

PROCEEDINGS

OF THE

COUNCIL OF THE GOVERNOR OF BOMBAY

ASSEMBLED FOR THE PURPOSE OF

MAKING LAWS AND REGULATIONS.

1891.

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CONTENTS.

PROCEEDINGS OF THE 4TH MARCH 1891.

	PAGE.
Papers presented to the Council	1
The Honourable Sir Raymond West moves the first reading of the Bombay Boilers Inspection Bill	<i>ib.</i>
Bill read a first time and referred to a Select Committee	13
The Honourable Sir Raymond West moves the first reading of the Bombay General Clauses Act Amendment Bill	<i>ib.</i>
Bill read a first time and referred to a Select Committee	<i>ib.</i>

PROCEEDINGS OF THE 25TH MARCH 1891.

Papers presented to the Council	14
The Honourable Sir Raymond West moves the second reading of the Bombay Boilers Inspection Bill	<i>ib.</i>
Bill read a second time	23
The Honourable Sir Raymond West moves the second reading of the Bombay General Clauses Act Amendment Bill	<i>ib.</i>
Bill read a second time	29

PROCEEDINGS OF THE 8TH AUGUST 1891.

Papers presented to the Council	30
Consideration of the Bombay Boiler Inspection Bill in detail	<i>ib.</i>

PROCEEDINGS OF THE 10TH AUGUST 1891.

Consideration of the Bombay Boiler Inspection Bill in detail	53
The Bombay General Clauses Bill read a third time and passed	74

PROCEEDINGS OF THE 22ND AUGUST 1891.

Consideration in detail of the Bombay Boiler Inspection Bill resumed	75
Bill read a third time and passed	78

INDEX

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF
BOMBAY ASSEMBLED FOR THE PURPOSE OF
MAKING LAWS AND REGULATIONS.

Volume XXIX.

ACTS—	PAGE.
OF THE GOVERNMENT OF BOMBAY :—	
Bombay Act No. V of 1873.— <i>The Bombay Boiler Inspection Act.</i>	
Bombay Act No. III of 1888.— <i>The Bombay Municipal Act.</i>	
Bombay Act No. VII of 1888.— <i>The Bombay Municipal Act.</i>	
Bombay Act No. III of 1887.— <i>The Bombay Boiler Inspection Act.</i>	
ADJOURNMENTS.— <i>See Councils.</i>	
ADVOCATE GENERAL, THE HONOURABLE THE—	
Appointed to Select Committee	13
BILLS.—	
Bill No. 1 of 1891 (A Bill to amend the law for the periodical inspection and the management by competent Engineers of Boilers and Prime Movers in the Presidency of Bombay).—(<i>See Bombay Boiler Inspection Bill</i>).	
Bill No. 2 of 1891 (A Bill to amend the Bombay General Clauses Act, 1886).— <i>See Bombay General Clauses Act Amendment Bill.</i>	
BOMBAY BOILER INSPECTION BILL NO. 1 OF 1891)—	
Motion for the first reading of the Bill	1
Bill read a first time and referred to a Select Committee	ib.
Motion for the second reading of the Bill	14
Bill read a second time	28
Consideration of the Bill in detail	30—53
Resumed consideration of the Bill in detail	75
Bill read a third time and passed	78

	PAGE.
BOMBAY GENERAL CLAUSES BILL (No. 2 of 1891)—	
Motion for the first reading of the Bill	13
Bill read a first time and referred to a Select Committee	<i>ib.</i>
Motion for the second reading of the Bill	28
Bill read a second time	<i>ib.</i>
Bill read a third time and passed... ..	74
COUNCILS—	
Adjournments	13, 29, 52, 74, 78
Meetings	1, 14, 30, 53, 75
FAZULBHOY VISHRAM, THE HON'BLE MR.—	
Appointed to Select Committee	13
FORREST, THE HON'BLE MR. L. R. W.—	
Appointed to Select Committee	13
GENERAL CLAUSES ACT.—(See <i>Bombay General Clauses Bill.</i>)	
JAVERILAL UMIASHANKAR YAJNIK, THE HON'BLE MR.—	
Appointed to Select Committee	13
PRITCHARD, THE HON'BLE MR. C. B.—	
Appointed to Select Committee	13
SELECT COMMITTEES—	
On the Bombay Boiler Inspection Bill	13
On the Bombay General Clauses Act Amendment Bill... ..	<i>ib.</i>
STEAM BOILER.—(See <i>the Bombay Boiler Inspection Bill.</i>)	
WADIA, THE HON'BLE MR. N. N.—	
Appointed to Select Committee	13
WEST, THE HON'BLE SIR R.—	
Appointed to Select Committee	13

APPENDICES

TO THE

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY
ASSEMBLED FOR THE PURPOSE OF MAKING LAWS AND
REGULATIONS.

APPENDIX A.

Revenue Survey and Assessment, Kolába: Rules for calculating remissions to be granted on the introduction of revision settlements.

No. 1218.

REVENUE DEPARTMENT.

Bombay Castle, 13th February 1895.

Memorandum from the Commissioner, S. D., No. 4063, dated 22nd September 1894—Submitting,

Letter from the Superintendent, Konkau Revenue Survey, No. 1315, dated 8th August, 1894.

Letter from the Survey Commissioner and Director of Land Records and Agriculture, No. s.—1932, dated 11th August, 1894, to the Collector of Kolába.

together with subsequent correspondence, a memorandum No. s.—2082, dated 30th August 1894, from the Survey Commissioner and Director of Land Records and Agriculture, who forward copies of the correspondence noted in the margin, together with copies of the following rules proposed by him for the grant of concessions referred to in paragraph 8 of Government Resolution No. 4380, dated 17th May, 1894, and of the proceedings of the Collector of Kolába, laying down the procedure for the preparation by the village officers of the statements of remissions calculated thereunder:—

“ 1. In cases of survey numbers, &c., in which the old *ákár* is nil, the new *ákár* has to be taken at once, and therefore no calculation regarding remission will be necessary. This could only happen where land formerly entered as Government *pôt kharáb* has now been occupied and made into survey numbers, &c.

“ 2. Where the difference between the old and new assessment is under 8 annas, no remission should be given.

“ 3. In cases where a survey number has not been divided into *phálni tukdas*, but where the shares are shown *annávár*, the remission admissible should be calculated on the whole survey number, which is the unit.

“ 4. In calculating the annual increment to be taken, all pies to be eliminated and the higher annas taken.

“ 5. Where in the old assessment pies are shown, the old *ákár* is to be taken with pies eliminated, the higher annas being taken as the old *ákár* for the purposes of calculating remissions.

“ 6. Where an old number has been divided into several new numbers or *pôt* numbers, the remission permissible should be calculated on the old number as compared with the aggregate of new numbers or *pôt* numbers and the amount of remission apportioned by rule of three according to the assessment on the new divisions. The same rule has to be followed in calculating remission on new survey numbers made of two or more old divisions.

“ NOTE.—In some cases the full assessment will not be leviable till after the expiry of the guarantee. But in such cases the remission should be given according to the orders of Government, with the understanding that the full assessment will be leviable on the expiry of 30 years.”

requests that the rules and the proposed procedure may be approved ; and adds as follows :—

“ 2. As regards the rules, there is nothing against the spirit of the concession sanctioned generally by Government, though the concession is not to apply to trivial cases, that is, cases in which the difference between old and new assessment is below 8 annas. The object of this modification is, to save labour, which even with the modification will be considerable.

“ 3. The undersigned cordially approves the Collector's proceedings and orders of 24th August, a copy of which will be sent to the Superintendent, Konkan Survey, with instructions that every assistance possible shall be given to the Collector.

“ 4. The question as to how far the concessions are to be applied to khoti villages forms the subject of a separate correspondence submitted to the Commissioner, S. D., with this office No. s.—2085, dated 30th instant.”

the Commissioner, S. D., stating as follows :—

“ 2. The undersigned is unable to accept Colonel Godfrey's argument that there is no difference between a holder of a survey unit who paid 4 annas under the old survey and is now called upon to pay 12 annas, and another holder who occupies many survey units and in whose case the difference at the rate of 8 annas per survey unit between the old and the new survey rates amounts to Rs. 50 and upwards. According to Colonel Godfrey's theory, there would be no occasion for remission of assessment in any case because the rates are imposed according to the capability of the soil, and in all cases where there is a large increase brought about by the application of the revision rates, the profits are also proportionately larger. It is the sudden rise in the assessment and the apparent hardship that might be caused to land-holders if they were called upon to pay it at once which have induced Government to direct that the enhanced assessment should be recoverable by degrees. The Commissioner therefore recommends that rule 2 should be modified as suggested in his memorandum No. 3892, dated the 8th instant, to the address of the Survey Commissioner and Director of Land Records and Agriculture.

“ 3. Another objection raised by the undersigned and accepted by Colonel Godfrey refers to that part of Mr. Ozanne's proposal in accordance with which full assessment will not in certain cases be leviable until after the expiration of the guarantee. The Commissioner has no information before him of the aggregate amount of assessment that will remain for collection after the expiration of the survey lease. He doubts, however, whether an increase, which does not fall due within the period for which the rates are guaranteed, can be deemed to pertain to the survey settlement that has been introduced. It is possible that the next revised settlement might result in an increase or a decrease over the old assessment. The Commissioner admits that Mr. Ozanne's proposal is sufficiently liberal in the case of excessive assessments. He, however, thinks that it would be better if the increase that cannot be collected within the term of the survey lease were remitted altogether instead of being made recoverable after a new revision settlement has become due.”

RESOLUTION.—The proposals submitted by the Commissioner, S. D., with his memorandum No. 4063, dated 22nd September 1894, which involve a change in the procedure as to the preparation of the remission statements by the Revenue Department instead of by the Survey Department as originally contemplated, are approved and sanctioned with the following modifications :—

Rule 2 of the rules for remissions framed by the Survey Commissioner and Director of Land Records and Agriculture should be omitted altogether, and for the note at the foot of the rules the following note should be substituted :—

“ It must be clearly understood that for the purposes of the next revision, the full recorded assessment, whether it has or has not become leviable in full by the date on which the present guarantee expires, will be treated as the present assessment of the number or *phalni tukda*, and that whatever revised assessment may then be placed on it will become leviable at once.”

2. The question referred to in paragraph 4 of Mr. Ozanne's memorandum No. s.—2082, dated 30th August 1894, as to how far the concessions are to be applied to khoti villages, was disposed of by Government Resolution No. 8076, dated 1st October 1894.

APPENDIX B.

Statement showing the Additional Police Posts which have been established or continued since the passing of Bombay Act IV of 1890 under Section 25 (1) of the Act.

Serial No.	No. and date of Government Resolution.	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
1890.				
1	5686 October 17th ...	The village of Virham, taluka Khed, Poona District.	By the villagers generally.	
2	5761 " 20th ...	The Vanjara Tanda in the village of Malkheda, taluka Jámner, district Khándesh.	By the Vanjaras resident in the Tanda. See also Government Resolution No. 1482, dated 11th March 1891.	
3	5895 " 27th ...	The city of Belgaum in the district of Belgaum.	Rateably by Hindus and Muhammadans.	
4	6659 November 29th...	The village of Chanchvel, taluka Vágra, Broach District.	By the Borah inhabitants of the village.	
1891.				
5	220 January 14th ..	The village of Nisraia, taluka Borsad, Kaira District.	Two-thirds by the Patidar inhabitants of the village, the remaining one-third by the other inhabitants irrespective of caste.	The continuance of the post for a further period of one year was sanctioned by Government Resolution No. 665, dated 4th Feb 1892.
6	506 " 24th ...	The village of Derwada, Virangám Taluka, Ahmedabad District.	By the Girassia section of the inhabitants of the village.	
7	756 February 4th ...	The village of Uber in the Jambusar Taluka, Broach District.	The post was first established by Government Notification No. 315, dated 17th January 1888, which directed that the cost be defrayed by the villagers. It has been continued from time to time, and the last orders sanctioning its continuance for one year from 1st February 1894 are contained in Government Resolution No. 911, dated 9th February 1894, which directed that the cost be levied from the Koli inhabitants of the village.	The post was continued for a further period of one year by Government Resolution No. 2031, dated 26th March 1895, the cost being defrayed by the inhabitants generally of the village.
8	2312 April 25th ...	The village of Guledgud in the district of Bijápur.	By the Salis, Padsalgars, &c., and Musalmans.	
9	2422 May 1st ... 4766 September 5th.	The village of Bankápur in the district of Dhárwár.	By the Lingáyat community of the village.	
10	2555 May 8th ...	The villages of Patbardi and Dhamangaon, Ahmednagar District.	The post was established by Government Notification No. 4677, dated 28th August 1890, which directed that the cost should be defrayed by the villagers.	The orders of 8th May sanctioned the continuance of the post. It was further continued by Government Resolution No. 2294, dated 28th April 1892, for three months.
11	3054 June 6th ... 3840 July 18th.	The villages of Pandoli, Res, Dehewan and Kankapura in taluka Borsad and the village of Sinjiwada in the Mátar Taluka of the Kaira District.	By the inhabitants of the village, including, in the case of the villages of Dehewan, and Kankapura, the Thakor's Bháyada and the Udhadars residing in those villages.	The post was continued by Government Resolution No. 3571, dated 1st July 1892, for a further period of 3 months, and by Government Resolution No. 5523,

Serial No.	No. and date of Government Resolution.	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
1891—contd.				
12	3693 July 11th 4373 August 17th	The village of Halligudi in the district of Dhárwár.	By the inhabitants of the village generally.	
13	4258 „ 10th	The villages of Shelgaon and Sansar in the Indápur Táluka and at Sanggaon in the Baramati Petha, district Poona.	These posts were established by Government Resolution No. 3535, dated 3rd July 1890, which directed the cost to be recovered from the inhabitants of the villages named in column 3.	Government Resolution No. 4258, dated 10th August 1891, sanctioned the continuance of these posts for one year. The posts at Shelgaon and Sansar were withdrawn, but that at Sanggaon was continued for periods of one year at a time by Government Resolutions No. 5163, dated 21st September 1892, No. 4851, dated 4th August 1893, and No. 5495, dated 7th August 1894.
14	4294 „ 12th 5602 October 21st.	The villages of Phondsiras, Umbre and Eksái in the Málsiras Táluka, Sholápur District.	The post was first established by Government Resolution No. 3959, dated 23rd July 1890, which directed that the cost should be defrayed by the villagers.	The orders of 12th August 1891 sanctioned the continuance of the post for one year.
15	4794 September 8th	The village of Saguon in the Válva Táluka, Sátára District.	By the inhabitants of the village generally.	
16	4884 „ 12th	The village of Ashtagaon, táluka Kopargaon, Ahmednagar District.	Do.	
17	6256 November 25th	The village of A'mod, táluka Anklesvar, Broach District.	Do.	The post was continued for a further period of one year by Government Resolution No. 7457, dated 29th December 1892; and for a period of three months more by Government Resolution No. 472, dated 25th January 1894.
1892.				
18	1950 April 8th	The village of Koparde, táluka Karád, Sátára District.	By the villagers generally	The post was continued till 31st December 1893 by Government Resolution No. 4864, dated 4th August 1893, and for one year more by Government Resolution No. 103, dated 9th January 1894.
19	2526 May 13th	Ajang and Wadel, táluka Malegaon, Násik District.	In the case of the village of Ajang, by all the inhabitants, and in that of the village of Wadel, by the Kunbi inhabitants only.	
20	2692 „ 20th	The village of Pansora, táluka A'nand, district Kaira.	By the villagers generally	This post was continued for a further period of one year by Government Resolution No. 3516, dated 12th June 1893.

Serial No.	No. and date of Government Resolution.		Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
1892—contd.					
21	3618	July 4th ...	The village of Walan Budrukh, táluka Mahád, in the Kolába District.	By the villagers generally ...	The post was continued for a further period of one year by Government Resolution No. 3052, dated 18th May 1893; for another year by Government Resolution No. 4216, dated 18th June 1894, and for another year by Government Resolution No. 5138, dated 23rd July 1895.
22	4131	August 1st ...	The nineteen Mával or Ghát villages of the north-west portion of the Poona District.	Two-thirds by ten of the villages and one-third by the remaining nine villages.	The continuance of the post at a reduced strength was sanctioned by Government Resolution No. 5266, dated 21st August 1893.
23	5623	October 11th ...	The village of Tankaria in the Broach Táluka of the Broach District.	By the Borah community of the village.	The post was continued for a further period of one year by Government Resolution No. 7007, dated 8th November 1893; up to 31st March 1895, by Government Resolution No. 222, dated the 11th January 1895, and Government Resolution No. 1776, dated 15th March 1895; and up to 31st October 1895 by Government Resolution No. 2502, dated 17th April 1895.
1893.					
24	556	January 25th ...	The village of Karajgi, táluka Karajgi, Dhárwar District.	By the villagers generally.	
25	4245	July 11th ...	The village of Sandesar in the Anand Táluka of the Kaira District.	Do.	
26	4460	" 19th ...	22 villages of the Akola Táluka, Ahmednagar District.	Do.	The posts were continued in 11 villages for six months from 1st January 1895, by Government Resolution No. 418, dated 18th January 1895; and will be continued in 2 of them for a further period of six months.
27	4468	" " ...	The village of Lavali Otur in the Akola Táluka, Ahmednagar District.	Do.	
28	5226	August 19th ...	The village of Pal, Karád Táluka, Sátára District.	Do.	The post was continued for a period of one year by Government Resolution No. 6893, dated 12th October 1894.
29	7140	November 15th...	The village of Debgám táluka.		

Serial No.	No. and date of Government Resolution.	Local area.	How the cost of the post was ordered to be defrayed.	REMARKS.
		1893—continued.		
30	7163 November 16th...	The village of Dayadra in the Broach Táluka, Broach District.	The Borah inhabitants of the village.	
		1894.		
31	2365 April 6th ...	The Municipal District of Yeola in the Násik District.	By the section of the inhabitants of the Municipal District of Yeola liable to the payment of the house-tax.	The continuance of the post at reduced strength was sanctioned for one year by Government Resolution No. 4792, dated 11th July 1895.
32	8557 December 22nd...	The town of Nandgad in the Khánápur Táluka of the Belgaum District.	By the inhabitants of the town.	
		1895.		
33	2139 March 30th ...	The village of Sisodra in the Anklesvar Táluka of the Broach District.	One-half of the cost by a rate levied on the Bbil inhabitants and the Khátedár Edalji Limjibhai, and the other half by a rate levied on the Koli inhabitants of the village.	

APPENDIX C.

By order of the District Magistrate, Násik, I, H. M. Gibbs, District Superintendent of Police, Násik, under the authority vested in me by Section 48 of the Bombay Act IV of 1890, hereby give notice that—

(1) No procession accompanied with music shall take place in Yeola without a license from me.

(2) Such license shall be applied for to the European Police Officer in charge of the punitive post at Yeola, ordinarily 15 days or more before the date of the proposed procession, and if the application is not presented within that period, it will be rejected unless good grounds are shown for the delay.

(3) The application shall show the necessity for such procession as is proposed and give details of the route proposed to be followed.

(4) Whoever opposes or disobeys any rule made or direction given by me under Section 48 of Act IV of 1890 is, under the provisions of Section 68 (c) (e) liable to a fine which may extend to Rs. 200.

(Signed) H. M. GIBBS,
District Superintendent of Police.

Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACTS, 1861 and 1892."

The Council met at Poona on Friday the 27th September 1895, at 12 noon.

P R E S E N T :

His Excellency the Right Honourable Lord SANDHURST, G.C.I.E., Governor of Bombay, *Presiding.*

The Honourable Mr. H. BIRDWOOD, I.C.S., M.A., LL.D., C.S.I.

The Honourable Mr. JOHN NUGENT, I. C. S.

The Honourable Mr. T. D. LITTLE, M.I.C.E., C.I.E.

The Honourable Mr. RAHIMTULA MUHAMMAD SAYANI, M.A., LL.B.

The Honourable Mr. LAKHAM GAUDA BASAPRABHU.

The Honourable Mr. G. W. VIDAL, I. C. S.

The Honourable Mr. P. M. MEHTA, M.A., C.I.E.

The Honourable Mr. BAL GANGADHAR TILAK, B.A., LL.B.

The Honourable Meherban CHINTAMANRAO RAGHUNATH *alias* BALA SAHEB PATWARDHAN, Chief (Senior) of Kurundvād.

The Honourable Mr. DAJI ABAJI KHARE, B.A., LL.B.

The Honourable Mr. A. T. SHUTTLEWORTH.

The Honourable Mr. W. W. LOCH, I.C.S., B.A.

The Honourable Mr. J. K. SPENCE, I.C.S.

The Honourable Mr. T. B. KIRKHAM.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD, B.A., LL.B.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK.

His Excellency the PRESIDENT said—Before we get to the questions I wish to call the attention of the Council to one matter: it is the date, before the meeting, of sending in questions; at present the time is six days before the meeting; Government are anxious always to give full replies to the questions. I know you will all admit that the time of six days is very short and the work here is always very heavy. Replies to certain questions require correspondence and necessitate the calling in of reports from local officers, and greatly increase the work; it would therefore greatly assist Government if honourable members would send in questions as early before the meeting as possible, and in this respect I ask for the assistance of honourable members.

QUESTIONS AND ANSWERS.

The Honourable Mr. JAVERILAL UMIASHANKAR YAJNIK then put question No. 1 standing in his name—

Does Government in the Legislative Department contemplate taking early action to prevent the increasing trade in fraudulent adulteration of ghi on the lines of the suggestions made by the Municipal Corporation of Bombay in February last on the two draft Bills referred to that body for opinion?

The Honourable Mr. BIRDWOOD in reply said:—The subject is under reference to the Government of India.

The Honourable Mr. YAJNIK then put question No 2—

(a) *Is Government aware that the recommendation of the Forest Commission in regard to the sale of royalty trees (teak, blackwood and sandalwood) in the Thána District to occupants at half price on certain conditions has been carried out only in respect of rice, garden and rabi lands, and not in respect of varkas and pot varkas lands, though in their orders passed in December 1892 an assurance was given that rules regulating the fellings, &c., of such trees in varkas lands would be issued hereafter, the right to all other trees in such varkas lands being given up to occupants? On what grounds is this exception in regard to the treatment of reserved trees in varkas and pot varkas lands made?*

(b) *In the meanwhile have any complaints been made to the Forest authorities in Thána in regard to their action in selling reserved trees numbering less than 50 per acre in the villages of Karajgaon and Zari in petha Umbargaon to outsiders, notwithstanding the fact that the occupants were ready to purchase the trees at reasonable prices?*

The Honourable Mr. NUGENT in reply said—

(a) The honourable member is mistaken as to the bearing of the orders of 1892 he refers to. These orders declare that in all occupied lands the right to all royalty trees, which term in the talukas coming under the Sanján and Kolvan settlements includes tivas, vests in Government, but as regards occupied rice, garden and rabi lands, Government, as an act of grace and favour, waived its rights. The felling on varkas lands of teak, blackwood and sandalwood, and of tivas when reserved, without the permission of the Collector was strictly forbidden. It was stated that the conditions on which such permission might be granted and the general regulations under which fellings and exportation beyond the limits of the talukas or districts would be allowed would be made known afterwards. The reason for not extending the concession to varkas and pot varkas lands is that Government did not consider that it would be in the public interests to grant to individuals without any consideration for the grant public property of material value.

(b) It has not been brought to the notice of Government that complaints to the effect stated have been made to the Forest authorities.

The Honourable Mr. YAJNIK then put question No. 3—

With reference to the answer given by the Honourable Mr. Birdwood to my question No. 4 put at the Council Meeting of the 7th August last in the matter of the disturbed condition of a portion of the Belgaum District, has the attention of Government been drawn to the fact that the Berad and Kummi dacoits are still giving trouble in those parts, and that the police have still failed to give protection to the rural population? Will Government be pleased to say what special measures they have taken, or contemplate taking, in view of suppressing these dacoities?

The Honourable Mr. BIRDWOOD in reply said—Information has been received by Government that the Berads are still giving trouble in the Belgaum District. An Assistant Superintendent of Police has been deputed to the district, and the Inspector-General of Police has been directed to place a large and effective body of armed police, in addition to the ordinary force of the district, at the disposal of the District Superintendent. Government have also called upon the district officers to submit definite proposals without delay for certain other measures which it may be necessary to order.

The Honourable Mr. YAJNIK then put question No. 4—

After the judicial investigation now going on at Dhulia has been completed, does Government contemplate appointing a Commission of Enquiry into the recent events with a view to the adoption of such remedial measures as may seem necessary to prevent a recurrence of such troubles in the future?

The Honourable Mr. BIRDWOOD in reply said:—The disturbances at Dhulia still being the subject of judicial investigation, Government can express no opinion on the matter raised in the honourable member's question.

The Honourable Mr. YAJNIK then put question No. 5—

As Government expect the entire work of the Revenue Survey to be over in 1897, will they be pleased to mention—

- (a) the talukas and groups of villages in the districts of the Presidency in which field and settlement operations remain to be carried out, and*
- (b) the talukas and groups of villages in which such operations have been nearly completed?*

The Honourable Mr. NUGENT in reply said—Statements containing the information asked for by the honourable member will be laid on the Table.

The Honourable Mr. YAJNIK then put question No. 6—

Will Government be pleased to give reasons for renewing the Khândesh farm to the present contractor against whose mismanagement of the working of the farm by short measure and "Kasar" strong complaints were made by the Collector of Khândesh as well as by the Abkâri Commissioner?

The Honourable Mr. NUGENT in reply said:—Under the system now in force, farms of the kind referred to are given to the persons or firms who are adjudged to be most likely to manage them satisfactorily. The selection is made or approved by Government under a full sense of their responsibility to do what according to their judgment is most conducive to the public interests, and they must decline to make public their reasons for selecting or rejecting any particular applicant.

The Honourable Mr. YAJNIK then put question No. 7—

What were the reasons for reducing the guaranteed revenue from Rs. 5,40,000 to Rs. 4,93,000 in Khândesh when, according to the report of the late Abkâri Commissioner Mr. Mackenzie, the decrease in the demand for liquor was not the result of ordinary causes but due to the unsatisfactory working of the farm by the farmer by means of short measure and "Kasar"?

The Honourable Mr. NUGENT in reply said—As the question of the honourable member is the same in substance as question No. 13 asked by him on 7th ultimo, he is referred to the reply then given.

The Honourable Mr. YAJNIK then put question No. 8—

Has the attention of Government been drawn to a series of articles published in the issues of the "Gujrat Mitra" from the 28th April to 2nd June last, purporting to have passed between the agents of the Abkâri farmer and the retail liquor vendors, regarding

the rate of Kasar and other terms on which shops were given to the said retail vendors? What action have the Collector of Surat and the Abkari Commissioner taken on the state of things disclosed in these letters?

The Honourable Mr. NUGENT in reply said—The attention of Government has not been called to the series of articles referred to by the honourable member. In view of the statement made by the honourable member the articles will be scrutinized.

The Honourable Mr. CHIMANLAL HARILAL SETALVAD then put question No. 1 standing in his name—

Has the Surgeon-General submitted any proposals to Government in connection with the numerous memorials that have been submitted to him by the Hospital Assistants of this Presidency setting forth their grievances and praying for their redress, and if so, what action do Government contemplate taking in the matter? If the Surgeon-General has not moved Government about the matter, will Government be pleased to call for and consider the said memorials?

The Honourable Mr. BIRDWOOD in reply said—Memorials from certain Hospital Assistants have been received by Government and are under consideration.

The Honourable Mr. SETALVAD then put question No. 2—

Are Government aware that the Sadar Court of Sind has lately held that it has no jurisdiction to revise the proceedings and orders of Mámlatdárs in suits under the Mámlatdárs' Act (Bombay Act III of 1876) such as the High Court is exercising over proceedings and orders of Mámlatdárs in the Presidency proper? Will Government, under these circumstances, be pleased to consider the advisability of taking some measures, by legislation if necessary, to bring the Mámlatdárs' Courts in Sind under some superintending and revisionary jurisdiction?

The Honourable Mr. NUGENT in reply said—Government are aware of the circumstance mentioned by the honourable member. The subject is under consideration.

The Honourable Mr. SETALVAD then put question No. 3—

Will Government be pleased to give information in the following form about Assistant Judges invested with appellate civil powers during the three years ending March 1895?

1	2	3	4	5							
Name.	Length of service in the executive line at the date of appointment as Assistant Judge.	Date of appointment as Assistant Judge.	Date of investing with appellate powers.	Original suits tried before investiture with appellate powers.							
				1	2	3	4	5	6	7	8
				Disposed of without trial.	Com-promised.	Decreed on confession.	Referred to arbitration.	Decreed ex-parte.	Dismissed ex-parte.	With contest.	Total.

The Honourable Mr. BIRDWOOD in reply said—The information asked for by the honourable member will be laid on the Table on receipt of the necessary figures for filling

in column 5 of the statement from the District Judges who have been called upon to submit them.

The Honourable Mr. SETALVAD then put question No. 4—

Will Government be pleased to lay on the Council Table the report called for from the Commissioner, N. D. (vide answer to my question No. 3 at the Meeting of 4th February 1895), on the working of the rules framed in 1888 under Act VIII of 1870 if it is received?

The Honourable Mr. BIRDWOOD in reply said—It is not in accordance with the general practice of Government to publish the reports of their officers, but I may state, for the information of the honourable member, that from a report furnished by the Collector of Kaira it appears that female infanticide is not believed to be now at all prevalent amongst the Lewa Kunbis of the Kaira District. The rules are enforced as far as possible, and within the past five years 69 convictions for breaches of them have been obtained, but it is considered by the local authorities that the rules in respect of marriage expenses are not unfrequently evaded by means of private arrangements.

The Honourable Mr. SETALVAD then put question No. 5—

Is it a fact that the unwithdrawn balances of cash advances taken from parties to insolvency proceedings for meeting Court charges are appropriated or used to be appropriated by the Clerk to the Insolvency Court; if so, under what authority? Will Government be pleased to state the total amount of such balances for the five years ending December 1894?

The Honourable Mr. BIRDWOOD in reply said—An answer to the honourable member's question will be laid on the Table on receipt of the necessary information which has been called for.

The Honourable Mr. SETALVAD then put question No. 6—

(a) *Have the Government of Bombay taken any steps to give effect to the desire of the Government of India expressed in the following extract from the Government of India Resolution No. 6-371—383 of 17th August 1889 (p. 8 of the Selections from the Records of Government of India, Home Department, No. CCLXV) for the training of teachers for secondary schools? :—*

“His Excellency in Council therefore deems it essential that each local Government should accept the responsibility of providing means for training teachers for each grade of schools, primary, middle and high, as a first charge on the educational grant.”

(b) *When was the “voluntary examination for teacherships” in Government High and Anglo-Vernacular Schools first established in this Presidency? What is the total number of candidates (1) who presented themselves at the said examination from its establishment up to now, (2) who passed the examination, (3) and who, subsequent to their passing the examination, are in service in the Educational Department?*

(c) *What are the conditions and subjects of the examination? Is any training or attendance at a school or college for instruction in theory and practice of teaching and school management required before admission to the examination?*

(d) *Are Government aware that the Government of Madras have established a college for the training of teachers of secondary schools? Is a similar step in this Presidency*

contemplated in the R.

Council considers it impossible to secure good instruction by a process of selection and preparation as normal school training gives, and is unable to regard the adoption of examination in the art of teaching as an adequate substitute for good normal schools"?

His Excellency the PRESIDENT in reply said—

- (a) The matter is under consideration.
- (b) Inquiries are being made.
- (c) Inquiries are being made.
- (d) The matter is under consideration.

The Honourable Mr. SETALVAD then put question No. 7—

Will Government be pleased to issue this year licenses for the sale of raw toddy in the Khándesh District where the people have been deprived of that nutritious and mild drink since the year 1888?

The Honourable Mr. NUGENT in reply said :—Government as at present advised are not prepared to issue licenses for the sale of raw toddy in the Khándesh District.

The Honourable Mr. SETALVAD then put question No. 8—

Is it true that in the village of Gandhar in the Broach District certain Jain idols were lately found in the ruins of a Jain temple, that the Mámlatdár of Vagra acting under the Treasure Trove Act VI of 1878 stopped the religious ceremonies that were going on for installing these idols in new temples, that the Mámlatdár attached them and refused to grant the request of the leaders of the Jain community in the Broach District, who offered to give security and prayed to be allowed to retain possession of the idols pending the decision of the Collector in order that they may not be polluted and may be properly worshipped according to their religion, that the Collector refused to give the said idols to the Jain community unless they paid a large sum towards some public object, and that the said idols were returned to the Jain community only when an influential deputation of that community from Bombay and other places waited upon the Commissioner, N. D., and that officer was thereupon pleased to order them to be returned, more than a year after they were attached by the Mámlatdár?

Will Government be pleased to issue orders to prevent the Treasure Trove Act being worked in the future in a manner calculated to wound the religious feelings of any community?

The Honourable Mr. BIRDWOOD in reply said—The facts are as follows: In the village of Gandhar, which is built on the site of an ancient town, a Mahomedan, while making an excavation in the ground under his own house, came across certain marble images. After some delay he gave information to the police, and as the result thereof an inquiry under the Treasure Trove Act was ordered to be made. Certain representatives of the Jain community raised claims to the property, but the Mámlatdár decided that it had been buried more than 100 years ago and belonged to Government. As the Jain community, however, represented to the Commissioner their anxiety, from religious considerations, the Commissioner recommended that, as a condition for the return of the idols, the Jain community should make a suitable proposal which was sanctioned.

Government. It does not appear that any occasion has arisen for framing any such rules as are suggested.

The Honourable Mr. SETALVAD then put question No. 9—

Have Government issued to their officers an authoritative list of newspapers in which they should publish official notices and advertisements? If so, will Government be pleased to lay the list on the Council Table?

The Honourable Mr. BIRDWOOD in reply said—Government do issue a list of papers to their officers with due regard to the requirements of the public service. They are not prepared to place this list on the Table.

The Honourable Mr. LAKHAM GAUDA BASAPRABHU then put the question standing in his name—

Do Government know that there is a widely prevalent belief in the district of Belgaum that robberies and dacoities are committed by Berads in that Zilla owing to their extreme poverty and want of honest means of livelihood, and, under the circumstances, do not Government think that the opening of some relief works, such as roads through the jungles infested by such offenders, will wean them from such wild pursuits to a large extent and afford great security to travellers?

The Honourable Mr. BIRDWOOD in reply said—Government are not aware that there is any such widely prevalent belief in the Belgaum District as is indicated in the honourable member's question; nor are Government prepared to admit that there are no honest means of livelihood within the reach of the Berads. The opening of relief works would, in any case, be only a temporary remedy, and it is doubtful whether it would have the effect of permanently weaning the Berads from their evil pursuits.

The Honourable Mr. DAJI ABAJI KHARE then put question No. 1 standing in his name—

Is Government aware of the fact that the rules made by Government some time ago, regarding the grazing fees and free supply of head-loads of fuel and other minor forest products, have been misinterpreted by the District authorities in Belgaum, and that these officers have issued orders which are, in fact, contrary to the intentions of Government as expressed in those rules?

The Honourable Mr. NUGENT in reply said—Government are not aware of any such misinterpretation of rules as is referred to by the honourable member, and no complaints have been made to them on the subject.

The Honourable Mr. KHARE then put question No. 2—

(a) *Have Government framed any rules regarding the resumption of set sunuti lands in the Southern Murdtha Country? Would Government be pleased to publish the rules, if any?*

(b) *Is Government aware that a great deal of discontent has been caused by the policy pursued by the District Officers, of resuming these holdings from persons whose families have held possession of them for a long period of time?*

(c) *Would Government be pleased to supply information as to the number of such holdings in the districts of Belgaum, Bijapur and Dhárwár, and as to how many of them have been resumed during the last decade?*

The Honourable Mr. NUGENT in reply said—(a) Rules on the subject referred to by the honourable member and on other matters were framed and promulgated in Government Resolution No. 1364, dated 15th March 1878, and are published at pages 181, 182 of the General Rules in force in the Revenue Department under the Government of Bombay.

(b) Government have not been made aware that a great deal of discontent has been caused by the policy pursued, but do not doubt that persons from whom lands have been resumed are dissatisfied. This fact would not, however, justify them in permitting the misappropriation of public property assigned as remuneration for Government service, which is not performed by the persons holding the lands.

(c) Government have not at hand the information asked for.

The Honourable Mr. KHARE then put question No. 3—

(a) *Have Government received the reports from the Commissioners, Collectors and Conservators, which were called for in connection with the question of modifications to be effected in the administration of the State Forests consequent on the orders contained in the Resolution of the Government of India, No. 22 (F.), dated 19th October 1894?*

(b) *Have any rules been framed in pursuance of that Resolution?*

The Honourable Mr. NUGENT in reply said—(a) All the reports referred to have not yet been received.

(b) No rules have been framed in pursuance of that Resolution, and it is not at present clear that any are needed.

The Honourable Mr. KHARE then put question No. 4—

(a) *Have Government investigated into the alleged grievances mentioned in the petitions by cultivators of garden lands in the villages of Bhartinhalli and others in the Yellapur Taluka of the Kánara District, reference to which was made by the Honourable Mr. V. R. Natu in a question of his put at the Meeting of the Council held on the 4th of February 1895?*

(b) *What is the result of the investigation?*

(c) *Have any and what steps been taken in the matter?*

The Honourable Mr. NUGENT in reply said—

(a) It is understood that the petitions referred to are those which were made by cultivators of the Yellapur Taluka mainly with regard to draft rules under Section 31 of the Forest Act, but the name of Bhartinhalli has not been found in any of these petitions. The alleged grievances have been very carefully considered after full discussion by a committee appointed to investigate the various matters regarding which rules were proposed, and by officers acquainted with the circumstances.

(b) It has been found that the *beta* assignments do not now in many cases supply sufficient leaf manure and loppings, but this result is mainly due to the reckless manner in which the assignments have been dealt with.

(c) Orders have been given for the revision of *beta* assignments in some parts of Kánara, including the Yellapur Taluka, it being distinctly understood that any material beyond what is supplied from the revised assignments can be got only

from the Forest Department on payment or under the rules regarding privileges in the forests. The final form of the rules is being settled under legal advice. The petitioners have been referred to the Collector for an explanation of the orders.

The Honourable Mr. KHARE then put question No. 5—

(a) *Have Government come to any decision as to how they are going to deal with the admitted grievance of the Khots in the Dergad Taluka of the Ratnagiri District arising from the combined operation of the revised revenue survey settlement and the settlement of rents by the Khoti Settlement Officer?*

(b) *If so, what is the decision?*

(c) *If no decision be arrived at as yet, is it possible for Government to say when these Khots may expect to obtain redress of this grievance under which they have been suffering heavy loss every year?*

The Honourable Mr. NUGENT in reply said—

(a) and (b). Government have not yet come to a final decision on the subject.

(c) The honourable member is referred to the answer to question No. 3 put by him on 7th August last.

The Honourable Mr. KHARE then put question No. 6—

(a) *Have the Bombay Government made any recommendations to the Government of India in connection with the authority proposed to be conferred by Section 3 of Bill No. 16 of 1895 of Government of India upon Sessions Judges of requiring juries to return special verdicts as to particular questions of fact?*

(b) *Have the Bombay Government received any complaints from their judicial subordinates expressing their dissatisfaction at the absence of such power under the law as exists at present?*

(c) *Will the Bombay Government publish such recommendations and complaints, if any?*

The Honourable Mr. BIRDWOOD in reply said—The matter has been the subject of correspondence between the Bombay Government and the Government of India, in the course of which the opinions of the Judicial officers in this Presidency have been obtained. It would not, however, be in accordance with the general practice of Government to publish either that correspondence or the opinions received.

The Honourable Meherban CHINTAMANRAO RAGHUNATH alias BALASAHEB PATWARDHAN then put question No. 1 standing in his name—

Has the attention of Government been drawn to the fact that there is growing friction between the Inámdárs of the Sátara District in the matter of hirda and other forest produce?

Will Government be pleased to remove the cause of this friction by giving such orders as may be necessary?

The Honourable Mr. NUGENT in reply said—It is presumed that the honourable member alludes to the subject on which question 4 was put in the Meeting held on the 4th February last, and the honourable member is referred to the answer given to that question. No complaints have been made to Government by Inámdárs in the Sátara District with regard to that matter or any other connected with forest produce.

The Honourable Meherban CHINTAMANRAO then put question No. 2—

Is Government aware that the passengers booked from stations on the Southern Maratha Country Railway south of Koregaon to stations north of the same place by the afternoon train that leaves Miroj by 2 P.M. are sometimes obliged to remain locked up in the third class compartments for more than five hours?

Will Government be pleased to take such steps as may effectually serve to remove this and similar inconveniences to the passengers on the Southern Maratha Railway Line?

The Honourable Mr. NUGENT in reply said—Government are not aware whether it is, as alleged, the case that passengers by the train in question are obliged to remain locked up in third class compartments for more than five hours at Koregaon Station. A report on the subject has been called for, and the result of the enquiry will be communicated at a later date.

The Honourable Meherban CHINTAMANRAO then put question No. 3—

Will Government be pleased to call for a statement showing how many holders of alienated villages are invested with special powers under Section 84 of Act III of 1874, as amended by Section XV of Act V of 1886?

The Honourable Mr. NUGENT in reply said—The following holders of alienated villages have been invested with certain specified powers under the provision quoted:—

Mr. Dattajirao Nagojirao, Sar Desai of Jamboti.

Sardar Ganpatrao Madhavrao Vinchurkar.

The Honourable Meherban CHINTAMANRAO then put question No. 4—

Is it a fact that Inámdárs have to pay from their revenue the remuneration of the village officers for the collection of Local Fund cess from rayats of their villages, while in unalienated villages the said remuneration is paid from the Local Fund revenue?

The Honourable Mr. NUGENT in reply said—The Local Fund cess leviable in alienated villages is due from the holders themselves, but such as apply for the extension to their villages of the provisions of Chapters VIII and IX of the Land Revenue Code undertake to remunerate the village officers for the collection of the cess from the rayats. As regards unalienated villages, the Local Fund is credited only with the net proceeds of the cess after deducting the expenses of collection.

The Honourable Mr. PHEROZESHAH MERVANJI MEHTA then put the question standing in his name—

Will Government be pleased to consider the advisability of framing general rules applicable to the whole Presidency for regulating the playing of music in procession when passing places of public worship and of appointing a mixed representative Commission for the purpose of preparing them?

The Honourable Mr. BIRDWOOD in reply said—Under the existing law Government are advised they have no power to frame a general rule applicable to the whole Presidency; and so far as they have at present, by careful enquiry, been able to ascertain, local customs vary so much that it would apparently be impossible to frame a set of rules regulating the playing of music that could be applied generally. At the same time, the question is still engaging the serious consideration of Government, to whom the suggestion of a mixed Commission is not new.

The Honourable Mr. BAL GANGADHAR TILAK then put question No. 1 standing in his name—

Has the attention of Government been drawn to the Report of the Industrial Survey of the Kolhapur State recently published; and will Government be pleased to make arrangements, according to its convenience, for making a similar survey of districts under its charge?

The Honourable Mr. BIRDWOOD in reply said—Government have had under consideration the matter referred to in the question of the honourable member, but as yet they have arrived at no final conclusion.

The Honourable Mr. TILAK then put question No. 2—

Is it a fact that within the last twenty years the water-rates of the irrigation works of the Khodsi Dharana on the river Krishna in the Sátara District have risen from Rs. 8 to Rs. 25 per acre? Will Government be pleased to lay on the Table information regarding the receipts and disbursements of the revenue realised from the same within the last twenty years?

His Excellency the PRESIDENT in reply said—The rate for perennial irrigation on the Krishna Canal was Rs. 10 per acre twenty years ago, and has been increased from time to time and is now Rs. 25 per acre.

Information in regard to revenue and charges for the Krishna Canal for the past twenty years will be laid on the Council Table as soon as the required statement can be prepared.

The Honourable Mr. TILAK then put question No. 3—

Is the attention of Government directed to the fact that in a recent reference by the Sátara Sessions Judge the High Court in Imperatrix vs. Hari Gopal has pointed out the desirability of Magistrates not trying Vatanulárs summarily? Does Government propose to draw the attention of the Magistracy to this important point of procedure?

The Honourable Mr. BIRDWOOD in reply said—The attention of Government has not been directed to the ruling in question. The High Court will no doubt take whatever action may appear to be necessary in the matter.

The Honourable Mr. TILAK then put question No. 4—

Is Government aware that in a criminal case tried by Mr. Arthur in the Sátara District, which formally resulted in the acquittal of the accused on appeal, the latter were made to move from place to place for not less than three months in confinement under trial (Imperatrix vs. Tukia and other Managers of Garoda in Pátan Taluka)?

The Honourable Mr. BIRDWOOD in reply said—The case referred to involved two separate trials and the examination of 71 witnesses. Government have after inquiry been satisfied that no undue delay occurred.

The Honourable Mr. TILAK then put question No. 5—

Is it a fact that Government declines to extend to alienated villages the provisions of Chapters VIII to X of the Bombay Land Revenue Code, even when the Inimdar is willing to bear the cost of survey and settlement of his village, except upon his consenting pass an agreement in the form prescribed by Government, binding him and his successors to certain conditions regarding the

The Honourable Mr. NUGENT in reply said:—No case precisely of the kind stated by the honourable member has arisen, and there has therefore been no decision passed on the subject, but Government would not be prepared to extend to any alienated village the provisions of Chapters VIII to X of the Land Revenue Code except on the execution of an agreement of the nature specified.

PAPERS PRESENTED TO THE COUNCIL.

(1) Letter from the Officiating Secretary to the Government of India, Legislative Department, No. 1199, dated the 2nd July 1895—Returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the Law to amend the Bombay Tramways Act, 1874.

(2) Report of the Select Committee appointed to consider Bill No. II of 1895, a Bill to amend the Bombay Civil Courts Act, 1869.

(3) * Statement referred to in the reply to question No. 5 put by the Honourable Mr. Javerilal Umiashankar Yajnik at the meeting of the Legislative Council held on the 7th August 1895.

* Vide Appendix.

THE BOMBAY CIVIL COURTS ACT, 1869, AMENDMENT BILL.

In moving the second reading of the Bill to amend the Bombay Civil Courts Act, 1869, the Honourable Mr. BIRDWOOD said—Your Excellency, it will be in the recollection of honourable members that the Bill to amend the Bombay Civil Courts Act, 1869 was referred at the last meeting of this Council to a Select Committee with instructions to report on the Bill within one month. The Committee accordingly submitted their report on the 4th September, and the report with the Bill as settled by the Committee was published in the *Bombay Government Gazette* on the 13th September. Copies of the report and the amended Bill were sent to the members of the Council on the 17th September. As more than seven days have elapsed since that date, the report can now, in accordance with the rules, be taken into consideration with a view to the Bill being read a second time. When moving the first reading of the Bill, I explained its general scope and objects, and it is not perhaps necessary that I should do so now again. I will only state that the Select Committee approve of the principle of the Bill. And as we have received no notices of amendments or of objections of any kind to the proposed law, I assume that this Honourable Council also will have no difficulty in affirming the principle of the Bill. The Committee, however, suggest certain amendments. They wish to enlarge the scope of the measure by making the proposed amendment of section 32 of Act XIV of 1869 applicable not only to cases to which a Collector or other officer of Government is a party merely in his capacity as a guardian of a minor, but also to cases in which such officer is a party as curator of an estate under Act XIX of 1841 which, as the Council is aware, is an Act for the protection of moveable and immoveable property against wrongful possession in cases of succession, or in which such officer is a manager of a person's estate under Act XV of 1858. There can be no poss

The Honourable Mr. Birdwood moves the second reading of the Bill to amend the Bombay Civil Courts Act, 1869.

of the Select Committee involves an amendment of the Civil Courts Act not contemplated when the present Bill was introduced, and as such amendment requires the previous sanction of the Governor General under section 5 of the Indian Councils Act, 1892, before it can be undertaken by the local Legislature, it has been necessary for Government to apply to the Government of India for that sanction. This has been done, and the sanction of His Excellency the Governor General has now been received by telegram. I therefore move that the Bill as settled by the Select Committee be read a second time.

Bill read a second time.

The Bill was then read a second time.

Bill considered in detail.

The Bill was then considered in detail, and sections 1, 2 and 3 were accepted without alteration.

The Honourable Mr. BIRDWOOD then said—I propose that the words “sections 22 of” be inserted between the words “amend” and “the” in line 1 of the preamble. This amendment does not affect in any way the principle of the Bill and seems to me, as we are not amending the Act generally, but only sections 22 and 32. In the preamble “Act XI of 1876” is quoted by mistake for “Act X of 1876.” The marginal notes form no part of the Act, but will be corrected by the Secretary.

Bill read a third time and

The amendments were agreed to. The Bill was then read a third time and passed without dissent.

His Excellency the PRESIDENT then adjourned the Council *sine die*.

By order of His Excellency the Right Honourable the Governor in Council,

M. H. W. HAYWARD,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

7th September 1895

Appendix to the Proceedings of the Council of the Governor of Bombay assembled for the purpose of making Laws and Regulations on the 27th September 1895.

No.	Names of Talukas.	Total number of Khoti villages in the different Talukas of the Ratnagiri District at the time of the introduction of the original settlement.	Number of villages which have been attached since the introduction of the settlement.	Number of villages attached since the settlement but which were subsequently restored to the Khots.	Number of villages which have actually lapsed to Government at the end of 12 years of Government management.	Remarks.
1	2	3	4	5	6	7
1	Vengurla ...	10	4	...	1	Villages which were under Government management prior to the introduction of the original settlement and some of which have lapsed to Government owing to their being under attachment for more than 12 years are not included in the figures shown in columns 3 and 6.
2	Málvan ...	50	38	5	7	
3	Devgad ...	96	88	48	
4	Rájapur ...	112	41	27	
5	Ratnágiri ...	112 8 0	102 8 0	101 5 8	1 2 4	
6	Sangmeshvar ...	174	47	31	4 8 0	
7	Chiplún ...	202	121	120	
8	Khed ...	137	133	125	7	
9	Dápoli ...	234	206	198	6	
		1,127 8 0	783 8 0	655 5 8	26 10 4	The fractions in annas and pies represent shares of villages.

147

No. 3182 of 1895.

Ratnágiri, 17th August 1895.

Submitted to the Secretary to Government in the Revenue Department.

(Signed) W. W. DREW,
Collector.