

Right of property not to be affected by alleged slavery of owner.

3. No person who may have acquired property by his own industry, or by the exercise of any art, calling, or profession, or by inheritance, assignment, gift, or bequest, shall be dispossessed of it or prevented from taking possession of it on the ground that he or the person from whom the property may have been derived was a slave.

Penal offences against alleged slaves not excused.

4. No one shall be excused from the consequences of doing any act amounting to a penal offence on the ground that the person to, upon or against whom the act was done, was, or was believed to be in a state of slavery.

Short title.

5. This Law may be cited as the Involuntary Servitude Declaration Law, 1879.

IRRIGATION AND WATER.

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11 OF 1887.

FOR REGULATING AND EXTENDING THE USE OF WATER IN AGRICULTURE IN CYPRUS.

HENRY BULWER.]

[April 25, 1887.

Definition.

1. In this Law, "Proprietor" means proprietor of land, water or water rights, and in the case of trust property includes the trustee.

Construction and Maintenance of Works.

Meeting of proprietors to determine on irrigation works.

2. It shall be lawful for the Commissioner of any District, at his own instance, or on the application of three or more proprietors in any village or group of contiguous villages, to summon by notice in writing a meeting of the proprietors of lands in such village or villages which appear to him likely to be benefited by any irrigation or drainage work, to determine by a majority of the proprietors present, either in person or by proxy in writing, whether or not it is expedient that local public works shall be undertaken for the construction of any canals or channels or wells within the lands of such village or villages, or for the improvement, or clearance from obstruction, of any rivers or water-courses, or for the re-construction or repair of any canals, weirs, sluices or other irrigation works lying wholly or in part within the lands of such village or villages, and, if so, whether or not Government aid is necessary for such work.

3. If the majority present shall determine that it is expedient that such local public works should be undertaken and that such aid is not necessary, they shall proceed to determine the persons liable to contribute as being benefited by the work, and the rate of subscription in money or of contribution in labour towards the work payable by each proprietor benefited thereby, and if necessary the proportion in which the water conveyed by the works shall be distributed among the several proprietors, and their decision shall be recorded by the Commissioner, and shall be published by him by causing a copy to be posted in each of the adjacent villages, and also at the usual place for the posting of notices at the office of the Commissioner, and shall be binding on all the proprietors of property benefited by the work. Provided always that at any time after the decision a subsequent meeting may be called, in the manner provided by section 2 hereof, for the purpose of re-considering the decision and amending it, as may be found necessary, and the amended decision shall be recorded and published by the Commissioner in the same manner as the original decision. Provided also that if any person or village is aggrieved by any decision under the provisions of this section, such person or village may appeal against the decision to the District Court of the District in which the grievance complained of arises, and the Court may thereupon either quash, amend or confirm the decision complained of. Every such appeal shall be by an action brought against the Commissioner as representing the proprietors, and shall be brought within two months from the publication of the original or amended decision appealed against.

Procedure where Government aid is not required.

4. All contributions payable under the last preceding section shall be recoverable from any defaulting contributor, by action brought by the other contributors or any of them on behalf of the rest, or by any person who has advanced money for the purposes of the work.

Manner of recovering contributions.

5. If at any meeting held under section 2, the majority shall determine that Government aid is necessary the Commissioner shall proceed to make application for such aid, specifying in the application the nature of the proposed work, the approximate cost thereof, and such further particulars as may be necessary to enable the High Commissioner to judge of the expediency of undertaking the work.

Proceedings when Government aid is necessary.

Upon receipt of the application the High Commissioner may cause plans and estimates of the work to be made and refer the same to skilled persons for a report on the advisability of undertaking the work, and for an approximate specification of the property which will be benefited by the work, and obtain a list of the proprietors of such property as is likely to be benefited by the work, and the extent

of land owned by each. Copies of such plans, estimates, reports and lists shall be deposited in the office of the Commissioner of the District and notices shall be published in the *Cyprus Gazette*, and posted in such villages as shall appear to the High Commissioner to be likely to be affected by the proposed work, declaring that such plans, estimates, reports and lists have been so deposited, and calling upon all persons and communities aggrieved by the decision of the meeting or objecting to such reports to make their objection in writing to the Commissioner of the District within two months after the date of the posting of the notices.

After considering the plans and estimates and reports and the objections if any of the persons and communities aggrieved, the High Commissioner in Council may, if he shall think fit, authorize the performance of the work.

The authorization shall be given in writing under the hand of the High Commissioner, and notice thereof shall be published in the *Cyprus Gazette* and in such villages as the High Commissioner shall direct.

Assessment
of cost to be
borne by
landowners
made by
Committee.

6. At any time after the giving of the authorization, the High Commissioner may appoint a Committee consisting of the Commissioner of the District or his substitute, the Government Engineer or his substitute, and one landowner, resident in the District, and elected by the Mejlis Idaré of the District, to examine and report in respect of each such work, as to the property to be benefited by the work, the proportion of water to be assigned to and of the cost to be borne by each proprietor. From the date of the report every property to be benefited by the work and the proprietor thereof shall become and be severally bound and liable to repay to the Government all such sums as may be advanced by the Government for the carrying out of the work in the proportions mentioned in the report; and the said sums shall be a first charge upon the property, and such charge shall take precedence over all mortgages and encumbrances whatsoever.

Power of
High Com-
missioner to
amend, etc.,
the Report.

7.—(1.) Where it is found desirable from any cause that any report made under the provisions of section 6 should be amended, the High Commissioner may order that it be revised, amended, or altered in any one or more of the following particulars:—

- (a.) By increasing or reducing the number of the proprietors mentioned in the report;
- (b.) By increasing or reducing the number of donums to be benefited by the irrigation work;

(c.) By increasing or reducing the proportion of water assigned to each proprietor, and the proportion of the cost to be borne by each proprietor.

(2.) Where it has been found desirable to revise, amend or alter any report as aforesaid, and any new proprietors have been added thereto under the provisions of this section, the High Commissioner may make such order as he may think just with regard to the contribution to the payment of the Irrigation Works by any such new proprietor.

(3.) Nothing in this section shall exempt any contributor from the payment of any contribution which has before any such revision, amendment or alteration become due and payable.

8. Where any person has become liable under a report made in pursuance of the preceding sections to repay any proportion of the cost of an Irrigation Work, and it appears to the High Commissioner that he has become so liable in respect of lands which cannot be benefited by the Irrigation Work, the High Commissioner may order that so much of the report shall be cancelled as directs him to repay any sum in respect of the lands which cannot be benefited as aforesaid.

Exemption from contribution in respect of land not benefited by Irrigation Works.

Upon any such order the High Commissioner may direct that any contributions which are owing or have been paid in respect of the lands may be written off or refunded, and that the amount so written off or refunded shall be apportioned as may appear just among the other contributors.

9. Every work the performance of which shall have been authorized under the provisions of section 5, shall be carried out by such persons as the High Commissioner shall appoint.

Work to be carried out by agents of Government.

10. The sum expended by the Government in the execution of the work shall be repayable by the proprietors of the property to be benefited in such annual instalments, not less than five, as the High Commissioner in Council shall direct, such instalments to be collected in the same manner and at the same time as the annual payment of Verghi in respect of the same property, until the whole cost of the work shall have been repaid to Government.

Repayment of money expended by Government.

11. After the completion of any work as aforesaid the work shall be inspected at least once a year by the Government Engineer or his substitute, and the Government Engineer shall from time to time cause all necessary repairs to be performed thereon.

Repair of works.

The cost of such repairs shall be defrayed by the proprietors who contributed to the execution of the work and in like proportion; and the amount payable by any proprietor in respect of the repairs shall be collected as provided by the last preceding section.

Supervision
of the works
executed.

12. The Mukhtar and Azas of each village shall watch over the conservation of the works executed and report to the Commissioner of the District all damage done to the works; if they knowingly omit to make such report they may be prosecuted by the Commissioner and be liable each of them to a fine not exceeding three pounds.

Urgent repair
of old work

13.—(1.) If at any time it shall appear to the High Commissioner that it is urgently necessary that any existing work constructed prior to the passing of this Law should undergo repairs without delay, he may forthwith order the necessary repairs to be executed, and at any time after the date of the order appoint a committee constituted as provided in section 6, who shall examine and report upon the work in question, specifying in their report:—

(a.) The proprietors of property benefited by the work and the extent of the property owned by each proprietor;

(b.) The proportion of the cost of the repairs to be borne by each proprietor.

(2.) A copy of such report shall be deposited for inspection at the office of the Commissioner of the District, and notice of such deposit shall be published in the *Cyprus Gazette* and posted in every village within the boundaries of which any lands are benefited by the work.

(3.) After receiving the report the High Commissioner may, if he shall think fit, direct that the cost of the repairs shall be defrayed by the proprietors specified in the report, in the proportion therein mentioned; and the amount payable by any proprietor in respect of the repairs shall be payable in such annual instalments as the High Commissioner shall direct; the instalments to be collected in the same manner and at the same time as the annual payment of Verghi in respect of the property to be benefited, until the whole cost of the work shall have been repaid to the Government.

Power to
acquire land.

14. Whenever it shall be made to appear to the High Commissioner that land is wanted for the carrying out of any work or the irrigation of any land under this Law and there is any hindrance to the acquisition thereof, the High Commissioner may declare that the land is needed for public purposes, and may order proceedings for obtaining possession of it for Government, and for determining the compensation to be paid to the parties interested, according to any law now