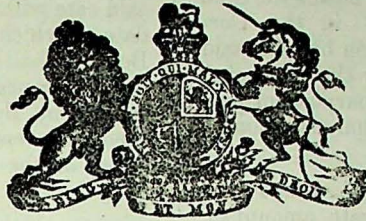


THE



# Bombay Government Gazette.

Published by Authority.

WEDNESDAY, 18<sup>TH</sup> OCTOBER 1876.

*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 15 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. 3 of 1876.

*A Bill 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 the Preamble. Municipal Corporation of the City of Bombay a sum of thirty-six lakhs of rupees for the purpose of constructing new water-works, and a further sum of 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 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, 1876."

Short Title.

It shall come into force on the 2nd November 1876.

Repeal of Bombay Act II. of 1872.

2. Bombay Act II. of 1872 is repealed.

Interpretation Section.

3. In this Act :

(1) "The Corporation" means the "The Corporation." Municipal Corporation of the City of Bombay as constituted by Bombay Act

III. of 1872, or by any other law for the time being in force ;

(2.) "Municipal Fund" means the fund vested in the Corporation by the said Act, or by any other law for the time being in force in trust for the purpose of providing for the municipal administration of the said city ;

(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 the Tulsi Water-Works ;

(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 ;

(c) Such sum as shall be certified by the Accountant General of Bombay to be still 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) Such sum as shall be certified by the said Accountant General to be still 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. From the 2nd November 1876 until the date described in the next following section interest shall be paid by the Municipal Commissioner on behalf of the Corporation on the portion of the consolidated loan from time to time 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

and the first of , and the amount of interest due on account of the broken period between the last of such half-yearly payments and the date described in the next following section shall be paid on the said date or as soon thereafter as the Governor in Council may direct.

5. The whole of the consolidated loan shall be repaid with interest at the aforesaid rate within thirty years next after the date on which the Accountant General of Bombay shall certify that the loan of fifteen lakhs of rupees of which the repayment is secured by Bombay Act III. of 1870 has been fully repaid to Government with interest at the rate prescribed by the said Act ;

and in order to ensure 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 and the first of the sum of one lakh eighty thousand one hundred and fifty-eight rupees and seven annas.

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 or into the account of Her Majesty's Treasury in any bank which may now or hereafter be appointed to conduct the business of Her Majesty's Treasury of Bombay ;

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 Chief Accountant of the Municipality, or other officer acting in that capacity, shall within two 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 mo-

neys 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 in preference to, and with priority over, all incumbrances and claims to such moneys other than those created under this Act and under Bombay Act III. of 1870.

9. If the amount in arrear cannot be covered in the manner provided in the last preceding section, the Governor in Council may attach the municipal fund, and 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 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 satis-

faction of a liability incurred under this Act.

10. Nothing in this Act shall affect the Other rights and remedies of the Government of India not to be affected. 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 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 6 of Act XXIV. of 1871, the Corporation shall not hereafter borrow money except from Government of India or with its sanction. after borrow money except from the Government of India.

If any new loan shall hereafter be granted to the Corporation by the Government of India, the same shall be subject, as regards repayment 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 repayment, 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.

#### STATEMENT OF OBJECTS AND REASONS.

The Municipal Corporation of Bombay having applied to the Government of India for a fresh loan of forty-two lakhs of rupees, and for certain concessions in respect of the loans which have been already advanced to it under Bombay Act II. of 1872, this Bill is introduced for the purpose of giving effect to the terms to which the Government of India has agreed, and of providing proper security for the punctual payment of the moneys which will thus become due to the Government of India.

(Signed) A. ROGERS.

17th October 1876.

By Order of His Excellency the Governor in Council,  
G. C. WHITWORTH,  
Acting Under Secretary to Government.

Poona, 17th October 1876.