



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE

CONTAINING

ACTS FINALLY PASSED.

Published by Authority.

THURSDAY, 25TH DECEMBER 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.

HOME DEPARTMENT (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th November 1862, and is hereby promulgated for general information.

No. XXI. of 1862.

An Act to provide for the Dissolution of the Subordinate Medical Officers', Widows', and Orphans' Fund, and the Distribution of the Funds belonging thereto.

Whereas, by certain Regulations prepared and adopted by certain members of the Subordinate Medical

Preamble.
Department, a Society was established at Perozepore, in 1852, for raising a Fund called "The Subordinate Medical Officers', Widows', and Orphans' Fund," the interest, dividends, and proceeds of which Fund were directed to be applied in making provision at certain specified rates for the widows and children of the subscribers, and it was directed that such provision should be made solely out of the interest and dividends of the said Fund; and whereas a petition has been presented to His Excellency the Governor General in Council by certain subscribers and members of the said Society, stating that no subscriptions have been contributed to the said Fund since the year 1857, and that in consequence thereof, and of the deaths of several of the subscribers to the said Fund, no steps have been or can be taken to make the provision intended by the Regulations of the said Fund, and that no pensions whatever have, since the year 1857, been paid to any of the persons entitled to the benefits of the said Fund, and that, therefore, the expectations of the founders of the Fund have been disappointed, and the objects for which such Fund was established have failed; and praying that an Act may be passed to wind up the affairs of the said Fund; and

whereas no provision is made in the Regulations of such Fund for the dissolution thereof, or the distribution of the funds belonging thereto, and it is expedient to make provision for the same by law; It is enacted as follows:—

I. On the petition to the High Court of Judicature at Fort William in Bengal, of a majority of the subscribers of the said Subordinate Medical Officers', Widows', and Orphans' Fund, or of any ten subscribers of the Society and pensionaries on the said Fund praying for the dissolution of the said Society and the winding-up of the affairs of the said Fund, it shall be lawful for the said Court to make order for the same on the said petition, as fully as if the Regulations of the said Fund provided for the winding-up of the said Fund; and it shall be lawful for the said Court to make order for ascertaining and declaring the rights which attach on the said Fund, and for taking the accounts of the said Fund, and for the apportionment, division, and distribution of the said Fund; and for the ascertainment of the nature and numbers of the different claims on the said Fund, and of the persons having or entitled to make the said claims; and for the payment of the proper costs of the subscribers of the said Society, and of all parties conducting or otherwise concerned in the matter of the said petition and subsequent proceedings for winding-up the said Fund.

II. It shall be lawful for the said Court, in such way as they may think fit, to obtain the assistance of an Accountant or Actuary the better to enable the Court to determine any matter relating to the division and distribution of the Fund, and to act upon the certificate of such person.

III. In the cases of pensioners or persons entitled to become pensioners who shall consent to commute their pensions, it shall be

lawful for the said Court to order that the amounts to be paid in commutation shall be settled, invested, or paid in such manner as will give the several persons therein interested the full benefit thereof.

IV. In the cases of pensioners or persons entitled to become pensioners, who shall refuse to commute their pensions, it shall be lawful for the said Court to order a sufficient sum to be set apart out of the said Fund to provide for the due payment of such pensions. The said Court may also sanction and give effect to any arrangement which it may deem just and sufficient for the future payment of any commuted sum or uncommuted pensions, by any Life Insurance Company willing to undertake the payment of such pensions.

V. Guardians of minors, pensioners, and of minors, if any, entitled to become pensioners on the said Fund, shall have full power and authority to consent on their behalf to commute the pensions of the minors for a fixed sum; and the said Court shall have full power and authority to give effect to such consent, and to make such order as the said Court may, deem just for the application of the said commuted sum for the future benefit of the infant; and if there be no guardian, the mother, during her widowhood, may act as guardian, unless the said Court shall otherwise order, and, if necessary, the said Court may appoint a guardian for any minor.

VI. In dividing and distributing the said Fund, every part thereof which shall not be awarded by the said Court to members or representatives of deceased members, may, if the said Court shall think fit, be applied for the benefit of pensioners or persons entitled to become pensioners, whether they shall consent to commute their interests or not.

VII. With a view to expedite the distribution of the surplus of the said Fund over and above what may probably be necessary to provide for the pensions, the said Court shall have full power and authority at any time to order payment of a dividend of the said probable surplus to the persons entitled to the same, although the exact surplus and the exact amount of charges may not then be ascertained.

VIII. For the purpose of winding up the said Fund, and finally closing the accounts thereof, the like proceedings shall be had for the bringing in of claimants on the said Fund, as in ordinary administration suits for bringing in creditors and other persons; and claimants being pensioners or entitled to be pensioners, who may neglect to come in, in a due course, or within the time limited for that purpose, shall be deemed to have consented to commute their pensions, and a final distribution may be made of the said Fund.

M. WYLIE,

Depty. 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 November 1862, and is hereby promulgated for general information.

No. XXII. of 1862.

An Act relating to Emigration to the British Colonial Dependency of Seychelles.

WHEREAS it is expedient to extend the provisions of Act XV. of 1842 (for
Preamble. *Regulating the emigration of the*

Native Inhabitants of the Territories under the Government of the East India Company in the Island of Mauritius) so that Native Inhabitants of British India may emigrate to the British Colonial Dependency of Seychelles; It is enacted as follows:—

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

Act XIV. of 1839 repealed.

II. All the provisions of the said Act XV. of 1842, as modified by Act XLIX. of 1860 (*relating to Vessels carrying emigrant Passengers to the British Colonies*), shall extend and apply to Native inhabitants of the British Territories in India who shall emigrate to the British Colonial Dependency of Seychelles, and the said Act XV. of 1842 shall be read as if the words "or the British Colonial Dependency of Seychelles" had been inserted therein after the word "Mauritius" wherever the word "Mauritius" occurs in the said Act.

III. No Emigrant shall be permitted to embark for the said Dependency of Seychelles without a certificate from the Agent appointed by the Government of Mauritius and Seychelles, countersigned by the Protector of Emigrants of the Ports of Calcutta, Madras, or Bombay, to the effect that such person has been engaged by him as an Emigrant to that Dependency on the part of the said Government.

IV. In case of sickness breaking out on board of any Vessel conveying Emigrants to the said Dependency, such Emigrants may be taken to the Quarantine Station of the Island of Mauritius, and in such case such emigrants may, at their option, contract for service at the said Island of Mauritius or may proceed to the said Dependency; and if they shall elect to contract for service in the said Island of Mauritius, such Emigrants shall then be regarded and treated, in all respects, as if they had emigrated to the said Island under the said Act XV. of 1842.

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

M. WYLIE,
Depty. 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 December 1862, and is hereby promulgated for general information:—

No. XXIII. of 1862.

An Act to amend Act XI. of 1862 (to amend the Duties of Customs on Goods Imported and Exported by Sea).

Whereas it is expedient to amend the Law relating to Customs Duties:
It is enacted as follows:—

I. Article 18 of Schedule A of the said Act New Article substituted XI. of 1862, and the Note for Article 18 of Schedule thereto, are repealed, and A. instead thereof the following words shall be read as Article 18, and the Note thereto:—

ARTICLE 18.—Machinery used exclusively for purposes of agriculture, navigation, mining, or manufacture, or for Railway purposes, and materials forming necessary component parts of such machinery Free.

And the Officer in charge of the Custom House, subject to the orders of the Local Government acting under the general instructions of the Government of India, shall decide what Articles

come within the definition of such machinery, or materials forming component parts thereof, and such decision shall be final in law.

II. The following Proviso shall be read after Proviso after Article 23 Article 23 of the said of Schedule A. Schedule A:—

Provided that 10 per Cent. *ad valorem* shall be charged on all Spirits used exclusively in arts and manufactures, or in Chemistry, subject to such rules as the local Government shall from time to time prescribe, for ascertaining that such Spirits are unfit for use as a beverage and incapable of being converted to that purpose. And the Officer in charge of the Custom House, subject to the general instructions of the local Government, shall decide what Spirits fall within this Proviso, and his decision thereon shall be final in law.

III. The following additional Article shall be Additional Article of read as part of Schedule Schedule A. A of the said Act:—

Firewood.....Free.

IV. This Act shall be read and taken as part of the said Act XI. of 1862.
Act to be read as part of 1862.
Act XI. of 1862.

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