CHAP. 7.

An Act for the confirmation and execution of arrangements made between the Secretary of State in Council of India and the East India Irrigation and Canal Company; and for other purposes connected therewith. [19th April 1869.] A.D. 1869.

WHEREAS the East India Irrigation and Canal Company (in this Act and the schedule thereto called the company) were by the East India Irrigation and Canal Act, 1861, incorporated for the purposes therein mentioned, including the following; namely,—

The construction, improvement, maintenance, and management of works for the irrigation of land, combined, wherever such combination might be considered practicable and advantageous, with navigable canals, and of navigable canals, within the dominions of Her Majesty the Queen known as the East Indies, or in any of the adjacent states and territories:

The rendering navigable and improving the navigation of rivers or waters within such dominions, states, and territories:

The construction, improvement, maintenance, and management of works for the supply of water, and the supply of water to the Secretary of State in Council of India or the supreme or any of the local governments of India, or to any body or person:

The obtaining of all powers, the entering into all contracts, and the doing of all things expedient for or incidental, necessary, or conducive to the attainment of those purposes or any or either of them, either by the company alone, or jointly with any other company, or in conjunction with the Secretary of State in Council, or the supreme or any of the local or native governments of India, or any other body or person;

with a proviso that only such of the purposes aforesaid should be carried into operation as should be agreed on between the company and the Secretary of State in Council, or the supreme or any of the local governments of India:

And whereas by agreement with the Secretary of State in Council the company undertook the execution of a scheme of

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works for irrigation, navigation, and supply of water and other purposes in the districts and deltas of the rivers Mahanuddy, Byturny, and Brahmany, in the province of Orissa, and their affluents, and a main irrigation and navigable canal to connect those works with Calcutta, with subsidiary channels necessary to irrigate and accommodate with means of water transport the lands of the districts through which the main canal would pass, which scheme of works is known as the Orissa undertaking:

And whereas by The East India Irrigation and Canal Act, 1866, provision was made to the effect that the Orissa undertaking should be deemed a separate undertaking of the company, and that the capital then already issued by the company should be appropriated for the purposes of that undertaking, and, with all further capital which the company might thereafter issue for that undertaking, should be called the Orissa capital, and should be kept separate and distinct from the other capital of the company, and that the income to be derived from the outlay of that capital should be kept separate and distinct from the other income of the company:

And whereas by another agreement with the Secretary of State in Council the company undertook the execution of a scheme of works (similar in character to those of the Orissa undertaking) in the province of Behar, starting from the Soane river, and embracing territory between that river and Chunar on the one side, and Patna on the other side, which scheme of works is known as the Behar undertaking, but no capital has been created in respect of that undertaking:

And whereas it having appeared to the Secretary of State in Council and to the company expedient that the company should transfer to the Secretary of State in Council the Orissa undertaking and the Behar undertaking, and all the rights and interests of the company therein respectively, agreements for such transfer have been made on the terms appearing in the three instruments described in the schedule to this Act, and those instruments purport to carry into effect or to provide for such transfer; but doubts have been raised whether the company had power to enter into the said agreements, and it is expedient that provision be made by authority of Parliament for the execution thereof:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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1. This Act may be cited as The East India Irrigation and Canal Act, 1869. Short title.

2. The three several instruments described in the schedule to this Act (in this Act referred to as the scheduled instruments) are hereby confirmed as on and from their respective dates, and the same shall be, and shall as from those dates respectively be deemed to have been, valid as between the Secretary of State in Council and the company and binding on them respectively, and shall be carried into execution accordingly. Instruments described in schedule confirmed.

3. A receipt under the common seal of the company, countersigned by the secretary of the company, for any money payable by the Secretary of State in Council to the company or the directors thereof, under the scheduled instruments or any of them, shall effectually discharge the Secretary of State in Council from the money therein expressed to be received, and from all liability in respect thereof; and the Secretary of State in Council shall not be concerned to see to the application or responsible for any loss or misapplication thereof. Certain receipts to discharge Secretary of State from liabilities.

4. The directors of the company shall hold all principal money by the first-mentioned of the scheduled instruments stipulated to be paid to them for and on behalf of the shareholders in the Orissa undertaking by the Secretary of State in Council, when the same is received by them, and all interest received by them in respect thereof from the Secretary of State in Council, on trust to distribute the same among the holders of shares or stock in the Orissa capital, their executors, administrators, or assigns, rateably according to the amounts paid on or in respect of their shares or stock. Application of money paid for Orissa undertaking.

5. The persons who appear in the books of the company to be proprietors of shares or stock in the Orissa capital shall, unless the contrary is proved to the satisfaction of the directors of the company, be considered to be holders of shares or stock in the Orissa capital for the purposes of the distribution of money in pursuance of this Act; and where any share in the Orissa capital has been declared forfeited by the company, but has not been sold, the same shall for the purposes of the scheduled instruments, but not further or otherwise, be deemed to have reverted as on the twenty-seventh day of November one thousand eight hundred and sixty-eight to the person to whom the same belonged at the time of forfeiture. Who to be deemed shareholders.

6. The receipt of an executor or administrator of a deceased holder of any share or stock in the Orissa capital, and the receipt of any person competent under the Acts relating to the company to Receipts of executors, &c. effectual discharges.

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give a discharge to the company for any money payable in respect of any such share or stock, shall be an effectual discharge to the company and to the directors thereof for any money payable under this Act in respect of any such share or stock and in any such receipt expressed to be received, and shall exonerate the company and the directors thereof from any obligation affecting the share or stock in respect of which such money is paid, or in anywise relating to that money.

Discontinuance of Orissa capital.

7. On receipt by the several holders of shares or stock in the Orissa capital of their respective proportions of the money distributable among them under the scheduled instruments or any of them, those several shareholders or stockholders (except such of them as are for the time being acting as members of a committee for executing any resolution passed by the company before the passing of this Act under or in contemplation of the scheduled instruments or any of them) shall respectively cease to be members of the company as holders of such shares or stock, and the shares or stock held by them shall be deemed to be extinguished, and the Orissa capital shall be reduced accordingly; and as soon as all money received by the directors of the company in respect of the Orissa undertaking under the scheduled instruments or any of them has been distributed in manner directed by the scheduled instruments or any of them or by this Act, and the affairs of the Orissa undertaking have been wound up, then by virtue of this Act the Orissa undertaking shall cease to be part of the undertaking of the company, and the Orissa capital shall cease to exist, and the holders of shares or stock therein (excepted as aforesaid) shall cease to be as such members of the company, and as from the passing of this Act so much of the nominal Orissa capital as is not subscribed for shall be deemed to be extinguished.

The SCHEDULE to which the foregoing Act refers.

INSTRUMENTS CONFIRMED.

1. Articles of agreement dated the 30th day of November 1868, made between the Secretary of State in Council of the one part and the company of the other part, being under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council, and under the seal of the company.

2. An Indenture dated the 21st day of December 1868, made between the company of the one part and the Secretary of State in Council of the other part, being under the seal of the company, and under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council.

3. Articles of agreement dated the 21st day of December 1868, indorsed on the first-mentioned articles of agreement, and made between the same parties as those articles, being under the hands and seals of William Urquhart Arbuthnot and Sir Robert Montgomery, K.C.B., G.C.S.I., two members of the Council of India, on behalf of the Secretary of State in Council, and under the seal of the company.

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