



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE
CONTAINING
ACTS FINALLY PASSED.

Published by Authority.

THURSDAY, 10TH APRIL 1862.

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

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th March 1862, and is hereby promulgated for general information:—

Act No. VI. of 1862.

*An Act to annex a Schedule to Act IV. of 1862
(for regulating the Bank of Bengal).*

WHEREAS the Schedule referred to in Section XI. of Act IV. of 1862
Preamble. *(for regulating the Bank of Bengal)* as Schedule A thereto annexed, has not been annexed thereto; and it is expedient to annex such Schedule to the said Act; it is enacted as follows:—

The Schedule hereto annexed, and marked A, shall be deemed and taken to be
Schedule A of Act IV. of 1862. the Schedule referred to in Section XI. of the said Act

IV. of 1862 as Schedule A thereto annexed, and to be annexed to and to form part of the said Act.

SCHEDULE A.

I A. B., of do hereby transfer to C. D. of consolidated stock of the Bank of Bengal to the amount of Rupees standing in my name, to hold unto the said C. D., his executors, administrators, representatives, or assigns, subject to the conditions on which I hold the same at the time of the execution hereof.

Dated the day of

M. WYLIE,
Depy. Secy. to the Govt. of India,
Home Department.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th March 1862, and is hereby promulgated for general information:—

Act No. VII. of 1862.

An Act to amend Act XLVI. of 1860 (to authorise and regulate the Emigration of Native Labourers to the French Colonies).

Whereas, since the passing of Act XLVI. of 1860

Preamble.

(to authorise and regulate the Emigration of Native Labourers to the French Colonies), the Convention therein recited between Her Majesty the Queen of Great Britain and Ireland and His Majesty the Emperor of the French has been varied in the following particulars; that is to say, by substituting for Article XXVI. in the said Convention as so recited in the said Act, the following Article:—

"ARTICLE XXVI.

The present Convention shall begin to take effect on the 1st of July 1862; its duration is fixed at three years and a-half. It shall remain in full force if notice for its termination be not given in the course of the month of July of the third year, and then notice can be given only in the course of the month of July of each succeeding year.

In case of such notice being given, it shall cease eighteen months afterwards.

Nevertheless, the Governor General of British India in Council shall, in conformity with the Act of the 19th of September 1856, relative to emigration to British Colonies, have the power to suspend at any time emigration to any one or more of the French Colonies, in the event of his having reason to believe that in any such Colony proper measures have not been taken for the protection of the Emigrants immediately upon their arrival or during their residence therein or for their safe return to India, or to provide a return passage to India for any such Emigrants at or about the time at which they are entitled to such return passage.

In case, however, the power thus reserved to the Governor General of British India should at any time be exercised, the French Government shall have the right immediately to terminate the whole Convention if they should think proper to do so.

But, in the event of the determination of the present Convention, from whatever cause, the stipulations relative to Indian subjects of Her Britannic Majesty introduced into the French Colonies shall be maintained in

force in favour of the said Indian subjects, until they shall either have been sent back to their own country, or have renounced their right to a return passage to India."

And also by the addition of the two following Articles, which were not comprised in the Convention or recited in the said Act; that is to say—

"ARTICLE XXVII.

The present Convention shall be ratified, and the ratifications shall be exchanged at Paris in four weeks, or sooner if possible.

ADDITIONAL ARTICLE.

His Majesty the Emperor of the French having stated that, in consequence of the order which he gave long ago that no more African Emigrants should be introduced into the Island of Re-union, that Colony has, since last year, had to obtain labourers from India and China; and Her Britannic Majesty having, by Convention signed on the 25th of July 1860, between Her Majesty and His Majesty the Emperor of the French, authorised the Colony of Re-union to recruit six thousand labourers in Her Indian possessions, it is agreed that the Convention of this date shall take effect forthwith with regard to the said Colony of Re-union.

The present Additional Article shall have the same force and validity as if it were inserted word for word in the Convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the Convention."

And whereas the said Convention, with such alterations and additions as aforesaid, together with such additional Article, has been duly signed, ratified, and confirmed.

It is declared and enacted as follows:—

All the provisions of Act XLVI. of 1860 (to authorise and regulate the Emigration of Native Labourers to the French Colonies) shall be and remain in full force, notwithstanding that the Convention therein recited had been so altered and added to before the same was signed or ratified as aforesaid; and all such provisions, in so far as the same relate to the Convention recited in the said Act, shall be deemed to apply, and shall apply, to the said Convention as signed and ratified as aforesaid, together with the additional Article thereof.

M. WYLIE.

Depy. Secy. to the Govt. of India,

Home Department.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 27th March 1862, and is hereby promulgated for general information:—

Act No. VIII. of 1862.

An Act to protect the personal dignity of His Majesty the King of Oude.

Whereas it is expedient, with a view to protect the personal dignity of the King of Oude, in accordance with the promise made to His Majesty on the part of the British Government, that His said Majesty should be partially exempted from the jurisdiction of the Civil, Revenue, and Criminal Courts; It is enacted as follows:—

I. His Majesty the King of Oude is hereby declared to be, and is, exempt from the jurisdiction of the Criminal Courts, except in regard to offences punishable with death under the Indian Penal Code. Except for such offences, no Criminal Court or Magistrate shall inquire into any complaint, or issue any process, against His said Majesty.

II. No Police Officer or other person shall arrest His said Majesty without warrant, and no Police Officer or other person, whether charged with the execution of a warrant or not, shall, for the purpose of arresting any person or searching for anything, enter into or remain in any house in which His Majesty may at the time be residing, except in the presence and with the sanction of the Officer appointed to be Agent with His Majesty on the part of the British Government.

III. If any complaint be made or information preferred against His said Majesty for any offence other than the offences excepted in Section I. of this Act, the Officer appointed to be Agent with His said Majesty may enquire into the case and make a report thereon to the Governor General in Council, and the Governor General in Council, on receipt of any such report, may issue a Commission for the trial of such offence, and may vest the said Commission with any of the powers vested in any Court by the Code of Criminal Procedure. Provided that, in case of conviction, the said Commission shall not pass sentence, but shall report its judgment to the Governor General in Council, who shall thereupon give such directions in respect to the custody of the person of His said Majesty or the disposal of his property, as the exigency of the case may seem to require.

IV. No writ or process shall at any time be sued forth or prosecuted out of any Civil, Revenue, or Criminal Court against the person, goods, or property of His said Majesty, unless such writ or process shall be so sued forth or prosecuted with the consent of

the Governor General in Council first had and obtained, such consent to be testified by the signature of a Secretary to the Government of India, and any writ or process which shall at any time be sued forth or prosecuted against the person, or goods, or property of His said Majesty, without such consent as aforesaid, shall be utterly null and void.

V. His said Majesty shall not be required to appear personally as a witness in any Court, or before any Commissioner appointed by any Court, to be examined or make affidavit when his evidence or affidavit is required in any Civil, Revenue, or Criminal suit or proceeding.

VI. When the evidence of His Majesty is required in any such suit or proceeding, the Court or the party requiring the same shall cause to be prepared interrogatories in writing for the examination of His said Majesty. If the case is one in which any other party in such suit or proceeding would, by law, have a right to cross-examine, such party shall be at liberty to prepare cross-interrogatories. The interrogatories and cross-interrogatories (if any) shall be transmitted to the Officer appointed to be Agent with His said Majesty, who shall exhibit the same to His said Majesty, and take down in writing His Majesty's answers thereto given on solemn affirmation. The interrogatories, and cross-interrogatories (if any), with the answers thereto, shall be returned to the Court before whom the suit or proceeding is pending, together with a certificate from the said Officer appointed to be Agent, of the answers of His said Majesty having been duly taken.

VII. When any affidavit is required to be sworn by His said Majesty in any suit or proceeding, such affidavit shall be taken and sworn before the said Officer appointed to be Agent, who shall return such affidavit with a certificate of its having been duly sworn to the Court or Officer before whom the same is to be used.

VIII. Except with the consent of His said Majesty, no person other than the said Officer appointed to be Agent shall be entitled to be present when His said Majesty is being examined on interrogatories or sworn to any affidavit under the provisions of this Act.

IX. The answers to interrogatories or affidavit of His said Majesty taken and sworn under the provisions of this Act shall be admissible in evidence and subject to the same objections as if such answers or affidavit had been taken or sworn in open Court or under a Commission.

X. This Act shall not continue in force after the death of his said Majesty.

M. WYLIE,

Deputy Secy. to the Govt. of India,
Home Department.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 27th March 1862, and is hereby promulgated for general information :—

Act No. IX. of 1862.

An Act for constituting the Secretaries and other Officers of the Banks of Bengal, Madras, and Bombay, respectively, Ex-Officio Assessors of certain of the Duties payable under Act XXXII. of 1860 (for imposing Duties on profits arising from Property, Professions, Trades, and Offices).

Whereas the Treasuries of the Secretary of State for India in Council and of Her Majesty's Indian Governments at Calcutta, Madras, and Bombay respectively have been established under orders from the Governor General of India in Council, the Governor of Madras in Council, and the Governor of Bombay in Council respectively, duly notified in the *Government Gazettes* at those places, at the Bank of Bengal, the Bank of Madras, and the Bank of Bombay respectively.

And whereas the interest on divers securities of the Government of India and Annuities payable out of the revenues of India, and divers other yearly sums mentioned in Section XXVI. of Act XXXII. of 1860 (for imposing Duties on profits arising from Property, Professions, Trades, and Offices) payable by the said Government or out of the public revenues of the said Government, are, by virtue of the said orders, payable at the said Banks respectively.

And whereas it is expedient that the Secretaries and Treasurers, Deputy Secretaries, and Accountants of the Banks of Bengal, Madras, and Bombay respectively should be constituted Ex-Officio Assessors for executing the said Act XXXII. of 1860 for the purpose of assessing and discharging the duties thereby imposed in respect of the interest and yearly sums so payable at the said Banks as aforesaid in the place of the Sub-Treasurers,

It is therefore enacted as follows :—

I. The persons for the time being holding the office of Secretary and Treasurer, or of Secretary alone, or of Treasurer alone, or of Deputy Secretary, or of Accountant of the Bank of

Certain Officers of the said Banks constituted Ex-Officio Assessors under Act XXXII. of 1860. Bengal, of the Bank of Madras, and of the Bank of Bombay respectively, shall, so long as the Government Treasuries at Calcutta, Madras, and Bombay respectively shall continue to be held and established at those Banks respectively, be severally Ex-Officio Assessors for executing Act XXXII. of 1860 for the purpose of assessing and discharging the Duties thereby imposed in respect of interest on securities of the Government of India and of all annuities payable out of the revenues of India and in respect of all other yearly sums (other than the salaries or pensions mentioned in Sections XXVII. XXVIII. XXIX. XXX. and XXXI. of the said Act) payable by the said Government, or out of the public revenues of the said Government at the Government Treasuries of Bengal, Madras, and Bombay respectively, and shall severally have and exercise in regard to the said Duties all the powers and authorities vested by the said Act in the Ex-Officio Assessors named in Section XXVI. thereof.

II. So long as the Government Treasuries at Calcutta, Madras, and Bombay shall continue to be established and held at the Banks of Bengal, Madras, and Bombay respectively, the Sub-Treasurers of the said Presidencies of Bengal, Madras, and Bombay respectively shall cease to be Ex-Officio Assessors for executing the said Act for the purpose of assessing and discharging the Duties upon the interest and yearly sums mentioned in Section I. of this Act, and in respect of which the Secretaries, Treasurers, Deputy Secretaries, and Accountants of the said Banks are hereby constituted Ex-Officio Assessors.

III. This Act shall take effect from the 1st day of March 1862, inclusively of that day, and shall be read and taken as part of the said Act XXXII. of 1860.

M. WYLIE,
Deputy Secy. to the Govt. of India,
Home Department.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

BOMBAY.

Act No. I. of 1862.

An Act for bringing under the Regulations and Acts certain Lands ceded by His Highness the Guicowar for Railway purposes.

[Received the assent of the Governor General on the 22nd day of March 1862 and published by the Governor of Bombay on the 4th day of April 1862.]

Whereas His Highness the Guicowar has ceded to the Government of India certain lands for the construction of a Railway through his Territories and it is necessary that those lands should be annexed to the Presidency of Bombay and made subject to the Laws and Regulations of that Presidency it is enacted as follows

I. All such parts of Villages mentioned in the

Schedule annexed to this Act as have been delivered over by His Highness the Guicowar to the Government of India for the construction of the Bombay Baroda &c. Railway to form part of the Zillah of Surat and to be subject to the Regulations and Acts in force in the Bombay Presidency.

the Regulations and Acts which are or shall be in force within the Territories subject to the Presidency of Bombay.

SCHEDULE.

Baroda Purgunnah.

- 1 Hulderwa
- 2 Tosrod
- 3 Wullun
- 4 Dethan (Inamee)
- 5 Lakodra
- 6 Warwa
- 7 Meeagaum
- 8 Kurjun
- 9 Kundaree
- 10 Kairda
- 11 Surar (Inamee)
- 12 Kassipoora
- 13 Etola
- 14 Wursula
- 15 Wurnama
- 16 Dulleepoor
- 17 Maritha
- 18 Manaja
- 19 Wursur (Inamee)
- 20 Mazulpoor (Inamee)
- 21 Nagurwarra
- 22 Akota
- 23 Jetulpoor
- 24 Gorwa
- 25 Kurodia
- 26 Oondara
- 27 Bajwa
- 28 Kurehia
- 29 Runnolee

ACTS—11

- 30 Puddumla
- 31 Nundesree
- 32 Fazulpoor (up the river Mahee).

Surat Attawsee Pergunnah.

- 33 Sukhpoor-oorf Rond, Pergunnah Gullet.
- 34 Pellotha, Pergunnah Wesrancee
- 35 Chooowacha ditto ditto
- 36 Koosoomha ditto ditto
- 37 Tursalee ditto ditto
- 38 Hatoorun ditto ditto
- 39 Wurrudla ditto ditto
- 40 Murolee Kusha
- 41 Posra, Pergunnah Morolee
- 42 Morwar, Pergunnah Telaree
- 43 Chinum ditto ditto
- 44 Tuvree ditto ditto
- 45 Nowsaree Kusha
- 46 Sagura, Pergunnah Nowsaree (Inamee)
- 47 Kudolee ditto ditto
- 48 Danoda, Pergunnah Gundavee
- 49 Billimora ditto ditto
- 50 Desra ditto ditto

BOMBAY.

Act No. II. of 1862.

An Act for extending the powers of Municipal Commissioners appointed under Act XXVI of 1850.

[Received the assent of the Governor General on the 22nd day of March 1862 and published by the Governor of Bombay on the 4th day of April 1862.]

Whereas by Act XXVI of 1850 it was enacted

Preamble.

that the Taxes raised from the inhabitants of any Town or Suburb under the said Act should be applied to the making repairing cleaning lighting or watching any public Streets Roads Drains or Tanks or to the prevention of Nuisances or for improving the said Town or Suburb in any other manner and whereas it is expedient that in addition to the above purposes the Commissioners appointed for putting the said Act in force should be authorized to apply the said Taxes to the construction and support of Dispensaries Hospitals and Schools in the said Town or Suburb and whereas it is also expedient that the Governor in Council should in certain cases have power to enforce the right and just appropriation of the Taxes raised under the said Act for the benefit of the Community paying the same and whereas it is also expedient that in addition to the above purposes the said Commissioners should be authorized to apply a reasonable portion of the said Taxes in the watering of public Streets and Roads in the said Town or Suburb.

I. It is hereby enacted that the Taxes raised

under Act XXVI of 1850 are and shall be applicable to the construction support and maintenance of any Hospital Dispensary or School if such application be adopted by a majority consisting of two-thirds of the Members of the whole body of the Municipal Commissioners.

of 1850 to be applicable to the construction support and maintenance of any Hospital Dispensary or School if such application be adopted by a majority consisting of two-thirds of the Members of the whole

body of the Municipal Commissioners of the Town or Suburb Provided always that it shall not be competent to the said Commissioners to expend annually the said Taxes to an extent not exceeding in the whole 25 per cent of the annual revenues of the Municipality for all or any of the three purposes last aforesaid or to expend any portion thereof for such purposes without the approval of the Governor in Council.

II. And it is further enacted that whenever it shall have been ascertained by the Governor in Council through the Commissioner of Police or Magistrate and other person or persons appointed by the Governor in Council to inquire and report on the subject that the Commissioners appointed under the said Act in any locality have neglected any work or duty falling within the scope of this Act or of Act XXVI of 1850 and indispensable in the opinion of the Governor in Council for the public health or safety it shall be lawful for the Governor in Council to issue an order to the said Commissioners to execute such

If such order be not obeyed within one week, work or perform the said duty and if that order shall not be obeyed within one week from the date of its issue it shall further be lawful for the Governor in Council to order the Commissioner of Police or the Magistrate to execute the said work or perform the said duty and to recover the expense thereof from the Municipal Funds and in failure of immediate payment of the said expenses by the Municipal Commissioners out of the said Municipal Funds it shall be lawful for the

The Governor in Council may order the Commissioner of Police or Magistrate to execute the same.

Amount of expenses to be recovered by suit. Governor in Council to recover the amount thereof by Suit in the Civil Court or Courts having jurisdiction in the said Town or Suburb and the costs of the said Suit from the said Municipal Commissioners or any one of them and the said Municipal Commissioners may out of the Municipal rates reimburse themselves in any sum or sums which they or any one of them may be compelled to pay to the Governor in Council for the expenses of the execution of such work or performance of such duty but not the costs of any such Suit as aforesaid and the said Suit may be instituted in the name of Secretary of State for India in Council and no Municipal Commissioner shall be

exempt from responsibility in such Suit by reason of his having resigned his appointment after the order of the Governor in Council for execution of the work or performance of the duty was issued to the said Commissioners.

III. It is hereby also enacted that the said Commissioners may also apply a reasonable portion of the Municipal Taxes in watering the public Streets and Roads of any such Town or Suburb as aforesaid.

IV. And it is hereby also enacted that any Taxes heretofore *bonâ fide* so employed to be considered as legally and properly applied. Taxes heretofore *bonâ fide* employed in watering any public Street or Road in any such Town or Suburb as aforesaid shall be considered to have been legally and properly so applied.

BOMBAY.

Act No. III. of 1862.

An Act to amend Act XI of 1843.

[Received the assent of the Governor General on the 22nd day of March 1862 and published by the Governor of Bombay on the 4th day of April 1862.]

Whereas it is desirable that the Government of Bombay should in future be empowered to depute authority to the Revenue and Police Commissioners to sanction the term for which a Holder of or Sharer in a Wuttun nominated under Section 4 of Act XI of 1843 shall hold office and to approve of selections made by the Collector or Controlling Officer under the same Section.

It is hereby enacted that the words "*or of a Revenue or of a Police Commissioner when authorized by Government*" shall be inserted after the words "with the sanction of the Governor in Council" in Section 4 of Act XI of 1843 and that the words "*or of a Revenue or of a Police Commissioner when authorized by Government*" shall be added after the words "to the approval of the Governor in Council" at the end of the said Section and that the words so inserted shall from and after the passing of this Act be taken as part of the said fourth Section of Act XI of 1843.