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## ACT No. VI. OF 1851.

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*Passed by the Hon'ble the President of the Council of India  
in Council on the 6th June 1851, with the assent of  
the Most Noble the Governor General of India.*

*Respecting certain land in Bombay called Foras Land.*

**W**HEREAS the East India Company are legally entitled to the freehold reversion of the several lands heretofore paying a render called Foras, the outline whereof is delineated in a plan deposited in the office of the Secretary to the Government of Bombay and authenticated by the signatures of the Right Honorable the Governor and Members of the Council of Bombay and numbered 1, subject to certain tenancies therein at will, or from year to year; and whereas it is considered expedient as of grace and favor that the rights of the said East India Company in all of the lands included in the said plan, save those marked upon the said plan as to be taken, or as having already been taken for public roads, tanks and other public purposes, the outline of which lands so to be or having been taken is also delineated in another plan numbered 2, also deposited and authenticated as aforesaid, should be extinguished save as hereinafter mentioned, It is enacted as follows:

I. The lands comprised in the said plan No. 2 shall, from and after the first day of July, in the year 1851, be vested in the said Company  
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free from all rights therein of all other persons, for the purpose of constructing public roads, tanks and other public purposes.

II. From and after the said first day of July, the rights of the said Company in all of the said lands mentioned in the said plan No. 1, except those mentioned in the said plan No. 2, shall be extinguished in favor of the persons who shall then hold the same respectively as the immediate rentpayers to the said Company, saving the rents now severally payable in respect of such lands, which shall continue payable, and recoverable by distress or by any means by which land revenue in Bombay is or shall be recoverable under any Act or Regulation, and saving also all rights of forfeiture and escheat, in respect of want of heirs or representatives, or of felonies committed, or otherwise in respect of attainder.

III. As between such rentpayers and other persons, such extinguishment shall enure for the benefit of the persons beneficially entitled to the lands thereby affected, and not of any mere Trustee or other person in whom the legal estate only is or may be vested.

IV. Nothing herein contained shall exempt such lands from being liable to any future general taxes on land in Bombay, or from being subject to Act XXVIII. 1839 and Act XVII. 1850.

V. After the said first day of July as soon as shall be convenient, the Governor of Bombay in Council shall appoint fit persons, not exceeding five in number, to be Commissioners under this Act, for the purposes hereinafter mentioned (with such salaries or remuneration as to the said Governor in Council shall seem fit); any three or four of whom met together, (two being Officers of Government), may do any act which by this Act the Commissioners are empowered to do; and in case of the  
death,

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death, resignation, removal or absence of any such Commissioner, the Governor in Council shall appoint another in his room.

VI. A duplicate of the said plans, authenticated by one of the Secretaries to the Government of Bombay, shall be lodged with the said Commissioners and shall form a record of their office.

VII. From and after the said first day of July the said Commissioners shall proceed to estimate the value of the several portions of land and the improvements thereon comprised in the said plan No. 2, and of the expenses which will be incurred in executing this Act, and to assess the amount of such estimate in such way and in such proportions as to them shall seem right to and upon the lands mentioned in the said plan No. 1, and the fund to be raised by such assessment shall be denominated the "Foras Land Assessment Fund"; and for the purpose of framing such estimate and making such assessment the said Commissioners may summon as witnesses any persons whomsoever, whether interested or not in the said lands, and examine them on oath or otherwise as they may see fit, or proceed upon a mere estimate, according to the best of their judgment, without evidence.

VIII. Any person summoned as a witness, and refusing or without lawful excuse neglecting to appear and give evidence according to the terms of the summons may, on proof thereof, be fined by any Magistrate of Police for every default a sum not exceeding ten Rupees, to be paid to the said Commissioners for the said Foras Land Assessment Fund, and may be committed to prison in default of payment.

IX. The said estimate and assessment when completed shall be signed by the said Commissioners and form a record of their office.

X. After

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X. After the completion of the said estimate the said Commissioners shall make out and sign certificates, which shall, by numbers, or in such other way as to the said Commissioners may seem more convenient, refer to the several portions of land mentioned in the said plan No. 2, and shall show the estimated value of the land and improvements thereon to which the same refer, which certificate shall give to the holders thereof a right to demand payment of the sums for which the same are in the body of the same expressed to be granted, from and out of the said "Foras Land Assessment Fund," after the said Commissioners shall, by public advertisement in the Bombay Government Gazette, have advertised that they are ready to redeem the said certificates.

XI. The persons who shall have been the rentpayers to the said Company on the said first day of July of any land mentioned in the said plan No. 2, or their representatives or assigns shall be entitled to be the first holders of the certificates relating to the same lands.

XII. When the said certificates shall have been completed, the said Commissioners shall distribute the certificates to the persons entitled thereto; or, if it shall appear to them doubtful to whom any certificate should be delivered, may deposit it with the Prothonotary of the Supreme Court of Judicature established at Bombay by Royal Charter, which Court may adjudicate upon the right to every certificate so deposited, and may direct how such right shall be tried.

XIII. The delivery to any person by the Commissioners of any certificate shall not confer upon him any right to retain the same as against any person having a better title thereunto, who shall be at liberty to sue for and recover the same, and all benefits thereto belonging, in the said Supreme Court, by such proceeding as the said Court shall direct.

XIV. When

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XIV. When the said assessment shall have been completed, the Commissioners shall give notice thereof in the Government Gazette, and after the expiration of three weeks next following the publication of such notice shall proceed to collect the assessments, and if necessary to levy them by distress and sale of any goods found on the said lands, or by sale of the lands assessed; and the said Commissioners shall keep accounts of the sums received for assessment, and pay the same from time to time into the Bank of Bombay.

XV. The said Commissioners, subject to the approval of the Governor of Bombay in Council, may employ such Surveyors, Accountants and Clerks as to them shall seem fit, and incur such other charges and make such disbursements from the said Foras Land Assessment Fund as may be necessary for executing the provisions of this Act.

XVI. The Commissioners may receive any portion of the assessment from any person, but any receipt granted by them for the same shall not affect the title to any lands in respect whereof the same shall have been paid; and, when the said Foras Land Assessment Fund, or such portion thereof as to the said Commissioners shall seem adequate, shall have been recovered, the said Commissioners shall redeem the certificates on demand by the holders thereof.

XVII. When, on the sale of any land or goods for satisfaction of any assessment, more money shall be raised than is required to pay the amount to be levied, the Commissioners shall pay the overplus to such person or persons as shall appear to them to have been entitled to the land or goods sold; or, if they are doubtful to whom they should pay the same, may pay such overplus to the Accountant General of the said Supreme Court, and any persons claiming to be entitled thereto may sue

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sue for and recover the same by such proceeding in the said Supreme Court as the said Court shall direct.

XVIII. The Commissioners shall not be liable for the amount so paid to any person, in case another person having better title thereunto shall afterwards appear, but the same may be recovered from the party who received the same or his representatives at the suit of the person entitled thereunto.

XIX. The said certificates shall be transferrable by endorsement.

XX. The said Commissioners, at any time after the said first day of July may grant a warrant to any person or persons to take and deliver to the Officers of the Bombay Government any of the lands mentioned in the said plan No. 2, which warrant shall confer on such person or persons the same powers and rights which the Sheriff has for executing a writ of possession issued by the said Supreme Court.

XXI. The said Commissioners, with the consent of the Governor of Bombay in Council, to be signified in writing upon the said plan No. 2, under the hand of one of the Secretaries to the Government of Bombay, at any time before the completion of the assessment, may alter the plan No. 2 lodged with the said Commissioners, and corresponding alterations shall be made in the plan No. 1 lodged with the said Commissioners, and the Governor of Bombay in Council shall thereupon cause the like alterations to be made in the plans deposited in the Office of the Secretary to the Government of Bombay; and, if any such alterations shall be so made, the plans so altered shall to all intents and purposes of this Act be considered as the plans referred to by this Act. Provided always that, if any difference shall at any time appear between the plans deposited with the Commissioners and the plans deposited in the office of the Secretary

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to the Government of Bombay, the latter shall be deemed the original and authentic plans referred to by this Act.

XXII. No action at law or other proceeding shall be brought in any Court whatever against any Commissioner under this Act for any thing done or omitted to be done by him as a Commissioner thereunder ; and a certificate in writing under the hand of one of the Secretaries to the Government of Bombay shall be evidence that any such act or deed of commission or omission complained of was done by the Commissioners in execution of their powers as such Commissioners under this Act.

XXIII. On the close of the business of the said Commission the records thereof shall become and be made a record of the Bombay Government.

XXIV. If, at the closing of the said Commission, there should appear to be any unappropriated balance of the said Foras Land Assessment Fund, the same shall be paid to the Municipal Fund of Bombay ; and, if the said Foras Land Assessment Fund should prove insufficient to answer the charges upon it, the deficient amount shall be paid from the said Municipal Fund, upon an order or orders to be signed by the said Commissioners, countersigned by one of the Secretaries to the Government of Bombay.

FIRST SCHEDULE.

Containing the form which may be adopted for the Estimate mentioned in this Act.

No. in Plan.	Quantity in Square Yards.	Value including Improvements.

Assessment.

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Assessment.

No. in Plan.	Quantity in Square Yards.	Amount of Assessment.

SECOND SCHEDULE.

Containing the form which may be used for summonses for witnesses.

*Commission under the Foras Land Act.*

You are required to attend the  
 Commissioners on at o'clock the  
 day of to give evidence under  
 the provisions of Act No. VI. 1851.

(Signed)

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*Commissioners.*

THIRD SCHEDULE.

Containing the form which may be used for Certificates.

Foras Land Act VI. 1851.

This is to certify that the holder of this Certificate is a Claimant on the Foras Land Assessment Fund in respect of land taken for public purposes under Act VI. 1851, for the sum of Rupees

(Signed)

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*Commissioners.*