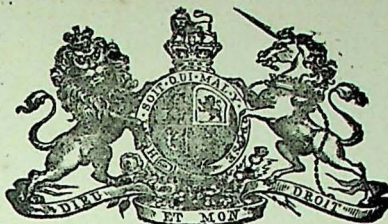


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Bombay Government Gazette.

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

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 10th June, 1885, and was referred to a Select Committee:—

Bill No. 11 of 1885.

A Bill to amend the Indian Registration Act, 1877.

WHEREAS it is expedient to amend the Indian Registration Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Registration Act, 1885; and

(2) It shall come into force at once.

2. (1) After clause (f) of section 17 of the Indian Registration Act, 1877, the following clause shall be inserted, that is to say:—

“(ff) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby

the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or”.

(2) In the second paragraph of section 50 of the same Act, “(ff)” shall be inserted between “(f)” and “(g)”.

3. (1) After clause (l) of section 17 of the same Act the following clause shall be added, that is to say:—

“(m) orders granting loans under the Agriculturists' Loans Act, 1884, and instruments for securing the repayment of loans made under that Act.”

(2) In the second paragraph of section 50, for the word and letter “and (l)” the letters and word “(l) and (m)” shall be substituted.

(3) In section 58 of the same Act, for the words “or a copy of a certificate under the Land Improvement Act, 1871, sent by the Collector to be registered,” or, where the Land Improvement Loans Act, 1883, is in force, for the words “or a copy of an order under the Land Improvement Loans Act, 1883, sent by the Collector to be registered,” there shall be substituted the following words, namely:—

“or a copy sent to a registering officer under section 89”.

(4) After the second paragraph of section 89 of the same Act the following paragraph shall be inserted, that is to say :—

XII of 1884 "Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1."

4. (1) After clause (d) of section 90 of the Amendment of sections 90 and 91 of same Act. same Act the following clause shall be inserted, that is to say :—

"(e) notices given under section 74, or section 76, of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land" Bom. Act V 1879.

(2) In section 91, for the word and letter "and (c)" the letters and word "(c) and (e)" shall be substituted.

(3) The said Act shall be construed as if the amendments made in it by this section had been made at the time the Act came into force.

STATEMENT OF OBJECTS AND REASONS.

The objects of this Bill are three :—

- (1) to except mortgage-debentures secured by a registered trust-deed from those provisions of the Indian Registration Act, 1877, which either require that such debentures shall be registered, or, where their registration is optional and they are not registered, give precedence over them, as regards the property on which they are secured, to any registered instrument relating to the same property;
- (2) to place instruments whereby immoveable property is mortgaged as security for the repayment of loans under the Agriculturists' Loans Act, 1884, on the same footing, in regard to registration, as certificates or orders granting loans, and instruments of collateral security, under the Land Improvement Act, 1871, or, where the Land Improvement Loans Act, 1883, is in force, under that Act;
- (3) to exempt from registration notices give under sections 74 and 76 of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants and of alienated land by holders of such land.

2. As regards the first matter, it was represented to the Government of India in 1884 that the heavy expense and trouble entailed on the issue of mortgage-debentures by the joint operation of the Stamp Act and Registration Act practically prevented their being issued. The stamp-duty payable on such debentures has since been remitted, and it seems to the Government of India that, if the trust-deed by which such debentures are secured is registered, the debentures, provided they do not implicate any property beyond that comprised in the trust-deed, and do no more than give effect to the arrangement made by the trust-deed, may well be exempted from registration.

3. The second amendment proposed calls for no explanation. The third seems to be justified on the ground that there is, apart from the Registration Act, a complete official record of the surrenders in question, and that to require in addition that they should be registered under that Act would entail unnecessary trouble and expense on all concerned.

The 29th May 1885.

(Signed) C. P. ILBERT.

D. FITZPATRICK,
Secretary to the Government of India.

[Published with the "Bombay Government Gazette" on the 25th June 1885.]

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor-General of India for the purpose of making Laws and Regulations on the 10th June, 1885, and was referred to a Select Committee:—

Bill No. 11 of 1885.

A Bill to amend the Indian Registration Act, 1877.

WHEREAS it is expedient to amend the Indian Registration Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Registration Act, 1885; and

(2) It shall come into force at once.

2. (1) After clause (f) of section 17 of the Indian Registration Act, 1877, the following clause shall be inserted, that is to say:—

"(ff) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or"

(2) In the second paragraph of section 50 of the same Act, "(ff)" shall be inserted between "(f)" and "(g)".

3. (1) After clause (l) of section 17 of the same Act the following clause shall be added, that is to say:—

"(m) orders granting loans under the Agriculturists' Loans Act, 1884, and instruments for securing the repayment of loans made under that Act."

(2) In the second paragraph of section 50, for the word and letter "and (l)" the letters and word "(l) and (m)" shall be substituted.

(3) In section 58 of the same Act, for the words "or a copy of a certificate under the land Improvement Act, 1871, sent by the Collector to be registered," or, where the Land Improvement Loans Act, 1883, is in force, for the words "or a copy of an order under the Land Improvement Loans Act, 1883, sent by the Collector to be registered," there shall be substituted the following words, namely:—

"or a copy sent to a registering officer under section 89".

(4) After the second paragraph of section 89 of the same Act the following paragraph shall be inserted, that is to say:—

"Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1."

4. (1) After clause (d) of section 90 of the same Act the following clause shall be inserted, that is to say:—

"(e) notices given under section 74, or section 76, of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land"

(2) In section 91, for the word and letter "and (c)" the letters and word "(c) and (e)" shall be substituted.

(3) The said Act shall be construed as if the amendments made in it by this section had been made at the time the Act came into force.

XXVI of 1871,

XIX of 1883.

XIX of 1883.

III of 1877.

III of 1877.

XII of 1884.

XII of 1884.

Bom. Act V of 1879.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are three :—

- (1) to except mortgage-debentures secured by a registered trust-deed from those provisions of the Indian Registration Act, 1877, which either require that such debentures shall be registered, or, where their registration is optional and they are not registered, give precedence over them, as regards the property on which they are secured, to any registered instrument relating to the same property;
- (2) to place instruments whereby immoveable property is mortgaged as security for the repayment of loans under the Agriculturists' Loans Act, 1884, on the same footing, in regard to registration, as certificates or orders granting loans, and instruments of collateral security, under the Land Improvement Act, 1871, or, where the Land Improvement Loans Act, 1883, is in force, under that Act;
- (3) to exempt from registration notices given under sections 74 and 76 of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants and of alienated land by holders of such land.

2. As regards the first matter, it was represented to the Government of India in 1884 that the heavy expense and trouble entailed on the issue of mortgage-debentures by the joint operation of the Stamp Act and Registration Act practically prevented their being issued. The stamp-duty payable on such debentures has since been remitted, and it seems to the Government of India that, if the trust-deed by which such debentures are secured is registered, the debentures, provided they do not implicate any property beyond that comprised in the trust-deed, and do no more than give effect to the arrangement made by the trust-deed, may well be exempted from registration.

3. The second amendment proposed calls for no explanation. The third seems to be justified on the ground that there is, apart from the Registration Act, a complete official record of the surrenders in question, and that to require in addition that they should be registered under that Act would entail unnecessary trouble and expense on all concerned.

(Signed) C. P. ILBERT.

The 29th May 1885.

D. FITZPATRICK,
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LEGISLATIVE DEPARTMENT.

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Bill No. 11 of 1885.

A Bill to amend the Indian Registration Act, 1877.

III of 1877. WHEREAS it is expedient to amend the Indian Registration Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement. 1. (1) This Act may be called the Indian Registration Act, 1885; and

(2) It shall come into force at once.

III of 1877. 2. (1) After clause (f) of section 17 of the Indian Registration Act, 1877, the following clause shall be inserted, that is to say:—

"(ff) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or".

(2) In the second paragraph of section 50 of the same Act, "(ff)" shall be inserted between "(f)" and "(g)".

Amendment of sections 17, 50, 58 and 89 of same Act. 3. (1) After clause (l) of section 17 of the same Act the following clause shall be added, that is to say:—

XII of 1884. "(m) orders granting loans under the Agriculturists' Loans Act, 1884, and instruments for securing the repayment of loans made under that Act."

(2) In the second paragraph of section 50, for the word and letter "and (l)" the letters and word "(l) and (m)" shall be substituted.

(3) In section 58 of the same Act, for the words "or a copy of a certificate under the land Improvement Act, 1871, sent by the Collector to be registered," or, where the Land Improvement Loans Act, 1883, is in force, for the words "or a copy of an order under the Land Improvement Loans Act, 1883, sent by the Collector to be registered," there shall be substituted the following words, namely:—

"or a copy sent to a registering officer under section 89".

(4) After the second paragraph of section 89 of the same Act the following paragraph shall be inserted, that is to say:—

"Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1."

Amendment of sections 90 and 91 of same Act. 4. (1) After clause (d) of section 90 of the same Act the following clause shall be inserted, that is to say:—

"(e) notices given under section 74, or section 76, of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land".

(2) In section 91, for the word and letter "and (c)" the letters and word "(c) and (e)" shall be substituted.

(3) The said Act shall be construed as if the amendments made in it by this section had been made at the time the Act came into force.

STATEMENT OF OBJECTS AND REASONS.

THE objects of this Bill are three :—

- (1) to except mortgage-debentures secured by a registered trust-deed from those provisions of the Indian Registration Act, 1877, which either require that such debentures shall be registered, or, where their registration is optional and they are not registered, give precedence over them, as regards the property on which they are secured, to any registered instrument relating to the same property;
- (2) to place instruments whereby immoveable property is mortgaged as security for the repayment of loans under the Agriculturists' Loans Act, 1884, on the same footing, in regard to registration, as certificates or orders granting loans, and instruments of collateral security, under the Land Improvement Act, 1871, or, where the Land Improvement Loans Act, 1883, is in force, under that Act;
- (3) to exempt from registration notices given under sections 74 and 76 of the Bombay Land-revenue Code, 1879, of relinquishment of occupancy by occupants and of alienated land by holders of such land.

2. As regards the first matter, it was represented to the Government of India in 1884 that the heavy expense and trouble entailed on the issue of mortgage-debentures by the joint operation of the Stamp Act and Registration Act practically prevented their being issued. The stamp-duty payable on such debentures has since been remitted, and it seems to the Government of India that, if the trust-deed by which such debentures are secured is registered, the debentures, provided they do not implicate any property beyond that comprised in the trust-deed, and do no more than give effect to the arrangement made by the trust-deed, may well be exempted from registration.

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(Signed) C. P. ILBERT.

The 29th May 1885.

D. FITZPATRICK,
Secretary to the Government of India.