose for sale, any Arms of the description hereinbefore mentioned, or shall manufacture, or sell, or keep or expose for sale, percussion-caps, gunpowder, or other Ammunition, without a licence to manufacture or deal in Arms or Ammunition, as the case may be, or contrary to any of the conditions contained in any such licence, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees, in addition to double the value of any Arms or Ammunition sold; and all Arms and Ammunition belonging to the offender shall be forfeited, if the convicting Magistrate shall so adjudge.

VIII. Licences to manufacture or deal in percussion-caps shall be granted by the Governor General in Council, or by the Executive Government, or by an Officer specially authorised by the Governor General in Council, or by the Executive Government to grant such licences. Licences to manufacture or deal in Arms and Ammunition, other than percussion-caps, may be granted by a Magistrate or by an Officer authorised by the Governor General in Council, or by the Executive Government to grant such licences.

IX. Every person licensed to manufacture or deal in Arms, percussion-caps, or other Ammunition, shall enter in a book, to be kept by him for that purpose, an account of all the stock-in-trade which he may from time to time have in his possession or under his control, and also the name and address of every purchaser of Arms or Ammunition sold by him, together with the nature, description, and quantity of such Arms or Ammunition. Such book shall be open at all times to inspection by the Magistrate or other duly authorised Officer, by whom copies may be taken of all entries therein contained. If any such person shall omit or fail duly to keep such a book, or to make therein all such entries as are hereby required, or if any person shall prevent or obstruct the inspection of such book, or shall make a false entry therein, he shall be liable for every such offence, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees, in addition to double the value of any Arms or Ammunition sold, of which he shall fail to make such entry, or respecting which he shall make a false entry; and, if the offender be licensed to manufacture or deal in Arms or Ammunition, he shall also forfeit his licence, if the convicting Magistrate shall so adjudge.

X. The Magistrate or other Officer authorised by Government may, at any time, enter the premises in which Arms or Ammunition shall be manufactured or kept by any licensed manufacturer of or dealer in Arms or Ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer; and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all the stock-in-trade belonging to such person may be seized, and shall be confiscated if the convicting Magistrate shall so adjudge.

Magistrate or other Officer may inspect dealer's premises.

Government may, at any time, enter the premises in which Arms or Ammunition shall be manufactured or kept by any licensed manufacturer of or dealer in Arms or Ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer; and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all the stock-in-trade belonging to such person may be seized, and shall be confiscated if the convicting Magistrate shall so adjudge.

XI. Any licence granted under the provisions of

Revocation of licence to manufacture or deal in Arms or Ammunition.

Section VIII. may be granted, subject to such conditions as shall be thought necessary, and may be revoked

or suspended by the person or persons authorised to grant such licences.

XII. No Arms or Ammunition, and no Sulphur or

Arms, Ammunition, and Sulphur, &c. not to be imported without licence.

Saltetre, shall be imported either by sea or by land into any part of the territories in the possession and under the

Government of the East India Company, without the licence of the Governor General in Council or of the Executive Government.

XIII. If any person shall import or attempt to

Penalty for importation without licence.

import without such licence, either by sea or by land into any part of the said territories,

any Arms or Ammunition, or any Sulphur or Saltetre; or shall aid or assist in such importation or in such attempt to import; or shall knowingly conceal or assist in concealing any Arms or Ammunition, or any Sulphur or Saltetre, imported without such licence, he shall be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for any term not exceeding Two Years, and also to a penalty not exceeding One Thousand Rupees; and the articles so imported shall be confiscated, if the convicting Magistrate shall so adjudge.

XIV. The provisions of the two last preceding

Importation of Arms and Ammunition for private use.

Sections shall not extend to Arms and Ammunition imported in reasonable quantities

for private use; but the Collector of Customs may at any time detain any such articles if he shall think it necessary, until he shall receive the orders of Government. Nothing in this Section shall exempt any person from the obligation of giving any notice required by this Act.

XV. The Governor General in Council may, by order,

Government may prohibit transport of Arms, Ammunition, Military Stores, &c.

prohibit the transport of Arms, Ammunition, Military Stores, Sulphur, or Saltetre, or any particular description

of Arms, Ammunition, or Military Stores, from one part of India to another, or the transport thereof in any particular direction to be specified in the order, or prohibit the transport thereof except according to such rules and conditions as may be specified in the order; and the Executive Government of any Presidency or place shall have the like power within the territories under their Government.

XVI. If any person shall transport or cause to be

Penalty for prohibited transport.

transported, or shall attempt to transport or cause to be transported, or shall aid

in transporting, any Arms, Ammunition, Military Stores, Sulphur, or Saltetre contrary to such order, or to the rules and conditions specified therein, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees, and the articles transported or attempted to be transported shall be confiscated. If any person shall, by concealment or other device, transport or cause to be transported, or attempt to transport or cause to be transported, such Arms, Ammunition, Military Stores, Sulphur, or Saltetre, he shall, in addition to the penalty hereby provided, be liable, upon such conviction, to imprisonment, with or without hard labour, for a term not exceeding Two Years.

XVII. If any person shall be found carrying or

Persons conveying Arms, Ammunition, &c. under suspicious circumstances, may be apprehended without warrant.

conveying Arms, Ammunition, Military Stores, Sulphur, or Saltetre in such a manner or under such circumstances as to afford just grounds of suspicion that the

same are being carried by such person with intent to use the same, or that the same may be used for any unlawful purpose dangerous to the public peace, it shall be lawful for any of the public officers mentioned in Section V. of this Act, or for any other person, to apprehend, without warrant, the person so carrying or conveying such Arms, Ammunition, Military Stores, Sulphur, or Saltetre, and to detain such person in custody, in order that he may be dealt with according to law. If

any person be apprehended by a person not being a Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or Police Officer, he shall

be delivered over as soon as possible to a Police Officer; and all persons apprehended by or delivered to a Police Officer under the provisions of this Act shall be carried before a Magistrate or other Officer competent by law to punish him for the offence or to commit him for trial.

XVIII. Whenever the Governor General in Council

Government may prohibit sale of Sulphur.

or the Executive Government shall consider it necessary so to do, they may by order

prohibit the sale of Sulphur; and any person selling

Penalty.

Sulphur contrary to such order shall be liable, on conviction before a Magistrate, to a penalty not exceeding Five Hundred Rupees; and all Sulphur belonging to such person shall be confiscated, if the convicting Magistrate shall so adjudge.

XIX. The Governor General in Council or the

Seizure and detention of Sulphur by Government.

Executive Government may also at any time seize all Sulphur in the possession of

any person, and detain the same for such time as they may deem necessary for the public safety.

XX. Nothing in the two preceding Sections shall

Exception.

apply to Sulphur kept or sold in reasonable quantities for medicinal purposes.

XXI. The Government may exempt any person

Government may exempt persons from the provisions of Sections XVIII. and XIX.

from the provisions of Sections XVIII. and XIX. upon such conditions, if any, as such Government may consider necessary.

XXII. The Government may require all persons

Penalty for wilful neglect to give notice of possession of Ammunition, &c. in certain cases.

having in their possession Ammunition or other Military Stores, or Sulphur, in any greater quantities than

are considered reasonable for private use, to give notice thereof to the Magistrate or other Officer specified by Government; and any person who wilfully neglects to give such notice shall be liable, on conviction before a Magistrate, to imprisonment, with or without hard labour, for a term not exceeding Two Years, and shall also be liable to a fine not exceeding Five Thousand Rupees; and all Ammunition, Military Stores, or Sulphur, in the possession of such person, or upon his premises, shall be confiscated.

XXIII. If any Magistrate have reasonable cause for

Power to enter and search houses.

suspecting that Arms, Ammunition, or Sulphur, liable to confiscation, are in any

house, building, or other place, or that any Arms, Ammunition, or Sulphur are in any house, building, or other place in the possession of any person, in whose possession they cannot be left with safety to the public peace, he may, with such assistance as he shall think necessary, by night or by day, and by force if necessary, enter and search any such house or place, or cause the same to be entered and searched. It shall be competent to a Magistrate to delegate to any of his European Assistants the powers conferred on him by this Section.

XXIV. The Governor General of India in Council,

General search for Arms, Ammunition, &c. may be ordered in any District. or the Executive Government of any Presidency or place, or the Chief Commissioner of the Punjab and Oude respectively, or the Commissioners of Nagpore and Scinde respectively, or any other persons authorised by Government, may order a general search for Arms, Ammunition, or Sulphur to be made, by any Officers or persons named in such order, in any District or place specified therein. The persons authorised by such order, and all persons acting under their authority, shall have the like powers of entry, search, and seizure as are conferred by the last preceding Section.

XXV. If, on any search being made, any persons

Penalty for not producing or for concealing Arms, Ammunition, &c. when search made. shall refuse to produce or point out to the persons making the search, or shall conceal or attempt to conceal any Arms, Ammunition, or Sulphur, such person may be apprehended without warrant, and shall be liable, on conviction before a Magistrate, to imprisonment with or without hard labour for a term not exceeding Two Years, in addition to any other penalty to which he may be subject under this Act.

XXVI. After such time as shall be mentioned in the

Penalty for making, using, or keeping cannon, &c., without licence, in any District to which this Section is extended. order of Government extending the provisions of this Section to any District or place, or, if no time be mentioned, after one week from the publication of the order in the District or place, no person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without a licence from the Governor General of India in Council, or from the Executive Government of any Presidency or place. If any person shall manufacture, use, or have in his possession any cannon, howitzer, or mortar, without such licence, he shall be liable, on conviction before a Magistrate, to a fine not exceeding Two Thousand Rupees, and to imprisonment for a term not exceeding Two Years; and such cannon, howitzer, or mortar may be seized and shall be forfeited to Government. Any person who has in his possession any cannon, howitzer, or mortar at the time when this Section takes effect in any District or place, and who shall be unwilling to apply for a licence to retain possession thereof, may surrender

Surrender of cannon, &c. by persons not willing to take out licence for retaining possession thereof.

the same to the Magistrate within such period as Exception. the provisions of this Section shall not extend to any cannon, howitzer, or mortar forming part of the ordinary armament of any ship or vessel.

XXVII. Whoever assaults or resists, or aids or as-

Penalty for assaulting or resisting any person in the execution of any power vested in him by this Act. sists any person in assaulting or resisting, any person in the execution of any power vested in him by this Act, shall be liable, on conviction

before a Magistrate, to a fine not exceeding Two Hundred Rupees, or to imprisonment with or without hard labour, for any term not exceeding Six Calendar Months.

XXVIII. No suit, action, or other proceeding shall

Notice and limitation of suits. be commenced or prosecuted against any person for anything done in pursuance of this Act without giving to such person a month's previous notice in writing of the intended action and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of action or other proceeding.

XXIX. If any fine or penalty imposed by a Magis-

Imprisonment if fine not paid. trate under the authority of this Act be not immediately paid, the Magistrate may commit the offender to jail, there to be imprisoned according to the discretion of the Magistrate, for any term not exceeding Six Months where the amount of the fine or penalty shall not exceed Five Hundred Rupees, and for any term not exceeding Twelve Months in any other case; the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XXX. Any fine or penalty levied from any person

Rewards to informers. convicted of an offence under this Act, or any portion of such fine or penalty, may be awarded to the person on whose information the conviction shall take place.

XXXI. The word "Magistrate" shall include any person exercising the full powers of a Magistrate; and within the Presidency Towns and in the Straits' Settlement, all powers of conviction and confiscation upon conviction given by this Act to a Magistrate, shall be exercised by the Police Magistrates; and all other powers given by this Act to a Magistrate may be exercised by the Commissioner of Police; and all notices hereby required to be given to a Magistrate shall, in any such

Commissioners of Police in Presidency Towns may exercise the powers hereby given to a Magistrate, other than powers of conviction and confiscation.

Presidency Town or in the Straits' Settlement, be given to the Commissioner of Police.

XXXII. Whenever, in any Presidency or place, the

Persons having the immediate superintendence of the Police may be vested with the powers hereby given to a Magistrate, other than powers of conviction and confiscation. immediate control and superintendence of the Police is vested in any person other than the Magistrate or such Commissioner of Police as aforesaid, the Executive Government may order that

all or any of the powers given by this Act to a Magistrate, other than powers of conviction and confiscation upon conviction, shall be exercised by such person, and that all notices hereby required to be given to a Magistrate shall be given to such person.

XXXIII. This Act, or any part or parts thereof,

Act or any part of it to take effect in any District to which it is extended by Government. shall take effect in any District or place to which the same shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency or place.

XXXIV. It shall be lawful for the Governor General

Parts of District may be withdrawn from the operation of the Act and again made subject to it. in Council or the Executive Government of any Presidency or place from time to time to withdraw from the operation of all or any of the

provisions of this Act any part or parts of any District or place which they may previously have declared to be subject thereto; and in like manner, as occasion shall require, to subject the same again to the operation of all or any of the provisions of this Act.

XXXV. This Act shall continue in force for Two Years.

XXXVI. Any Officer of Government who, prior

Indemnity to Government Officers for seizure or detention of Arms, Ammunition, &c. before passing of this Act. to the passing of this Act, may have seized or detained, or prevented the importation of any Arms, Ammunition, Military Stores, Sulphur, or Saltpetre, in pursuance of an order of Government, is hereby indemnified for so doing; and no action or other proceeding shall be commenced or prosecuted in respect of such seizure or detention.

W. MORGAN,
Clerk of the Council.

Legislative Council of India.

30th August 1859.

The following Bill was read a second time in the Legislative Council of India on the 30th August 1859, and was referred to a Select Committee, who are to report thereon after the 3rd of December next :—

A Bill for the Licensing of Trades and Professions.

Whereas it is expedient to provide for the Licensing of Trades and Professions in India, and to impose a tax on the grant of such Licences; It is enacted as follows :—

I. Regulation IV. 1818 of the Madras Code (prescribing rules for the assessment and collection of the Veesabuddy or Tax upon the profits of trade in the Provinces known by the appellation of the Ceded Districts or the Zillahs of Bellary and Cuddapah), and Regulation V. 1832 of the same Code (declaratory of the liability of persons exercising certain arts, trades, and professions to the Mohturfa Tax), are hereby repealed.

II. From and after the day of every person who shall carry on any lawful trade and every person who shall exercise any profession shall be required to take out such licence as is by this Act directed.

III. For the purposes of this Act, the following Who to be deemed persons shall be deemed to be persons carrying on trade, namely:—

Every person who shall carry on any trade or business having for its object the procurement of gain to such person :

Every Company or Association or body of persons who shall carry on trade or business as aforesaid, whether constituted a Company by Act of Parliament, Royal Charter, Letters Patent, or Act of the Legislative Council of India; or constituted or regulated by deed of settlement or other instrument :

Every partnership of persons who shall carry on trade or business as aforesaid.

IV. A licence under this Act shall be granted by the Collector of Land Revenue of the District or place in which the person requiring such licence shall carry on his trade or exercise his profession, or by such other Officer as the Government shall appoint or authorise in that behalf. If the person requiring such licence shall carry on his trade or exercise his profession in more than one District or place, the licence shall be granted by the Collector or other authorised Officer of the District or place in which the chief office or place of business is situate.

V. There shall be specified in every licence to be granted under this Act, the date of the grant thereof, the true name of the person to whom the licence is granted, the sum paid for such licence, and the place or places where such person shall carry on or intend to carry on his trade, or shall exercise or intend to exercise his profession.

VI. Every licence which shall be granted under this Act shall have effect and continue in force from the day of the date thereof until the day hereinafter appointed for the expiration thereof; and every such licence which shall be granted before the 1st day of 186 shall expire on that day; and every such licence which shall be granted upon or at any time after that day shall expire on the 1st day of next after the day of the granting thereof.

VII. Every person to whom any such licence shall be granted, and who shall be desirous of continuing to use his trade or profession after the expiration thereof, shall take out a fresh licence for that purpose for the following year, to expire on the day appointed, in the last preceding Section, and shall renew the same from year to year, so long as he shall desire to continue such trade or profession; and every such person shall give notice, in writing, twenty-one days at least before the expiration of the current licence to him granted, of his intention to renew the same, to the Collector or other Officer authorised as aforesaid of the District or place where such trade or profession is to be carried on or exercised.

VIII. Upon all licences to be granted under this Act there shall be paid by the persons to whom such licences are granted the several annual sums hereinafter mentioned (that is to say),

If the person to whom the licence is granted shall be assessed—

Under Class	I.	Rs.	Yearly.
" "	II.	4,500	" "
" "	III.	4,000	" "
" "	IV.	3,500	" "
" "	V.	3,000	" "
" "	VI.	2,500	" "
" "	VII.	2,000	" "
" "	VIII.	1,500	" "
" "	IX.	1,000	" "
" "	X.	500	" "
" "	XI.	250	" "
" "	XII.	100	" "
" "	XIII.	50	" "
" "	XIV.	25	" "
" "	XV.	10	" "
" "	XVI.	5	" "
" "	XVII.	2	" "

The annual sum made payable under this Section shall, if the licence be taken out on or before the

day of , be paid by two equal half-yearly instalments. In all other cases such sum shall be paid upon the taking out of the licence.

IX. The Collector or other Officer authorized as aforesaid shall, subject to the provisions of Section of this Act, determine under what class every person to whom a licence is granted shall be assessed; and such determination shall be made with reference to and after consideration of the extent of the trade, business, or profession carried on by every such person, and the amount of the annual net profits or gains accruing therefrom; and in such manner that the sum to be paid for the licence shall approximate as nearly as may be to three per cent. on such annual profits or gains. The Collector or other Officer as aforesaid may appoint a panchayet to consist of three or more respectable persons of the neighbourhood to aid him in making such assessment.

X. Any person who shall satisfy the Collector or other Officer authorized as aforesaid, that the aggregate annual amount of the net profits or gains of the trade, business, or profession carried on by such person (estimated according to the provisions of the last preceding Section) is less than a sum which so estimated would render him liable to assessment under Class 17 of Section VIII. shall be exempted from taking out a licence under this Act.

XI. In order to assist in giving effect to the provisions of this Act, it shall be lawful for persons carrying on trades in which Chowdries were formerly maintained, or may now exist; or may hereafter be appointed

under the provisions of this Section, to nominate and appoint, within a time to be fixed by the Collector or other Officer authorized as aforesaid, fit persons to be Chowdries of such trades. In default of such nomination, the Collector or other Officer as aforesaid may appoint Chowdries of trades.

XII. In order to enable the Collector or other Officer

Schedules. authorized as aforesaid to determine under what classes

person requiring to be licensed shall be assessed, and what sums shall be paid in respect of licences granted under this Act, he may cause to be sent to any person supposed to be liable to the payment of the tax hereby imposed, a Schedule to be filled up with such information respecting the trade, business, or profession carried on by such person, and the amount of the annual profits or gains accruing therefrom, the number and names of persons holding any office or employment under him, and their salaries, fees, and wages, as the Collector or other Officer authorized as aforesaid may judge necessary for the purpose of such assessment. The Schedule shall be filled up in writing and dated, and shall contain a declaration, signed by such person, that to the best of his belief the Schedule is a true return of the matters therein contained. Such return shall be delivered to the office of the Collector or other Officer as aforesaid by every person to whom it is sent, whether or not liable to the payment of such tax; and whoever refuses, neglects, or omits duly to fill up and return such Schedule within twenty-one days from the receipt thereof, shall be liable to a penalty not exceeding Five Hundred Rupees; or if he be a person liable to be assessed, the Collector or other Officer as aforesaid may assess him under any of the classes mentioned in Section VIII. of this Act; and no appeal shall lie from such assessment on the ground that such person had been assessed under too high a class with reference to the provisions of Section IX. of this Act; or if such person knowingly gives therein any incorrect or false return, he shall be liable to the penalties provided for perjury.

XIII. The Collector or other Officer authorized as

Power to summon persons aforesaid may summon any
to give necessary information. person whom he shall think

able to give evidence, for the purpose of enabling him to determine under which of the classes mentioned in Section VIII. of this Act any person should be assessed, and may examine such person as to any such matter. The Collector or other Officer as aforesaid may also require the person summoned to produce any books or documents in his possession or power relating to the trade, business, or profession of any person supposed to be liable to assessment, or of any person who has appealed against such assessment, or to the amount of the annual profits or gains accruing from such trade, business, or profession. If the person summoned shall refuse to answer any lawful question of the Collector or other Officer as aforesaid, or shall knowingly give an incorrect answer, or shall refuse to produce any such books or documents as aforesaid, he shall be liable to a penalty not exceeding five hundred Rupees; or if he be a person liable to be assessed, the Collector or other Officer as aforesaid may assess him under any of the classes mentioned in Section VIII. of this Act; and no appeal shall lie from such assessment on the ground that such person had been assessed under too high a class with reference to the provisions of Section IX. of this Act.

XIV. On or before the day of in every year,

List to be prepared and the Collector or other Officer
published. authorised as aforesaid shall

prepare a list of the persons requiring to be licensed under this Act, which list shall state the trade or profession of each of the persons therein named, the class under which he shall be assessed, and the tax payable in respect of his licence. When such list has been prepared, the Collector or other Officer shall give a Public Notification thereof, and of

the place or places where the said list may be inspected. Copies of such Notification shall be exhibited conspicuously at the Collector's Cutcherry, and at the Tehsildaree Cutcherries, and at the Cutwallie or the Thanna in which the parties named in the list severally reside.

Objections.

Any person named in the list shall be at liberty, within fifteen days from the date of such Notification, to state in writing any objection against the assessment to the Collector or Officer, who shall, after hearing the complaint, pass such order thereupon as to him shall seem fit.

XV. Any person in whose custody such list may

Inspection of list. be, shall permit all persons

liable to assessment, and the authorized agents of such persons, to inspect the list and to make extracts therefrom without payment of any fee; and whoever wilfully neglects or refuses to permit the same, shall be liable, on conviction before a Magistrate, to a penalty not exceeding One Hundred Rupees.

XVI. Any person dissatisfied with the order of the

Appeal to Commissioner. Collector or other Officer

authorized as aforesaid, shall be at liberty to prefer, within fifteen days from the date of such order, an appeal in writing to the Commissioner of Revenue of the Division; and the decision of the Commissioner upon such appeal shall be final.

XVII. Complaints made to Collectors or other

Complaint to be on Officers authorized as afore-
Stamped paper. said, and appeals preferred

to Commissioners under the preceding Sections, shall be written upon Stamped paper of the value of eight Annas and one Rupee respectively.

XVIII. The Collector or other Officer authorized

Revised list. as aforesaid shall prepare a

revised list containing any corrections in the list prepared under Section XIV. of this Act which he may have made of his own authority, or which may have been introduced by order of the Commissioner. When such revised list has been prepared, Notification shall be given in the manner required by Section XIV. of this Act; and a copy of the revised list shall be sent to the Commissioner of the Division.

XIX. The powers vested by this Act in the Com-

Powers vested in Commis- missioner shall be exercised,
sioners may, in certain cases, in Districts or places where
be exercised by other Officers. there are no Commissioners

of Revenue, by such Officer or Officers as the Executive Government may appoint. Copies of revised lists required to be sent to the Commissioner, shall be sent to such Officer or Officers.

XX. After the said day of, if any

Penalty for not taking out person shall carry on his
a licence. trade or exercise his profes-

sion without having taken out a licence as required by this Act, he shall be liable, on conviction before a Magistrate, to a penalty not exceeding five times the amount which, in the judgment of the Magistrate, would have been payable by such person in respect of a licence duty taken out as aforesaid.

XXI. No person required by this Act to take out

Persons who have not a licence shall be allowed to
taken out a licence shall not recover, in any judicial suit
recover in suits for trade or proceeding, any money,
debts, &c. debt, or charge claimed by

him in respect of the trade, business, or profession carried on by him after the passing of this Act, unless such person shall prove to the satisfaction of the Judge or Officer presiding at the trial, that at the time when the contract was entered into he had duly obtained a licence in conformity with this Act.

XXII. Any person required by this Act to take out

Licence to be produced on a licence, who shall, without
demand. reasonable excuse, neglect or

refuse to produce and show his licence when required so to do by an Officer duly empowered to make such requisition by the Collector or other Officer authorized as aforesaid, shall, on con-

viction before a Magistrate, be liable to a penalty not exceeding One Hundred Rupees.

XXIII. Persons holding any offices or employments

Persons holding office or employment not under Government, to be deemed persons carrying on trade.

of profit, other than offices or employments mentioned in Sections XXIV. and XXV. of this Act, shall be deemed to be, in respect of

the salary, fees, wages, perquisites, and profits of such offices or employments, persons carrying on trade or exercising a profession within the meaning of this Act, and shall be assessed (with reference to the provisions of Section IX. of this Act), upon an estimate of the annual salary, fees, wages, perquisites, and profits of such offices or employments. Provided that, if any

Proviso.

person holding any such office or employment, shall satisfy the Collector or other Officer authorised as aforesaid, that the salary, fees, wages, perquisites, and profits of his office or employment do not exceed one hundred Rupees per mensem, such person shall not be required to take out a licence under this Act.

XXIV. Every Civil Officer, and every Military Officer

Civil Officers, and Military Officers in Civil employ.

in Civil employ, shall pay at the rate of three per cent. per annum upon the amount of

his salary, and the same may be deducted by Government from such salary; provided that, if the salary of such Officer do not exceed one hundred Rupees, he shall not be taxed.

XXV. Every Military Officer on the General, Divisional, Brigade, and Personal Staff Officers

Personal Staff shall pay a tax at

the rate of three per cent. per annum on the amount of his pay and allowances, and the amount may be deducted by the Government from his pay and allowances.

XXVI. All offences under this Act made punishable

Adjudication of offences and recovery of penalties.

by any penalty may be prosecuted summarily before a Magistrate or any person exercising the powers of a Magistrate. The provisions of Act XIII. of 1856, relating to the adjudication of fines and penalties and the enforcing payment thereof, shall apply to penalties imposed under this Act in the Towns of Calcutta, Madras, and Bombay.

XXVII. The provisions of this Act shall not apply

Act not to apply to persons whose salaries are fixed by Act of Parliament.

to any person who shall hold any office, employment, or commission under Her Majesty, or under the Government of India, the salary of which office or employment has been fixed by Act of Parliament.

XXVIII. Nothing in this Act shall be deemed to

Act not to apply to workmen for hire, &c.

apply to any artificer or workman for hire, or to any labourer, or to any ryot or cultivator of land in respect of the produce of such land.

XXIX. Nothing in this Act shall be construed to

Saving of other Laws relating to licences.

alter or affect the provisions of any other Law or Regulation relating to licences.

XXX. This Act shall not take effect or have operation

Act not to apply to Straits Settlement.

within the Settlement of Prince of Wales' Island, Singapore, and Malacca.

XXXI. It shall be lawful for the Governor General

Government empowered to make rules.

of India in Council, from time to time, to make rules for the guidance of Officers in matters connected with the enforcement of this Act, provided such rules are not inconsistent with any of the provisions herein contained.

W. MORGAN,
Clerk of the Council.