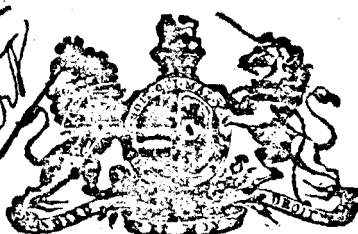


THE



Bombay Government Gazette.

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THURSDAY, 6TH MAY 1880.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 30th April 1880, and was promulgated for general information in the *Gazette of India* on the 1st May 1880 :—

Act No. IX. of 1880.

An Act to amend the Bombay Civil Courts Act, 1869.

WHEREAS it is expedient to empower the Governor of Bombay in Council to fix and, from time to time, to alter the local limits of the ordinary jurisdiction of the Subordinate Judges appointed under the Bombay Civil Courts Act, 1869; It is hereby enacted as follows :—

- | | |
|---------------|--|
| Short title. | 1. This Act may be called "The Bombay Civil Courts Act, 1880"; |
| Commencement. | and it shall come into force at once. |

Insertion of a new section after section 22 of the Bombay Civil Courts Act.

2. In the said Act, after section 22, the following section shall be inserted :—

"22A. The Governor of Bombay in Council may, by notification in the official Gazette, fix, and, by a like notification, from time to time alter, the local limits of the ordinary jurisdiction of the Subordinate Judges."

3. All orders issued by the Governor of Bombay in Council previous to the passing of this Act, fixing or altering the local limits of the jurisdiction of a Subordinate Judge, shall be deemed to have been issued in accordance with law.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Dept.

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PART IV.

ACTS PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 10th January 1880, and the assent of His Excellency the Viceroy and Governor General on the 21st April 1880, and is published for general information:—

Bombay Act No. I. of 1880.

An Act to amend the law relating to the settlement of Villages held by Khots.

WHEREAS it is expedient to make special provision for the settlement and revenue administration of villages in the Ratnágiri district which are held by khots; It is enacted as follows:—

PART I.—PRELIMINARY.

1. This Act may be cited as "The Short title. Khoti Settlement Act, 1880."

It extends to all villages held by khots in the district of Ratnágiri.

The Governor in Council may from time to time, by notification in the *Bombay Government Gazette*, extend all or any of its provisions to any such village in the Kolába District.

iv.—11

2. Sections thirty-seven and thirty-eight of the Bombay Survey and Settlement Act, 1865, are repealed so far as they apply to any village to which this Act extends, or may hereafter be extended: Provided that the said repeal shall not affect the validity of any settlement already made under the provisions of the said sections and which has been guaranteed by the Government for a fixed period under section twenty-eight of the said Act.

3. In this Act, unless there be something repugnant in the subject or context, Interpretation. (1) "village" means a village, or a portion or share of a village, to the extent "Village."

to which a khot has any right or interest in such village, or portion or share thereof ;

" Khot." (2) " khot " includes :

- (a) a mortgagee lawfully in possession of a khotki,
- (b) all co-sharers in a khotki ;
- (3) " khotki " means the aggregate of the rights and interests vested in a khot as such ;

(4) " jama " means land-revenue payable by a khot to Government ;

" Jama." (5) " privileged occupant." " privileged occupant " means :

- (a) a dhárekari, or
- (b) a quasi-dhárekari, or
- (c) an occupancy-tenant ;
- (6) " dhárekari " means a land-holder who holds on the " dhára " tenure ;
- (7) " quasi-dhárekari " means a land-holder of any of the denominations named in the first column of the Schedule hereto annexed ;

(8) " occupancy-tenant " means a holder of khoti land who has a right of occupancy in such land ;

(9) " dhára land " means land held by a dhárekari, or by a quasi-dhárekari ;

(10) " khoti land " means land in respect of which a khot has, as such, any right or interest and which is not dhára land ;

(11) " part " and " section " mean respectively a part and section of this Act ;

(12) any word or expression which is defined in the Bombay Land Revenue Code, 1879, and is not herebefore defined, shall

Expressions defined in the Bombay Land Revenue Code.

be deemed to have the meaning given to it by that Code

PART II.—GENERAL PROVISIONS RELATING TO KHOTS AND THEIR INFERIOR HOLDERS.

Khots.

4. Khots shall continue to hold their villages conditionally on the payment of the amounts due on account of the jama

Continuance of khots' villages to be subject to payment of jama.

of the same, according to the provisions of this Act and of the Bombay Land Revenue Code, 1879, and of any rules for the time being in force made under this Act or under the said Code, and subject to the fulfilment of any other term or liability lawfully annexed or appertaining to their tenure.

Inferior Holders.

5. Every holder of khoti land who has actually occupied or cultivated the same continuously from any time previous to the commencement of the revenue year 1845-46 has a right of occupancy in the land so occupied or cultivated.

What holders are to be deemed occupancy-tenants.

The occupation or cultivating of the father or other person from whom the present holder inherits, and in the case of occupancy-rights which are transferable otherwise than by inheritance, the occupation or cultivating of any former holder through whom the present holder claims, or of any mortgagee or lessee of the present or any former holder, shall be deemed to be the occupation or cultivating of the present holder within the meaning of this section ;

and in the case of land which is periodically fallow, years of fallow shall be reckoned as years of occupation or cultivation for the purpose of this section.

6. If an occupancy right which is not transferable otherwise than by inheritance, when land has been wrongfully transferred, the actual holder of the land shall be deemed to be the tenant thereof, and if he, or his father, or other person from whom he inherits, has occupied or cultivated the land continuously from any time previous to the commencement of the revenue year 1845-46, he shall have a right of occupancy therein :

Provided that if the actual holder is in possession of the land as mortgagee, or lessee merely, his occupation or cultivating shall for the purpose of this section and of section 5 be deemed to be the occupation or cultivating of the mortgagor or lessor, and that if such mortgagor or lessor has a right of occupancy in the land, such right shall, notwithstanding the provisions of section 9, be subject to the mortgage lien or lease of the said mortgagee or lessee until the same is duly discharged or determined.

7. Privileged occupants shall continue to hold their lands conditionally on the payment of the rent from time to time lawfully due by them to the khot or other person entitled to receive payment of the same.

Continuance of privileged occupants' tenures.

8. Tenants other than occupancy tenants shall continue to hold their lands subject to such terms and conditions as may have been, or may hereafter be, agreed upon between the khot and themselves, and in the absence of any such specific agreement shall be held to be yearly tenants liable to pay rent to the khot at the same rates as are paid by occupancy-tenants in the village in which the lands held by them are situate, provided that the said rates shall not exceed the maxima prescribed in section 33, clause (c.)

Transfer, &c., of Rights.

9. The rights of khots, dharekaris and quasi-dharekaris shall be heritable and transferable.

What rights are transferable.

Occupancy-tenants' rights shall be heritable, but shall not be otherwise transferable, unless in any case the tenant proves that such right of transfer has been exercised in respect of the land in his occupancy, independently of the consent of the khot, at some time within the period of thirty years next previous to the commencement of the revenue year 1865-66, or unless in the case of an occupancy right conferred by the khot under section 11, the khot grants such right of transfer of the same.

10. If a privileged occupant resign the land or any portion of the land in his holding, or if any such occupant's land lapse for failure of heirs, or other persons entitled thereto, or is forfeited on the occupant's failing to pay the rent due in respect thereof, the land so resigned, lapsed, or forfeited, shall be at the disposal of the khot as khoti land free of all encumbrances, other than liens or charges created or existing in favor of Government.

But it shall not be competent to a privileged occupant at any time to resign a portion only of his entire holding except with the consent of the khot; and no privileged occupant shall be deemed to have forfeited his land on failure to pay rent unless such forfeiture is certified by the Collector.

Grant of Privileged Occupants' Rights by Khots.

11. It shall be competent to the khot at any time to confer on any tenant the right of a privileged occupant of any class, or on a privileged occupant of one class, the right of a privileged occupant of a superior class: Provided that the grant by the khot of any such right shall not affect any right of Government in respect of the land which is the subject of such grant or of the trees or other forest produce of such land.

Privileged occupants' rights may be conferred by khots.

12. On receipt of a written application from the khot, in such form as shall be prescribed in rules to be framed under section 40, the Collector shall cause an entry to be made in such record as may from time to time be prescribed by Government in this behalf, of any right conferred by the khot under the last preceding section, and an entry thus duly made and authenticated by the Collector's signature shall be conclusive proof of the facts therein recorded.

Nothing in this section or in section 11 shall be deemed to apply to a mortgagee lawfully in possession of a khotki unless such mortgagee shall have been expressly authorized by his mortgagor to exercise the powers conferred by the said sections.

Recovery of Rents.

13. Whenever application is made to the Collector under commutation-rates for rent payable in section 86 of the Bombay Land Revenue Code, 1879, for assistance to recover rent from a privileged occupant, tenant or co-sharer and the rent claimed is payable in kind, the Collector may, if he thinks fit, direct the recovery of the money-value of such rent, and in such case the money-value shall be estimated at such commutation-rates as the Collector may fix in this behalf for the year for which such rent is due.

14. If an occupancy-tenant neglect to raise a crop on any land in his holding or neglects to cultivate account of the rent of which he would, if he raised a crop, be liable to pay the khot a share of the produce, the khot shall be entitled to receive from him the same amount of rent as if he had raised a crop.

Rent of land which an occupancy-tenant neglects to cultivate.

In the event of a dispute as to the amount of rent due under this section such amount shall be determined by the Collector, but no such rent shall be recoverable by the khot if the tenant shall satisfy the Collector that in the year for which such rent is claimed it was proper, having regard to the custom of the village in respect of lands of the same class, or to the nature and requirements of the soil, that the land should be left fallow.

Accounts.

15. The khot shall

(a) keep, or cause to be kept, such accounts as may from time to time be required by the Collector under the orders of Government; and

(b) produce such accounts, whenever and to produce required, to the Collector or to any officer subordinate to the Collector not lower in rank than a mahalkari, and

(c) give a written receipt for every payment of rent or land revenue made to him whether by a privileged occupant or tenant, or by a co-sharer in his khotki.

For disobedience of any order duly made under this section, or for any infraction of the provisions of this section, the khot shall, on conviction before the Collector, or the Assistant or Deputy Collector in charge of the taluka in which such khot's village is situate, be liable to a fine not exceeding one hundred rupees, which shall be recoverable as an arrear of jama.

PART III.—SURVEY AND SETTLEMENT.

Settlement Records.

16. Whenever a survey settlement of the land revenue of any village to which this Act extends is made, or revised under the provisions of Chapter VIII of the Bombay Land Revenue Code, 1879, the Settlement Register prepared under section 108 of the said Code shall show the area and assessment of each survey number and also whether such survey number is held by a privileged occupant or not.

If a survey number is held by one or more privileged occupants, the said register shall further specify the tenure on which such number is held, the name of the registered occupant thereof, and, in the case of a survey number held by an occupancy-tenant, whether his interest therein is transferable otherwise than by inheritance or not.

Survey numbers which are not held by privileged occupants shall be entered in the said register in the name of the khot, or if a partition of the khotki has taken place, of the co-sharers to whose shares they respectively belong.

The said register shall also contain a list of all the co-sharers of the khotki, if the village be not held by one khot in his own sole right, and shall specify the extent of each such co-sharer's interest in the khotki.

17. The other records prepared under

the said section shall specify the nature and amount of rent payable to the khot by each privileged occupant according to the provisions of section 33 of this Act, and any entry in any record duly made under this section shall be conclusive and final evidence of the liability thereby established.

Privileged occupants' rents to be fixed.

18. If the khotki is undivided the said records shall also specify:

When the khotki is undivided, the co-sharers' respective rights to be recorded.

(a) the survey numbers in the possession of each co-sharer and the rent payable by such co-sharer on account of the same, and

(b) the terms and particulars of any written agreement which the co-sharers, or any of them, have entered into, or may at the time of the framing of the said record enter into, determining their respective responsibility, and

(c) the order of rotation in which the said co-sharers agree in writing, if they do so agree, to take the management of the village under the provisions of section 27 of this Act.

19. If a partition has been effected

and the co-sharers of the khotki hold their respective shares in severalty, the said records shall specify:—

(a) the extent and limits of each such separate share, and

(b) the same particulars in respect of the several sub-sharers, if any, of each such share as are required by the last preceding section to be given concerning all the co-sharers when a khotki is undivided.

Determination of Disputes.

20. If it shall appear to the survey officer, who frames the said register or other record, that there exists any dispute as to any matter which he is bound to record, he may, either on the application of any of the disputant parties, or of his own motion, investigate and determine such dispute and frame the said register or other record accordingly.

21. In any such matter the decision of the said survey officer, when not final, shall be binding upon all the parties affected thereby until reversed or modified by a final decree of a competent court.

22. No suit shall lie against the said survey officer, or against Government, or any officer of Government to set aside any such decision of a survey officer; but the record shall from time to time be amended by the said survey officer, or when the survey settlement is concluded, by the Collector, in accordance with any such decree as aforesaid which the parties may obtain *inter se* on an application, accompanied by a certified copy of such decree, being duly made to the said survey officer, or to the Collector for that purpose.

PART IV.—ADMINISTRATION OF SURVEY SETTLEMENTS MADE UNDER THIS ACT.

23. The provisions of this Part shall not apply to any village to which this Act extends until such time as the Governor in Council first after the passing of this Act sanctions a survey settlement, or a revised survey settlement of such village and declares the assessments settled thereunder fixed for a period of years, in accordance with section 102 of 13, Bombay Land Revenue Code, 1879.

Until such time, the rights and responsibilities of all parties so far as regards the matters treated of in this Part shall continue to be such as they would be if this Part had not been enacted.

IV.—12

Khots' Jama.

24. The jama payable to Government by the khot shall be the aggregate of the survey assessments of the lands of the village minus such percentage of deduction, if any, as Government may in each case direct.

The amount of the said jama shall be from time to time fixed for the same period for which the survey assessments are fixed.

Managing Khots.

25. The annual *kaḥulāyats* hitherto executed by khots shall no longer be required from them: Provided that nothing herein contained shall be deemed to affect the liability of khots to perform any condition of their tenure, or to do any act which they are now bound to perform or to do, or their obligation to refrain from doing anything which they are now bound not to do.

26. When a village is held by two or more co-sharers jointly, the said sharers shall be jointly and severally responsible for the jama, but one of their number shall be nominated every year to receive the inferior holders' rents, to pay the Government dues, and generally to perform all acts required by this Act or by any other law or rule having the force of law, to be performed by the khot.

The sharer so nominated shall be called "the managing khot" and shall for all the purposes of the Bombay Land Revenue Code, 1879, be deemed to be the registered occupant of all survey numbers in the village not held by privileged occupants.

27. If the co-sharers have, at the time of the framing of the survey settlement records or at any subsequent period, agreed in writing as to the order of rotation, the nomination of the managing khot shall be made by the Collector in the order so agreed upon.

In the absence of any such agreement, the co-sharers shall be called upon to nominate one of their number year by year, and in the event of their failing so to do within such time as may be prescribed by the Collector in this behalf, or if they are not unanimous as to the nomination, the Collector shall either select the managing

khot for the year, or cause the village to be attached and taken under the management of himself or any agent whom he appoints for that purpose in the manner provided in section 144 of the Bombay Land Revenue Code, 1879.

28. A managing khot nominated by the Collector under the last preceding section shall continue in that capacity throughout the year for which he is so appointed, and no suit shall lie against the Collector, or against Government, or any Government officer in respect of such nomination.

But it shall be lawful for any of the co-sharers at any time to sue for a decree *inter se* to declare which of them is entitled to the management, or the order in which they should respectively have the management, if more than one of them be entitled to the same; and from the commencement of the revenue year next after an application (accompanied by a certified copy of any such decree) is duly made to him for the purpose, the Collector shall nominate the managing khot in accordance with such decree.

29. Except as is hereinafter provided, the *mámlatdár* shall furnish every managing khot with a certificate under his hand and seal to the effect that the holder thereof is the recognized managing khot for the year to which such certificate relates and a certificate so signed and sealed shall be conclusive evidence of the right of the khot therein named to manage the village to which it relates for the year therein specified.

30. When a village is held by a khot in his own sole right, he shall be deemed to be the managing khot thereof for all the purposes of this Act, and it shall not be necessary to furnish him with any such certificate as is described in the last preceding section.

31. When a managing khot has been duly appointed under any of the foregoing provisions he alone shall be entitled to assistance for the recovery of rent from privileged occupants under sections 86 and 87 of the Bombay Land Revenue Code, 1879.

Separated Sharers.

32. When the khots have divided their khotki or a partition thereof has been effected by the civil court, or otherwise, and the co-sharers hold their respective shares in severalty, the Collector shall determine the amount of jama payable in respect of each separate share, and the holders of the said shares shall be held severally liable for the portions of the jama so fixed on their respective shares, and all the provisions of this Act shall apply to them respectively as if they were independent holders of entire khotkis.

Privileged Occupants' Rents.

33. The rent payable to the khot by privileged occupants shall be as follows, (namely):—

(a) by a *dhárekari*: the survey assessment of his land;

(b) by a quasi-*dhárekari*: the survey assessment of his land and in addition thereto the amounts of grain or money respectively set forth in the schedule hereto annexed.

(c) by an occupancy-tenant: such fixed amount, whether in money or in kind, as may have been agreed upon or as may at the time of the framing of the survey record, or at any subsequent period, be agreed upon between the khot and the said tenant;

or on the expiry of the term for which any such agreement shall have been, or shall be made, or if no such agreement have been, or be made, such fixed share of the gross annual produce of the said tenant's land, not exceeding one-half in the case of rice-land, nor one-third in the case of warkas-land and such share, if any, of the produce of the fruit-trees on the said tenant's land, as the survey officer who frames the survey record, shall determine to be the customary amount hitherto paid by occupancy tenants in the village in which the said land is situate.

34. The rents due by privileged occupants shall be payable on such dates, in such instalments and subject to such rules not inconsistent with the provisions of this Act as may from time to time be prescribed in this behalf by the Governor in Council.

Cesses, &c.

35. It shall not be lawful for any khot to levy *phaski, veth, nāngarveth, wartāla,* or any other cess, rate, tax or service of any description, or denomination whatsoever from any privileged occupant other than the rent lawfully leviable under the provisions of this Act.

Local Fund Cess.

36. Local Fund cess at such rate as shall from time to time be fixed by Government under section 6 of the Bombay Local Funds Act, 1869, shall be leviable by Government from the khot on every rupee of his jama.

The khot shall be entitled to assistance under sections 86 and 87 of the Bombay Land Revenue Code, 1879, for recovery of the said cess at the said rate from dhārekāris and quasi-dhārekāris on every rupee of the survey assessment of the lands in their respective holdings.

Inferior holders of khoti lands shall not be liable to Local Fund cess, anything contained in section 8 of the Bombay Local Funds Act, 1869, to the contrary notwithstanding.

PART V.—MISCELLANEOUS.

37. Existing survey settlements of the land revenue of any village to which this Act extends, made, approved, and confirmed under the authority of the Governor in Council, shall be deemed to have been lawfully made, and, except as is hereinafter otherwise provided, shall continue in force for the terms for which they have been respectively guaranteed, subject to all the provisions of law which would be applicable thereto if this Act had not been passed, and anything in this Act which is inconsistent with any of the said provisions shall be deemed not to apply to such settlements.

38. Upon the expiry of the period of any such guarantee, or if it shall appear to the Governor in Council that a majority of the landholders affected by any such guarantee so desire, at any time previous

to the expiry of the said period (such time being fixed by the Governor in Council), a new survey settlement shall be introduced into the village in which such guarantee was in force and the provisions of this Act shall thenceforward apply to the said settlement, anything in any other law to the contrary notwithstanding.

39. Nothing in sections 68, 72, 73, 74, 99 clause (b), 104 para. 2, 112, 150 clause (b), and 153 of the Bombay Land Revenue Code, 1879, shall be deemed to apply to any village to which this Act extends.

The provisions of the said Code when applied to any such village shall be subject to the following modifications (namely):—

(a) when a survey settlement is being introduced under section 103, the rent payable by each privileged occupant, and the amount of jama payable by the khot shall be announced in lieu of the assessment fixed on each survey number.

(b) sections 118, 119, and 123 shall be read and understood as if the word "khots" were substituted for the words "patels and other village officers," and the words "village officers" and the words "village officers and servants," wherever they occur.

(c) the khot shall for the purposes of section 136 be deemed to be the person primarily responsible to Government for the jama of his village.

(d) the word alienated in clause (f) of section 150 shall be deemed to be omitted, and

(e) if such village is under attachment at the date of this Act coming into force, applications may be made under section 162 for the restoration thereof at any time within 12 years from the first day of August next after such date.

40. The Governor in Council may, by Rules to be made by notification in the the Governor in Council. *Bombay Government Gazette*, from time to time frame, and from time to time vary, or rescind rules not inconsistent with the provisions of this Act—

(a) for the inspection and appraisal of crops when the rent payable to a khot consists of a share of the produce of a privileged occupant's land;

(b) for determining what land is dhāra land;

(c) for allotting to each privileged occupant, when the exact limits of his warkas holding are not ascertainable, such portion of the entire warkas land of the village or such rights or privileges in respect of any warkas land, or both a portion of the entire warkas land and such rights or privileges in respect of any other such land as may be fair and reasonable;

(d) determining to what extent, if any, any rule, or order made under section 214 of the Bombay Land Revenue Code, 1879, shall be applicable to villages to which this Act extends;

(e) for the furtherance of the objects of this Act in matters not expressly provided for therein;

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

41. And whereas it is necessary in the general interests of the people to enable Government to promote the extension of forests in villages held by khots, it is hereby enacted that Government may at any time constitute any uncultivated land in any village to which this Act extends, or may hereafter be extended, a reserved forest. But nothing in this section con-

tained shall derogate from any rights conferred by any sanad or other grant made by any lawful authority.

Explanation.—For the purposes of this section “uncultivated land” means land which has not been tilled for a period of 20 years next before the 1st June 1879, or the date of the order constituting such reserved forest.

42. Every reserved forest constituted under the last preceding section shall be subject to all the provisions of the Indian Forest Act, 1878, and of any other law relating to forests for the time being in force, provided

(1) that upon the condition of duly performing such service connected with such forest as shall from time to time be prescribed by Government, the khot shall be entitled to a share of one-third of the net profits derived by Government from such forest after deducting the cost of management.

(2) that in the event of the service prescribed by Government as aforesaid not being duly performed by the khot, the provisions of section 80 of the Indian Forest Act, 1878, shall be applicable.

SCHEDULE (see Section 3, Cl. 7, and Section 33.)

Denomination of Quasi-dharekaria.	EXCESS AMOUNT OF RENT PAYABLE FOR EVERY RUPEE AND PROPORTIONATELY FOR EVERY FRACTION OF A RUPEE OF THE SURVEY ASSESSMENT IN RESPECT OF		
	Rice lands.	Warkas lands.	Bagayat or Kabi lands.
Daspatkari ...	2 annas...	2 annas	2 annas.
Dupatkari ...	$\frac{1}{2}$ maund of rice in the husk.	$5\frac{1}{2}$ pailis of grain (half half vari).	8 annas.
Didpatkari or Didi- wala.	3 pailis of rice in the husk.	2 pailis of grain (half half vari).	3 annas.
Paunedupatkari ...	6 pailis of rice in the husk.	4 pailis of grain (half half vari).	6 annas.

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

C. G. W. MACPHERSON,
Acting Under Secretary to Government.

Bombay Castle, 5th May 1880.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 27th January 1880, and the assent of His Excellency the Viceroy and Governor General on the 21st April 1880, and is published for general information :—

Bombay Act No. II. of 1880.

An Act to secure the payment to Government of certain sums of money by the Municipal Corporation of the City of Bombay.

WHEREAS the Government of India has agreed to advance to the Municipal Corporation of the City of Bombay a sum not exceeding thirty-six lakhs of rupees for the purpose of constructing new water-works, and a further sum not exceeding six lakhs of rupees for the purpose of improving the surface-drainage of the Island of Bombay; and to permit the balances still due on account of the two loans of fifteen lakhs of rupees and four lakhs of rupees, of which the payment is secured by Bombay Act II. of 1872, to be repaid on the same terms as the said new loans;

And whereas in accordance with the terms of the said agreement the said Municipal Corporation has since the 2nd November 1876 ceased to pay the monthly instalments accruing due under Bombay Act II. of 1872, but has since the said date paid interest at the rate of four and a half per cent. per annum upon the said balances and upon the portions of the said new loans of thirty-six and six lakhs of rupees from time to time taken up by the said Municipal Corporation;

And whereas it is necessary to provide for the re-payment of the consolidated amount of the said new loans and of the balances of the said former loans out of the Municipal Fund of the City of Bombay in manner hereinafter appearing; It is enacted as follows :—

1. This Act may be cited as "The Bombay Municipality's Consolidated Loan Act, 1880."

It shall come into force on such date as may be notified by the Governor in Council in the *Bombay Government Gazette*.

2. Bombay Act II. of 1872 is repealed.

3. In this Act :

(1.) "The Corporation" means the Municipal Corporation of the City of Bombay as constituted by Bombay Acts III. of 1872 and IV. of 1878, or by any other law for the time being in force;

(2.) "Municipal Fund" means the Municipal Fund as defined by Section 65 of Bombay Act III. of 1872 or by any other law for the time being in force relating to the Municipal affairs of the City of Bombay.

(3.) "Consolidated loan" means the aggregate amount of the following sums, that is to say :

- (a) The sum of thirty-six lakhs of rupees to be advanced by the Government of India to the Corporation for the purpose of constructing new water-works, or such portion thereof as may be taken up by the Corporation;
- (b) The sum of six lakhs of rupees to be similarly advanced for the purpose of carrying out the surface-drainage of the Island of Bombay, or such portion thereof as may be taken up by the Corporation;
- (c) The sum of rupees twelve lakhs and seventy thousand certified by the Accountant General of Bombay as the balance due by the Corporation to the Government of India on the 2nd November 1876 on account of the loan of fifteen lakhs of rupees secured by Bombay Act II. of 1872;
- (d) The sum of rupees three lakhs and seventy thousand certified by the said Accountant General as the balance due by the Corporation to the Government of India on the said date on account of the loan of four lakhs of rupees secured by the said Act.

4. Until the 1st January 1881 the Interest only to be paid at first. Municipal Commissioner on behalf of the Corporation shall continue to pay interest on the portion of the consolidated loan for the time being due by the Corporation to the Government of India at the rate of four-and-a-half per centum per annum.

The said payments of interest shall be made half-yearly on the first of January and the first of July.

5. The whole of the consolidated loan shall be repaid with interest at the aforesaid rate within thirty years next after the 1st January 1881:

And for the better securing of the repayment of the consolidated loan with interest as aforesaid within the said period, the Municipal Commissioner on behalf of the Corporation shall after the aforesaid date until the whole of the consolidated loan be liquidated, pay half-yearly on the first of January and the first of July the sum of one lakh seventy-eight thousand three hundred and twenty-six rupees and two annas and five pies, the first of such payments to be made on the 1st of July 1881.

Every payment made by the Corporation under this Section and all moneys recovered from the Corporation in any of the manners hereinafter prescribed shall be appropriated first to the payment of the interest due at the time of such payment or recovery and secondly to the reduction of the principal.

6. All payments to be made by the Municipal Commissioner, under either of the last two sections shall be made out of the Municipal Fund into Her Majesty's Treasury at Bombay, or to the credit of the Secretary of State in Council in any Bank which may now or hereafter be appointed to act as bankers and receive money in Bombay in behalf of the Government.

and notice of every such payment having been made shall be forthwith published by the Municipal

Commissioner in the *Bombay Government Gazette*.

7. If the Municipal Commissioner fail to make any of the said payments at the prescribed time, the Accountant General shall, within seven days after the day on which such payment ought to have been made, report the fact to the Chief Secretary to Government or other officer acting in that capacity.

8. It shall be lawful for the Chief Secretary, or other officer acting in that capacity, when any of the said payments is in arrear, to direct any Government officer, not being an officer of the Bombay Municipality, to detain to the extent of any payment or payments then in arrear any moneys due or that may become due to the Corporation, which he may then or thereafter have in his custody or control, and such officer shall be bound to detain the moneys which he is so directed to detain and to pay the same as they become due to the Corporation into Her Majesty's Treasury or into any Bank as aforesaid to the credit of the Secretary of State for India in Council, and the moneys so paid shall be applied in or towards satisfaction of the amount for the time being due in respect of the consolidated loan and of all other sums payable under this Act, in preference to and with priority over all incumbrances on and claims to such moneys other than those created under Bombay Act III. of 1870.

9. If the amount in arrear cannot be recovered in the manner provided in the last preceding section, the Governor in Council may attach the municipal fund, or any rate, tax, toll, or duty leviable by the Corporation.

After such attachment no person, except an officer appointed by the Governor in Council, shall in any way deal with the attached fund, rate, tax, toll, or duty; but such officer may do all acts in respect thereof which the Corporation or the Municipal Commissioner might have done, if such attachment had not taken place, and may apply the proceeds in satisfaction of the amount in arrear and of all expenses involved by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund, rate, tax, toll, or duty attached was previously pledged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund, rate, tax, toll, or duty attached before any part of the proceeds is applied to the satisfaction of a liability incurred under this Act.

10. Nothing in this Act shall affect the rights or remedies which the Government of India has or shall have independently of this Act for the recovery of the moneys advanced or to be advanced under this Act or any part thereof.

11. The Municipal Commissioner shall in the month of January in each year publish in the *Bombay Government Gazette* an account showing the

Account of balances due to Government of India to be published by the Municipal Commissioner yearly.

balances due by the Corporation on the 31st December preceding on account of the consolidated loan, and of every other loan, if any, still repayable to the Government of India.

12. Unless under the provisions of Section 7 of Act XI. of 1879, the Corporation shall not hereafter borrow money except from the Government of India or with its sanction.

If any new loan shall hereafter be granted to the Corporation by the Government of India, the same shall be subject, as regards re-payment and security and in every other respect, to the same provisions as are hereinbefore contained in respect of the consolidated loan; save only that the rate of interest, the period of re-payment, and the number and amount of the instalments shall, in the case of every such new loan, be fixed under the orders of the Government of India by the Governor in Council.

Any new loan by the Government of India to be subject to the provisions of this Act.

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

C. G. W. MACPHERSON,

Acting Under Secretary to Government.

Bombay Castle, 5th May 1880.

The following Act of the Governor of Bombay in Council received the assent of His Excellency the Governor on the 11th March 1880, and the assent of His Excellency the Viceroy and Governor General on the 21st April 1880, and is published for general information :—

Bombay Act No. III. of 1880.

An Act to amend the Bombay Irrigation Act No. VII. of 1879.

Whereas it is deemed expedient to repeal
 Preamble. certain sections of
 the Bombay Irriga-
 tion Act No. VII. of
 1879,

It is hereby enacted as follows :—
 Sections 49 to 56, both inclusive, of the
 Repeal of Sections 49 Bombay Irrigation
 to 56 of Bombay Irri- Act No. VII. of 1879
 gation Act, 1879. are hereby repealed.

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

C. G. W. MACPHERSON,
 Acting Under Secretary to Government.

Bombay Castle, 5th May 1880.