



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE
CONTAINING
BILLS OF THE GOVERNMENT OF INDIA.

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

HOME DEPARTMENT (Legislative).

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 5th February 1862, and was referred to a Select Committee, with instructions to make a report thereon within one month :—

A Bill 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

(to authorise and regulate the
Emigration of Native Labourers
to the French Colonies),

Preamble.
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.

GOVT. INDIA BILLS—2

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.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to adapt the provisions of Act No. XLVI. of 1860 (*to authorise and regulate the Emigration of Native Labourers to the French Colonies*) to the Convention actually signed on the 1st July 1861, and ratified by Her Majesty and the Emperor of the French, for authorising and regulating the emigration of Native Labourers to the French Colonies, with an additional Article signed on the same date and similarly ratified.

The Convention thus signed varied in one important particular contained in the 26th Article from that originally negotiated and agreed upon, to which the Act XLVI. of 1860, which was passed on the 6th October 1860, referred. The 26th Article as signed and ratified prescribes that the convention shall be given to take effect on the 1st July 1862 (instead of September 1861); and it adds as a new provision that the Governor General of India in Council shall, in conformity with Act XIX. of 1856 (*to enable the Governor General of India in Council to suspend the operation of certain Acts relating to the Emigration of Native Labourers*) relative to emigration to British Colonies, have the power to suspend at any time emigration to any of the French Colonies, in the event of his having reason to believe that in any such Colony proper means 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 passage. But that, in case the powers thus reserved should at any time be exercised, the French Government should have the right immediately to terminate the whole Convention if they should think right so to do.

By the additional Article it was agreed that the Convention should take effect forthwith with regard to the Colony of Reunion.

These alterations in the Convention being material, it has become necessary to provide by legislation for the carrying it into effect in its altered shape. The present Bill therefore provides that all the provisions of Act XLVI. of 1860 shall remain in full force, notwithstanding the change in the Convention, and shall be taken to apply to the Convention as altered, together with the additional Article thereof.

(Signed) W. RITCHIE.

The 22nd January 1862.

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

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 5th February 1862, and was referred to a Select Committee, with instructions to make their report thereon within a fortnight :—

A Bill to amend the Law relating to the use of a Government Seal.

Whereas it is expedient to adapt the Law relating to the use of a Government Seal to the present form of the Government in India; it is enacted as follows :—

Whenever it is required, by any Regulation of a local Government, or by any Act of the Governor General of India in Council, that the seal of the East India Company shall be affixed on behalf of the Government to any instrument or document, it shall be lawful, if the seal is to be affixed on behalf of a local Government, to affix in lieu of the seal of the East India Company a seal bearing the designation of such local Government, or, if the seal is to be affixed on behalf of the Government of India, a seal bearing the inscription "Government of India;" and such instrument or document so sealed shall, to all intents and purposes, be as valid and effectual as if the seal so used had been that of the East India Company.

STATEMENT OF OBJECTS AND REASONS.

Legislation on this subject was originally suggested in order to meet a difficulty respecting the seal to be used under Act XIX. of 1838 (*for the registration of Coasting Vessels in the Bombay Presidency*). Section VIII. of that Act requires that Certificates of Registry "shall be sealed with the seal of the East India Company," and the Government of Bombay were advised by their Law Officers that no other seal could properly be used for such Certificates until some Act should be passed "prescribing the seal to be used in lieu of the seal of the East India Company."

Before the present Bill was drafted, a further reference was made on the general question by the Government of India to the Advocate General of Bengal. That Officer (Mr. Ritchie) expressed his concurrence in the opinion given in Bombay. He did not doubt that Certificates of Registry, for instance, would be valid, though sealed with the East India Company's seal subsequently to the transfer of the Government to the Crown. But it would, he observed, at all events, be more seemly to substitute some other seal for the future. This could not, he added, be properly done without the authority of the Legislature; and he suggested that any enactment which might be drafted for the purpose should be so drawn as to have a general application, and should not be limited to the Government of Bombay alone.

The present Bill has therefore been made applicable to all cases in which the use of the seal of the East India Company is prescribed by any Indian Regulation or Act. But it does not affect the use of that seal, or of the seal of the Secretary of State or of the Members of his Council under any English statute.

(Signed) C. J. ERSKINE.

The 22nd January 1862.

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

The following Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February 1862 :—

We, the undersigned the Members of the Select Committee of the Council of the Governor General of India, for the purpose of making Laws and Regulations, to whom the Bill "to revive and continue in force for a further period Act XXXIII. of 1837 (to make further provision relating to Foreigners)" was referred, have the honour to report that we have considered the Bill, and that we have no amendment to propose.

(Signed) CECIL BEADON.
" W. RITCHIE.
" DEO NARAIN SING.
M. WYLIE.
Depty. Secy. to the Govt. of India,
Home Department.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 29th January 1862, and was referred to a Select Committee, who will make a report thereon after the 1st of May next:—

A Bill for Securing certain Grants of Immoveable Property made by the State.

Whereas it is expedient and proper that grants of immovable property made for services rendered to the State, or for the support of any Title, Office, or Dignity conferred by the State, should be applied to the purpose for which the grant shall have been made, and that the property so granted should not be liable to be diverted from such purpose; It is enacted as follows:—

I. Whenever any grant of immovable property shall be made as above to any persons as a reward for services rendered to the State, or to accompany or support any Title, Office, or Dignity conferred by the State, it shall be lawful for the Governor General of India in Council to declare,—*first*, that no assignment, agreement, sale, security, or alienation of any kind of, or in respect to, such property, or of any future interest therein, shall be made by the grantee, or by any person to whom such property shall descend, under the limitations of such grant (save and except leases for any period not exceeding seven years, or for any further period terminable with the life of the lessor); and that all such assignments, agreements, sales, securities, and alienations, save and except such leases as aforesaid, shall be null and void; *secondly*, that the property so granted shall be exempt from seizure, attachment, or sequestration by process of any Court of Civil Judicature, and from sale under any process in execution of any decree or order of any such Court; and *thirdly*, in what manner, and subject to what limitations, the property so granted shall, after the death of the grantee, descend in his family, namely, whether according to the ordinary law of inheritance applicable to the grantee, or to the rule of primogeniture or otherwise; or to make any one or more of such declarations. Any such declaration shall be valid and effectual, and the property in respect of which it is made shall thereupon be held and enjoyed, subject to such declaration, and in accordance with the terms thereof.

II. It shall be lawful for the Governor General of India in Council, with the consent of the proprietor or proprietors at the time of any immovable property which shall have been granted to any person before the passing of this Act for service rendered to the State, or to support any Title, Office, or Dignity conferred by the State, and which shall continue the property of the grantee or of any descendant of the grantee, to whom the property shall have descended under the limitations of the grant, to make any one or more of such declarations as aforesaid in respect of such property, and thereupon such declarations shall, from the date thereof, have the same force and effect in respect of the property to which it applies as a declaration made under the last preceding Section.

III. No such declaration as is provided for in the last preceding Section of this Act shall apply to, or affect any assignment, agreement, order, sale, security, or lien, or any right, title, or interest made, created, or acquired, in respect of any property to which such declaration relates, or any process of any Court of Civil Judicature issued in respect thereof before the making of such declaration, or the claim of any creditor in respect of any debt personally incurred by the grantee subsequently to the acquisition of the grant, or by any descendant of the grantee to whom the property shall have descended under the limitations

of the grant if such debt shall have been incurred before the passing of this Act.

IV. Whenever any creditor or other person shall require execution in respect of any claim or right not barred by declaration under this Act, by the sale of any property in respect of which any such declaration as aforesaid shall have been made, if it shall appear that satisfaction of the claim can be made within a reasonable period otherwise than by a sale of the property, the Court from which such execution is required shall make provision for the satisfaction of the claim in such manner as shall seem best, instead of proceeding to the sale of the property.

V. Any declaration made under this Act shall be registered in the Office of the Collector and in the Office of the Principal Register of Deeds of the District in which the property is situate, in books to be kept for the purpose by such Collector and Principal Register of Deeds, and shall be published in the Official Gazette.

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

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 29th January 1862, and was referred to a Select Committee, who will make a report thereon after the 1st of May next:—

A Bill to Revive and continue in Force for a further period Act XXXIII. of 1857 (to make further Provision relating to Foreigners).

Whereas it was enacted by Act XXVIII. of 1859, that Act XXXIII. of 1857 (to make further provision relating to Foreigners) should continue in force for two years from the 5th day of December 1859; and whereas it is expedient to revive and continue the said Act for a further period; It is enacted as follows:—

The said Act XXXIII. of 1857 shall continue in force for the period of two years from the 5th day of December 1861, and shall be deemed and taken to have had effect as if this Act had actually passed and received the assent of the Governor General before the expiration of the said Act XXXIII. of 1857, as continued in force by the said Act XXVIII. of 1859.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill, as its title imports, is to continue in force for a further period the Act of 1857, which was passed to enable the Government to prevent the subjects of Foreign States from residing or sojourning in India, or from passing through, or travelling in, the same, without the consent of the Government.

The original Act expired on the 5th December 1859, and was renewed for two years by the Act No. XXVIII. of that year. It expired again on the 5th December 1861, and it is now thought by the Governor General in Council expedient to renew it for a like period of two years, that is, to the 5th December 1863.

In addition to the general reasons which led to the passing of the Act of 1857, and which still to some extent prevail, a special reason for continuing it in force is afforded by the recent Concordat between the Pope and Portugal, under which it is probable that the subjects of Foreign European nations may resort to India in greater numbers, and in positions of greater influence, than heretofore.

No objection has been made to the Act of 1857 as it stands, and it is therefore not proposed to alter any of

its provisions, but simply to prolong the time of its operation to the end of next year.

(Signed) CECIL BEADON.

The 22nd January 1862.

M. WYLIE,

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

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 29th January 1862, and was referred to a Select Committee, who will make a report thereon after the 1st of May next:—

A Bill to provide for a New Silver and a New Copper Coinage.

Whereas it is expedient to provide for a new Silver and a new Copper Coinage, It is enacted as follows:—

I. From the day of so much of the 1st and 2nd Sections of the Repeal of Acts, Act XVII. of 1835 (*relating to Gold and Silver Coinage*) as provides that the Silver Coins therein mentioned only shall be coined at the Mints within the territories of the East India Company, and that such Coins shall bear on the reverse the words "The East India Company": and the Acts XXXI. of 1837 (*relating to Coinage*) and XXI. of 1838 (*relating to the Silver Coinage*); and Acts XXI. of 1835, XXII. of 1844, and XI. of 1854 (*relating to the Copper Coin*), shall be repealed, except as to any act already done, or Coin already coined or issued under the same.

II. From the day of 1862 the under-mentioned Silver and Copper Coins only shall be coined at the Mints in British India:—

Silver Coin.

- A Rupee.
- A Half Rupee.
- A Quarter Rupee, or Four-Anna Piece.
- An Eighth of a Rupee, or Two-Anna Piece.

Copper Coin.

- A Double Pice, or Half Anna.
- A Pice, or Quarter Anna.
- A Half Pice, or one-eighth of an Anna.
- A Pie, being one-third of a Pice, or one-twelfth of an Anna.

III. The Rupee so coined shall be of the same weight and standard as those provided for the Company's Rupee by the said Act XVII. of 1835, that is to say, the weight shall be 180 grains Troy, and the standard as follows:— $\frac{1}{4}$ th, or 165 grains of pure Silver; $\frac{1}{4}$ th, or 15 grains of Alloy. The other Silver Coins shall be of proportionate weight, and of the same standard.

IV. The Copper Coins so coined shall be of the weight prescribed for Coins of the same denominations respectively by Acts XXI. of 1835 and XI. of 1854, that is to say:—

The Double Pice shall weigh	200 grains Troy.
The Pice	100 "
The Half Pice	50 "
The Pie	33 $\frac{1}{2}$ "

V. Until the Governor General in Council shall otherwise order under the power hereinafter reserved, the Silver and Copper Coins so coined shall bear on the obverse the likeness and the name of Her Majesty Queen Victoria, and the inscription "Victoria Queen," and on the reverse the designation of the Coins in English filled by the word "India," with such date and embellishments on each Coin as the Governor General in Council from time to time may direct.

VI. It shall be lawful for the Governor General in Council; from time to time, to direct the coining and issuing of all Coins authorised by this Act, and to prescribe, in lieu of the likeness and inscription as heretofore prescribed, such other devices and inscriptions and embellishments for all or any of the Coins hereby authorised, as he may, by order in Council to be published in the *Government Gazette*, direct.

VII. The said Rupee and Half Rupee shall be a legal tender in payment or on account of all engagements whatever, provided the Coin shall not have lost more than two per cent. in weight, and provided it shall not have been clipped or filed, or have been defaced or diminished, otherwise than by use.

VIII. The Quarter Rupee and Eighth of a Rupee shall be legal tender only for the fractions of a Rupee, subject to the same provisions as in the last preceding Section mentioned.

IX. The Double Pice shall be a legal tender for one thirty-second part of a Rupee, or for Half an Anna.

The Pice for one-sixty-fourth part of a Rupee, or for One-fourth of an Anna.

The Half Pice for one-hundred-and-twenty-eighth part of a Rupee, or for One-eighth of an Anna; and the Pie, one-third of a Pice, for the one-hundred-and-ninety-second part of a Rupee, or the Twelfth of an Anna.

Provided, that none of the said Copper Coins shall be a legal tender, except for the fractions of a Rupee, and except in the Settlement of Prince of Wales' Island, Singapore, and Malacca, for the fractions of a Dollar.

X. All Silver Coin, of the weight and standard specified in the said Acts XVII. of 1835, and XXI. of 1838, issued since the passing of those Acts respectively, and before the day of and declared by those Acts respectively to be a legal tender, and all Copper Coins of the weight specified in the said Acts XXI. of 1835, XXII. of 1844, and XVII. of 1855, issued since the passing of those Acts respectively, and before the day of and declared by those Acts respectively to be a legal tender, shall continue to be a legal tender for the amounts thereof respectively, subject to the same conditions and provisions as under those Acts respectively, anything in this Act contained notwithstanding.

XI. All Acts and Laws in force in British India at the time of the passing of this Act respecting the Queen's Coin, or the Silver or Copper Coin current in British India, and not repugnant to the provisions of this Act, shall be and continue in full force and effect, and shall be applied to the Silver and Copper Coin to be coined in pursuance of this Act.

XII. The words "British India" in this Act denote the territories which are or may be vested in Her Majesty by the Statute 21 and 22 Vic., c. 106, entitled "An Act for the better Government of India."

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to legalise the Coinage at and issue from the Mints of the new Silver and Copper Coins which the Government proposes to issue, and the Dies of which have been prepared in England.

These Coins are of the same denomination, standard, and weight as those of the Coin already in use. The only change proposed to be made in the Coin which requires for its sanction an alteration in the law, consists in the omission of the words "East India Com-

pany," and of the designation of the Coin in Persian,

Act XVII. of 1835. which, under the present law, must be impressed on the reverse of the Coin. In lieu thereof the new Coin will bear on its obverse the name and title, as well as the likeness of the Queen, and on the reverse the designation of the Coin in English. There are other changes in the devices and ornaments on the Coin, but this is the only one calling for alteration of the law, as the Governor General in Council in his executive capacity, is empowered by the Act above referred to, to prescribe such other embellishments for the Silver Coinage as he may think fit.

The present Bill provides that the Coin shall bear the likeness of Her Majesty, and the inscription "Victoria Queen," until the Governor General in Council shall otherwise direct, and empowers the Governor General in Council from time to time to vary the devices and inscriptions.

The proposed change in the Copper Coinage, which also mainly consists in the substitution of the name of the Queen for that of the East India Company, does not

of itself require any change in the law; for power is given by Act XVII. of 1835, Section X., Act XXI. of 1835, and Act XXII. of 1844, to the Governor General in Council by Order in Council, to prescribe the devices and inscriptions for the Copper Coin.

But as the provisions for the Copper Coinage are scattered through several

* Act XXI. of 1835.	Acts* it has seemed desirable (except as to such of them as apply to the Copper Coin in the Straits' Settlement, which stand on a different footing from the rest of India in that respect†)
" XXII. of 1844.	
" XI. of 1854.	
† Act VI. of 1847.	
" XVII. of 1855.	

to repeal these Acts, and consolidate their provisions in the present Bill.

(Signed) W. RITCHIE.

The 22nd January 1862.

M. WYLIE,

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