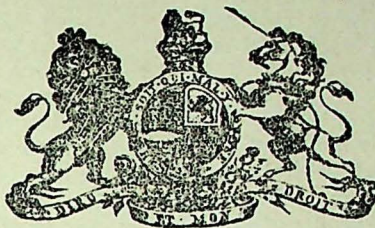


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THURSDAY, 19TH SEPTEMBER 1878.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 14 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 6 of 1878.

A Bill for the relief of Indebted Agriculturists in certain parts of the Presidency of Bombay.

WHEREAS for the purpose of relieving agriculturists in certain parts of the Presidency of Bombay from indebtedness, it is expedient to limit the liability of such persons in respect of claims against them for interest and for ancestral debts; It is enacted as follows:—

1. This Act may be cited as "The
Short Title. Bombay Agriculturists Debts Act, 1878."

It extends only to the Districts of Poona, Satara, Sholapur, and Ahmednagar.

2. In this Act the word "Agriculturist" means a person who earns his livelihood wholly or principally by agriculture.

v.—26

3. In any suit brought for the recovery of money alleged to be payable on account of money lent, it shall be incumbent on the Court in which such suit is instituted, to ascertain and determine whether the defendant or any one of the defendants not being a surety merely of the actual debtor, is an agriculturist.

4. In any case in which the Court's decision under the last preceding section is in the affirmative the interest, if any, to be awarded in the Court's decree to the creditor shall be at the rate, if any, agreed upon between the parties, if

such rate be, in the opinion of the Court, reasonable, or if such rate be, in the opinion of the Court, not reasonable, or if no rate have been agreed upon, at such rate as the Court deems reasonable :

Provided that

(a.) All payments already made by or

But payments, on behalf of the debt-
&c., already made or to the creditor,
to be deducted. and all profits of any
kind whatever enjoyed or realized
by the creditor in satisfaction of the
debt shall be brought to account, and
credited, as far as they go, in can-
celment first of the interest, if any,
due at the rate allowed by the Court
at the time or times at which such pay-
ments were made, or such profits en-
joyed or realized, and next in reduc-
tion of the principal amount of the
debt;

And interest
not to be allowed
if agreement so
provides.

(b.) If the agree-
ment between the
parties expressly so
provides no interest
shall be allowed.

And compound
interest not to be
allowed.

(c.) Compound in-
terest shall not in
any case be allowed;

(d.) The amount of interest received
And aggregate or to be received by
amount of interest the creditor shall not
not to exceed the in any case exceed in
principal. the aggregate the
amount of the principal debt;

(e.) If the debt, or any portion thereof,
And in the case was not contracted
of ancestral debts by the person from
interest to be dis- whom the creditor
allowed or limited. seeks to obtain reco-

very, but by such person's father or
other ancestor, the said person shall be
called upon to state whether he is
willing to accept the full responsibility
for such debt, or for such portion
thereof, and if he accepts such respon-
sibility, shall be held liable for the full
amount payable on account of such
debt or of such portion thereof, sub-
ject to the other provisions of this
Act, or of any law for the time being
in force relating to liability for ances-
tral debts; but if he declines to ac-
cept such responsibility, shall be held
liable only for the principal amount
of such debt or of such portion there-
of, with interest up to the date of the
death of the person who incurred such
debt or such portion thereof, if such
person was related to him in the first
degree, and otherwise only for the
principal amount of such debt or of
such portion thereof.

5. Whenever application is made for the

In execution of a
money decree against an
agriculturist provisions
of Section 4, Clause (e),
to be applied.

execution of a decree
for the payment of
money, it shall be in-
cumbent on the Court
to which such appli-

cation is made to ascertain and determine
whether the person against whom execution
is sought is an agriculturist; and if the
Court is satisfied that the said person is
an agriculturist and such person is not the
person made liable by the decree for the
amount of such decree, but the heir of
the said person, the amount recoverable
under the decree shall be determined by
the Court in accordance with the provi-
sions of Clause (e) of the last preceding
section.

STATEMENT OF OBJECTS AND REASONS.

The Government of Bombay recently submitted to the Government of India a draft Bill for the Relief of Indebted Agriculturists in certain parts of this Presidency, with a view to the same being introduced in the Legislative Council of the Governor General. That Bill contained, amongst others, some provisions for limiting the liability of indebted agriculturists both as regards the amount of interest payable by them, and also in respect of the principal when the debt had been incurred by their ancestors.

The Government of India, while expressing willingness to introduce a measure for some of the other objects of the Bill, has intimated a preference that such legislation as may be needed concerning interest and ancestral debts should be undertaken by the Governor of Bombay in Council.

This Bill has accordingly been prepared for introduction into the Local Legislative Council. It is proposed to limit its operation to the four districts of the Deccan in which the indebtedness of the ryots is believed to be more particularly aggravated, viz., Poona, Satara, Sholapur, and Ahmednagar; and its object is by way of providing one remedy against their becoming hereafter exceedingly and unreasonably involved to:

- (1) permit agriculturists to be charged only a reasonable rate of interest whenever interest is properly payable by them;
- (2) provide for all part payments and previous realizations being duly accounted for to their credit;

- (3) prohibit their being made liable for compound interest;
- (4) extend to agriculturists of all classes the benefit of the Hindu rule of *dam dupat*, and to extend the scope of that rule itself by providing that no agriculturist shall in any case pay interest exceeding in the aggregate the amount of his principal debt; and
- (5) limit the liability of agriculturists in respect of ancestral debts.

13th September 1878.

(Signed) L. R. ASHBURNER.

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

J. MONTEATH,

Poona, 14th September 1878.

Acting Under Secretary to Government.

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the "Bill to provide for the Levy of Fees for the use of Government Landing-places in the Port of Kurrachee," and the Bill as amended by the Committee are, in accordance with Rule 25 of the Rules for the Conduct of Business at Meetings of the Council, published for general information :—

Report of the Select Committee appointed to consider Bill No. 3 of 1878, a "Bill to provide for the Levy of Fees for the use of Government Landing-places in the Port of Kurrachee."

The Select Committee appointed to report upon Bill No. 3 of 1878, "a Bill to provide for the Levy of Fees for the use of Government Landing-places in the Port of Kurrachee," beg to state that they approve of the Bill as now amended.

2. They think it advisable to add a short title and this will be done in a new section which will be Section 1 and run: "This Act shall be called 'The Kurrachee Landing and Wharfage Fees Act of 1878.'"

3. The Commissioner in Sind having reported that it is desirable that power should be given to apply the fees collected to the general improvement of the Port, Section 7, clause c, has been amended to meet his views and will now read: "In maintaining and improving any existing landing-place and generally in the improvement of the said Port."

(Signed) L. R. ASHBURNER.

" J. GIBBS.

" W. C. ANDERSON.

" MORARJI GOCULDASS.

" SYED HASSAN EL EDROOS.

16th September 1878.

Bill No. 3 of 1878.

A Bill to provide for the levy of Fees for the use of Government Landing-places in the Port of Kurrachee.

1. WHEREAS it is expedient to provide for the levy of fees for the use of the Government landing-places in the Port of Kurrachee, it is enacted as follows :—

1. This Act shall be called "the Kurrachee Landing and Wharfage Fees Act of 1878."

Short Title.

2. In this Act the term "landing-place" includes a bundar, wharf, pier, jetty, hard, and any place used for the landing, shipping, wharfage, crannage, or storage of goods.

3. It shall be lawful for the Governor in Council from time to time, by Notification in the *Bombay Government Gazette* and in the *Sind Official Gazette* :

(a). To determine the limits of any Government landing place to which the provisions of this Act shall apply;

(b). To fix the fees to be levied—

(1). For the landing, shipping, wharfage, crannage, storage or demurrage of goods at; and

(2). For permitting animals or vehicles to bring or remove goods to or from, or to ply for hire at ; and

(3). For permitting vessels or boats to approach or lie alongside,

any such landing-place :

Provided that it shall be lawful for the Governor in Council at any time to exempt any goods, vessel, boat, animal or vehicle, either wholly or partially, from any fee to which the same may be liable under this section.

4. The levy of fees under this Act shall be made, and all Powers and duties under this Act by whom other powers and to be exercised and performed. duties conferred and imposed by this Act

or by any bye-laws made hereunder, shall be exercised and performed by such officers as the Governor in Council shall from time to time direct, or by such persons as he shall from time to time appoint in this behalf.

5. The officers and persons whose duty

Powers, privileges, and liabilities of Officers who collect fees.

it may be to levy fees under this Act shall have the same powers for collecting and enforcing payment of the same as are exercisable under the provisions of any law, for the time being in force, in respect of duties of sea-customs by the Collector of Customs and his subordinates, and shall have the same privileges and be subject to the same liabilities in respect of any thing done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have, or are liable to, under the provisions of any such law.

The law for the time being in force for the punishment of offenders. the punishment of offences relating to the levy or payment of duties of sea-customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said fees.

6. Tables of the fees leviable under

Tables of fees to be posted up.

this Act in the English, Sindhi and Gujarathi languages shall be posted up in some conspicuous position at every landing-place at which such fees are leviable.

7. The Commissioner in Sind may, with Power to make Bye-laws. the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act :

(a). Regulating the use of every landing place to which this Act applies ;

(b). Providing for the management of the traffic over, on and about and to and from every such landing-place ; and

(c). Generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the *Bombay Government Gazette* and in the *Sind Official Gazette*.

8. The proceeds of all fees realized

Fees realized under this Act how to be applied. under this Act shall be applied :

(a). In payment of the expenses of the administration of this Act ;

(b). In defraying the cost of acquiring or constructing new landing-places required for the convenience of the trade of the Port of Kurrachee or the interest on any moneys expended in any such acquisition or construction ; and

(c). In maintaining and improving any existing landing-place and generally in the improvement of the said Port.

Accounts of all receipts and expenditures Yearly Accounts to be published. shall be published once in every year in the *Bombay Government Gazette* and in the *Sind Official Gazette*.

9. The levy of wharfage dues heretofore

made in the Port of Indemnity Section. Kurrachee in conformity with a Notification of the Governor

in Council, dated the 23rd October 1865, and published at page 1039 of the *Bombay Government Gazette* of the 26th October 1865, shall be deemed to have been lawfully made, and all officers are hereby indemnified in respect of any thing done by them under the authority of the said Notification which might have been done if the said Notification had been lawfully made, and no suit shall be maintained against Government or against any Officer of Government in respect of any thing so done.

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

J. MONTEATH,

Acting Under Secretary to Government,

Poona, 16th September 1878.