

**LEGISLATIVE COUNCIL  
OF  
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PROCEEDINGS OF

OF THE

LEGISLATIVE COUNCIL OF INDIA,

January to December 1858

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1858.

the villages; but it appeared that no information had been given to the Police of any such robbery until after the enquiry regarding the twigs had been instituted, and the story of its occurrence seemed hardly deserving of credit. Under all the circumstances, and seeing that the system of carrying signs from village to village afforded great facility for disseminating secret intelligence through the country, Sir R. Shakespear and the Government of Bombay were of opinion that some legislation was necessary to prohibit all persons from taking charge of signs without the direct orders of the Government. There was no Law at present under which the transmission of signs by villagers could be treated as a penal offence, though there was a Regulation under which village Officers in the service of Government, who after prohibition disobeyed orders in passing on these signs could be dealt with. The object now was to put a stop to the transmission of such signs entirely, whether by villagers or by village Officers. He had not thought that he would be justified in preparing a special Bill upon this subject. The Government of Bombay, in forwarding the correspondence to him, had requested that he should "submit for the consideration of the Legislative Council of India the propriety of rendering the system, as applicable to India generally, a penal offence." It appeared to him that the best way of dealing with the matter was to move, as he now did, that the communication received by him from the Government of Bombay on the subject of rendering the transmission of signs from village to village a penal offence, be laid upon the table and referred to the Select Committee on "The Indian Penal Code."

Agreed to.

#### CRIMINAL PROCEDURE (BENGAL).

MR. CURRIE moved that a communication received by him from the Bengal Government on the subject of private prosecutions in cases of forgery be laid upon the table and referred to the Select Committee on the Bill "for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, for simplifying the Procedure thereof, and for in-

vesting other Courts with Criminal jurisdiction."

Agreed to.

#### STATE OFFENCES.

MR. PEACOCK moved that the Standing Orders be suspended to enable him to proceed with the Bill "to make further provision for the trial and punishment of offences against the State."

MR. HARRINGTON seconded the Motion, which was then agreed to.

MR. PEACOCK moved that the above Bill be referred to a Select Committee consisting of the Vice-President, Mr. Harrington, and the Mover, with an instruction to report upon it at the next Meeting of the Council.

Agreed to.

The Council adjourned.

*Saturday, June 19, 1858.*

#### PRESENT :

The Hon'ble the Chief Justice, *Vice-President*.

Hon. B. Peacock,

H. B. Harrington, Esq.

E. Currie, Esq.,

and  
H. Forbes, Esq.

The Members assembled at the Meeting did not form the quorum required by law for a Meeting of the Council for the purpose of making Laws.

*Saturday, June 26, 1858.*

#### PRESENT :

The Honorable the Chief Justice, *Vice-President*,  
in the Chair.

Hon J. P. Grant,

E. Currie, Esq.,

Hon. H. Ricketts,

H. B. Harrington, Esq.,

Hon. B. Peacock,

and

P. W. LeGeyt, Esq.,

H. Forbes, Esq.

#### KURNOOL.

THE VICE-PRESIDENT read a Message informing the Legislative Council that the Governor General had assented to the Bill "for bringing the District of Kurnool under the Laws of the Presidency of Fort St. George."

**MOULMEIN PORT-DUES.**

THE CLERK presented a Petition from Messrs. Miller and Buchanan, merchants of Moulinein, praying for an amendment of Act XXXV of 1857 (for the levy of Port-dues in the Ports of Moulinein, Rangoon, Kyook Phyo, Akyab, and Chittagong), especially with respect to the duties chargeable on ships entering the Port in ballast. The Petitioners ask to have the Act assimilated to the Calcutta and Bombay Acts.

MR. GRANT moved that the Petition be printed.

Agreed to.

**ESTATE OF THE LATE NABOB OF THE CARNATIC.**

THE VICE-PRESIDENT said, the Clerk of the Council had brought to his notice that he had received a Petition (which appeared to be the original of that copy which he had mentioned to the Council at its last Meeting) purporting to be from "Prince Azeem Jah, Bahadoor, Nabob of the Carnatic, and Subahdar of Arcot." He apprehended that, according to the Resolution of the Council on the former occasion, this Petition could not be received. From what he had stated to the Council in reference to the copy received by himself, he believed that the Petition had been forwarded before the Resolution of the Council could have been known to the Petitioner. Still, it fell within the Resolution, and could not be received.

**MALACCA LANDS.**

THE CLERK reported to the Council that he had received a communication from the Governor of the Straits Settlement on the subject of a proposed enactment concerning the property in land in Malacca and to enable the local Government to dispose of the waste lands in that Station.

MR. PEACOCK moved that the above communication be printed.

Agreed to.

**ESTATE OF THE LATE NABOB OF THE CARNATIC.**

On the Order of the Day being read for the presentation of the Report of

the Select Committee on the Bill "to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic"—

MR. PEACOCK said, the Select Committee had framed their Report, and he had intended to present it this day; but he now understood that the Agent of Prince Azeem Jah had arrived, and was now in Calcutta; and as the Council had rejected two Petitions from the Prince on the ground of an informality in their heading, he thought it better to defer presenting it until Saturday next, unless any further Petition should be forwarded to the Council before that time.

**OFFENCES AGAINST THE STATE.**

MR. PEACOCK presented the Report of the Select Committee on the Bill "to make further provision for the trial and punishment of offences against the State."

**BOMBAY MUNICIPAL ASSESSMENT.**

On the Order of the Day being read for the third reading of the Bill "for appointing Municipal Commissioners and for raising a Fund for municipal purposes in the Town of Bombay"—

MR. LEGEYNT moved that the Bill be re-committed for the purpose of considering certain amendments proposed in a communication received by him from the Government of Bombay dated 29th April 1858.

Agreed to.

Section I provided as follows:—

"So much of the 158th Section of the Act of Parliament 33 Geo. III c. 52 as remains in force; so much of Chapters II and IV of Regulation XIX. 1827 of the Bombay Code as remains in force, and so much of Act VII of 1836 as relates to those Chapters; Regulation XXXII. 1827 of the same Code; and Act XI of 1845—are hereby repealed, except so far as they repeal any other Act, and except as to any assessment or tax which shall be unpaid and as to any proceeding for the recovery of the same which shall have been commenced before this Act comes into operation."

MR. LEGEYNT moved that the words and figures "except Section XIII of Chapter II" be inserted after the word "force" in the 6th line of the Section. He said, the object was that that part of Regulation XIX. 1827 which re-

lated to licenses for public notices of sale, should be retained. In the official correspondence that had taken place regarding the Bill, the Bench of Justices had suggested that it would be extremely inconvenient if the present system of giving public notice of the sale of houses and other property by beat of drum were discontinued; and the Government of Bombay had concurred in their view.

MR. CURRIE said, as the Section was originally drawn, no part of Chapter II of Regulation XIX. 1827 was proposed to be repealed. It stood thus:—

"So much of the 158th Section of the Act of Parliament 33 Geo. III c. 52 as remains in force; Sections 24, 25 and 26 of Regulation XIX. 1827; Regulation XXXII. 1827 of the Bombay Code; and Act XI of 1845, are hereby repealed, except so far as they repeal any other Act, and except as to any assessment or tax which shall be unpaid, and as to any proceedings for the recovery of the same which shall have been commenced before this Act comes into operation."

The Select Committee to whom the Bill was referred, thought that Chapter II of Regulation XIX. 1827 ought also to be repealed. Chapter II contained several Sections. The first Section, which was Section IX of the Regulation, related to assessment on shops and stalls, and was superseded by a subsequent Act which was repealed by this Bill. Sections X and XI related to licenses for wedding sheds or other places of temporary amusement, and were superseded by a provision in Act XIV of 1856, the Conservancy Act for the Presidency Towns. Section XII related to licenses for using country music without doors. In Act XIII of 1856, the Police Act for the Presidency Towns, provision was made for prohibiting altogether the use of this sort of music in the streets, except under a license from the Police Commissioner. Section XII, therefore, was also superseded by the later enactment. Then came Section XIII, to which the present Motion referred. Sections XIV, XV and XVI related to fines, penalties, and forfeitures incurred under the Chapter, and were superseded by the Police Act for the Presidency Towns. There was thus only one Section of the Chapter which was not superseded, and that was Section XIII, which provided that "all persons desirous of giving public notice by beat of battakee of the

sale of any house, building, land, or other immoveable property, or the sale of any goods or chattels, or of publicly offering or giving any other kind of lawful public notice by beat of battakee," should obtain a license, upon payment of certain fees. The Select Committee on this Bill were of opinion that, in revising the whole law for raising municipal revenues for the Town of Bombay, it was right that the sources of income should be restricted to those which were provided by the Bill, and by the Conservancy Act XIV of 1856; and, therefore, they had not thought it necessary to retain Section XIII of Regulation XIX. 1827. The income which it produced, must be very small. If the levy of such fees was to be retained at all, provision ought to have been made for it in the general Conservancy, or the general Police Act; but as no such fees were taken in the other Presidency towns, the Select Committee on those Bills had thought it unnecessary to retain them specially for Bombay.

The Honorable Member had said that it would be inconvenient to prevent notices of sale being given by beat of drum. But the repeal of the Section would not prevent such notices being given. It would only prevent fees being levied on account of the notices.

It was to be observed also that, as the Bill was drawn, the retention of Section XIII of Regulation XIX. 1827 would not make the fees levied under it applicable to municipal purposes. All fees provided for by the Conservancy Act were made payable to the Municipal Commissioners: these would be paid to the Collector; and, although Act XI of 1845 declared fees realized under Chapter II of Regulation XIX. 1827 to be applicable to municipal purposes, that Act was repealed by this Bill.

On the whole, he thought there was no necessity for retaining the Section in question.

MR. LEGEYT said, as a wish had been expressed by those who were supposed to represent the Public in Bombay more than any body else could be said to do, that the practice in question should be retained, it would be a want of courtesy to reject their application. There could be no doubt that the mode provided by Section XIII Chapter II Regulation XIX. 1827 was an extremely

convenient one for giving notice of such sales as the Section contemplated, to the poorer population of a large Town, who had no access to newspapers. It had been in existence in Bombay time out of mind, and he thought that its abrogation now would be felt as a hardship and inconvenience. It was very true that a person might obtain publicity for an intended sale by employing persons for the purpose; but he thought that the notices given of such sales should be under some sort of control; and that if the control hitherto in force should be withdrawn, considerable inconvenience might follow. He should therefore press the amendment he had proposed.

The question being put, the Council divided :—

*Ayes 6.*  
Mr. Forbes,  
Mr. Harrington,  
Mr. LeGeyt,  
Mr. Ricketts,  
Mr. Grant,  
The Chairman.

*Noes 2.*  
Mr. Currie,  
Mr. Peacock.

MR. CURRIE said, he found that the Select Committee, in amending this Section, had made an oversight. It was perhaps rather late to rectify the omission now; but still he thought it necessary to bring the matter to the notice of the Council, and, unless the Council objected, to make a Motion on the subject. Another Chapter of Regulation XIX. 1827 ought to have been included in the Section;—he meant Chapter VI. It provided rules for levying fees in the Court of Petty Sessions, and in the Offices of the Magistrates of Police. He would read the list of the fees to be levied :—

	Rs.	Qr.	Ra.
For every complaint instituted when filed in the Office of a Magistrate of Police, . . . . .	0	2	0
For every complaint instituted when filed in the Court of Petty Sessions, . . . . .	1	0	0
For summoning each party to answer before the Magistrate, . . . .	0	1	0
For summoning each party to answer before the Court of Petty Sessions, . . . . .	0	2	0
For summoning each witness to attend at the Office of the Magistrate, and for each person sworn, if the fee for summoning has not been paid, . . . . .	0	0	50
For summoning each witness in the Court of Petty Sessions, and for			

*Mr. LeGeyt*

each person sworn, if the fee for summoning has not been paid, . . . .	0	1	0
For every voluntary affidavit, . . . .	1	0	0
For granting each certificate to the Commanders of ships, on their arrival at, and departure from, the Port of Bombay, payable on the delivery of the rôle d'équipage of their vessels, . . . . .	5	0	0
For every commission to a Patell, Mukadam, or Chogla of a Caste, . . . .	1	0	0
For every passport issued by the Senior Magistrate to Europeans, . . . .	2	0	0

These fees, which consisted principally of fees in cases instituted before the Magistrates of Police, in the Court of Petty Sessions, did not obtain in the other Presidency towns; and the Committee which prepared the Police Bill for the Presidency towns had been of opinion that they ought to be discontinued in Bombay. Accordingly, in the Schedule to that Bill, among the Laws to be repealed was mentioned Chapter VI of Regulation XIX. 1827. But in a Committee of the whole Council, the Honorable Member for Bombay objected to the repeal of the Chapter. He said—

“The Bombay Government had represented that the repeal of this Regulation would deprive the Municipal Revenue of that Presidency of six thousand Rupees per annum, which it could ill afford to lose, and for which nothing was substituted in the Bill. This Bill had hitherto avoided all matters which related to Municipal Revenue, and he thought that the Regulations referred to in the above Clause should be allowed to remain in force until the new Municipal Bill should come before the Council, and the revenues to be collected thereunder be considered. Six thousand Rupees per annum was a large sum for the Municipal Fund, in its present state, to lose; but if it should be determined to repeal Chapter VI of Regulation XIX. 1827 by the Municipal Bill, he hoped to have provision made in that Bill for making good from other sources the loss of the amount now realized under the Regulation.”

Now, the Bill before the Council did provide ample funds for all municipal purposes; and as this Chapter had not been repealed by the Police Act solely on the ground that the municipal revenues of Bombay were not then under revision, he thought it ought to be included in Section I of the present Bill. The reason for which the Honorable Member wished it to be retained when the Police Act passed, had ceased to exist; and it ought now to be repealed. He (Mr. Currie) therefore moved

that the word and figures "and VI" be inserted after the figures "IV" in the 4th line of Section I.

MR. LEGEY<sup>T</sup> said, he thought that the Council had better leave the Section as it now stood. The income of the Bombay Municipality had undergone rigid scrutiny; and in the papers which formed the annexures to the Bill which he introduced in January last, all the items that were receivable by the Municipality had been taken into account and set against the estimated disbursements. He did not think that, upon reference to that account, the Honorable Member would find that much margin had been left, although the sum calculated upon as the income was very large. There might be a greater deficiency in the taxes to be levied under the head of Town duties than the Council was aware of; and the whole scheme might be considerably disturbed by the deduction now proposed. The charges under Chapter VI of Regulation XIX. 1827 might appear frivolous; but they had been of long standing. When it was proposed to repeal the Chapter on a former occasion, the Bombay Government urged that it should be retained; and he did not think that any advantage whatever would result from the repeal. The amount realized under this Chapter was about six thousand Rupees a year, which was not a very small sum; and he really did not see any reason for discontinuing the existing arrangements, especially as this item had been calculated in the estimate of income out of which the future disbursements for municipal purposes were to be provided.

MR. PEACOCK said, it was very inconvenient that these questions should be brought before the Council without previous notice. He had certainly been under the impression that Chapter VI of Regulation XIX. 1827 had been repealed. The fees levied under it had hitherto been appropriated to the Municipal Fund; but the Municipal Fund was provided for by the present Bill, and he thought that the fees in question ought not to go to that Fund. They were fees for the administration of Justice, and, if levied at all, they should be applied to the support of the Courts of Justice, or form part of the general revenues of the State. By the

Police Act, the Council had very much increased the powers of the Magistrates. Under this extended jurisdiction, Magistrates had to deal with many more cases than before, and the fees for processes would be proportionately larger. The Council had just now, by the amendment which had been carried, put on a tax for municipal purposes for a license to give notice by beat of drum of a sale of property, and other matters. He thought that such a tax was objectionable. To impose a tax upon legal proceedings for municipal purposes appeared to him to be still more so; and he should vote in support of the Motion for repealing Chapter VI of Regulation XIX. 1827.

MR. CURRIE said, with respect to what had been stated regarding the appropriation of the fees, as the Bill stood, he did not exactly know what would become of them. Section XXXI Chapter VI of the Regulation of 1827 provided that they should be paid to the Sub Treasurer "for the benefit of the County Fund;" Act XI of 1843 directed that they should be appropriated to the Municipal Fund; but that Act would be repealed by this Bill; and the Section of this Bill which constituted the Municipal Fund, provided indeed that all fines and penalties imposed by the Court of Petty Sessions or Magistrates of Police should form part of the Fund, but it made no mention of fees levied in the Court of Petty Sessions and in the Offices of the Magistrates.

THE CHAIRMAN said, the effect of introducing the proposed amendment now would possibly be to delay the passing of the Bill, and to vary, to some slight extent, the estimate of income upon which the Government of Bombay had proceeded. He was therefore disposed to leave the Clause as it stood; although, if the amendment had been brought forward before, he should have been inclined to vote in favor of it.

MR. CURRIE said, he begged to remind the Council that the question of the repeal of Chapter VI of Regulation XIX. 1827 had been before it on a former occasion, in connection with the Police Bill for the Presidency Towns; and the only apparent reason for which the Chapter was allowed to stand in that

Bill was that the Municipal Fund of Bombay was in difficulties, and could not afford to lose the revenue derived under it until the new Municipal Bill should provide other sources of income.

THE CHAIRMAN replied that still, by inadvertence or otherwise, the present Bill had been allowed to go before the Government and the community of Bombay without any notice of the intention to insert in it an amendment repealing Chapter VI of Regulation XIX. 1827.

The Motion was then put and agreed to.

MR. LEGEYNT moved that the words "the repealed portions of" be inserted after the word "to" in the 7th line of the Section.

The Motion was agreed to and the Section then passed.

Section IV provided that there should be three Commissioners, one to be appointed by the Governor in Council, and the two others to be elected by the Justices of the Peace in Sessions.

MR. LEGEYNT moved that this Section be left out, and the following new Section substituted for it:—

"There shall be seven Commissioners for the purposes of this Act, and for the conservancy and improvement of the Town of Bombay. Two of such Commissioners shall be appointed by the Governor in Council. The other five Commissioners shall consist of two European and three Native residents of Bombay, who shall be elected by Her Majesty's Justices of the Peace in Sessions assembled."

The Honorable Member said, the Council would perceive that this was a return to the Section which stood in the Draft Bill, but which was altered by the Select Committee. The alteration had met with considerable disfavor from the Bench of Justices in Bombay. The Government of Bombay, when the subject first went before it for consideration, was not opposed to a reduction of the number of the Board of Conservancy; but subsequently, in a letter which they had addressed to him, dated 29th April 1858, they said—

"The Governor in Council agrees with the Bench in the opinions expressed throughout the remainder of the Acting Clerk's letter, with the exception of its 4th and 5th paragraphs. With respect to the matters to which these two paragraphs refer, the Select Committee correctly observed that Government

was reluctantly brought to consent to a scheme of municipal management involving the continuance of seven Commissioners, acting under the supervision, direction, and control of the Justices; but having done so, His Lordship in Council is unwilling to retract the assent already given by him to the adoption of that scheme; and he considers the avoidance of further delay in passing the Municipal Bill so important, that he would, at any rate, feel disinclined from renewing a discussion which might possibly cause additional obstruction."

The Justices stated in their letter to the Government as follows:—

"With reference to Section IV of the Bill, I am desired to state that the Bench consider that the proposition made by them, agreed to by the Bombay Government, and embodied in the Draft Act sent from Bombay to the Legislative Council, with reference to the appointment of seven Municipal Commissioners, should be adhered to."

He had received several non-official communications on this subject from persons interested in it in Bombay; and he found the real feeling there to be this—that by the reduction of the Municipal Board from seven to three, the Natives of Bombay would lose a voice, and a strong voice in the municipal arrangements of the Town, which they considered they had enjoyed as a privilege for many years. The present Conservancy Board consisted of three Natives and four Europeans; and the Bench of Justices were anxious that this should continue to be the constitution of the Board. A Board of three Commissioners would never have more than one Native Member in it; and the sore point with them was that the Native voice would be lost in the future Conservancy arrangements of the Island.

With respect to the efficient working of a Board composed of seven Members, those who had written to him argued in their letters that the work might be divided amongst Sub-Committees of four and three Members, and would thus be done just as well as it could be by a Board of only three Members. The change in the constitution of the Board had given rise to strong feeling in Bombay, and the Government thought that the agreement which they had made with the Justices should be allowed to stand. Under all these circumstances, he had thought it right

*Mr. Currie*



to re-introduce the original Section, providing that the Municipal Board should consist of seven Members instead of only three.

MR. CURRIE said, the objection which was said by the Honorable Member to exist to the amendment made by the Select Committee in this Section, and adopted by the Council—namely, that the Natives of Bombay would lose a voice in the Conservancy arrangements of the town—was hardly borne out by the fact. The Conservancy Board at Bombay now consisted of seven Members, of whom he believed four were Europeans, and the other three Natives. The Europeans, consequently, had now a majority in the Board. Under the new constitution as proposed by the Select Committee, and adopted by the Council, there might be, and in all probability would be, one Native and two Europeans, or there might be one European and two Natives. At any rate, it was probable that there would always be one Native at least. The Europeans had a majority in the Board at present, and they might have a majority in the Board proposed. Therefore, the objection taken to the amended Section did not seem to him to be well founded; especially as the election of the two elective Commissioners would remain in the hands of the Bench of Justices, just in the same way as the election of the five elective Members of the Conservancy Board was now vested in them.

The grounds upon which the Select Committee had proposed the amendment, were stated in their Report; and, that Report being in the hands of Honorable Members, he thought it unnecessary to go into them. They concluded by saying:—

“We concur in the opinion expressed by the Government, and by some of the Justices, that a small number of well paid Commissioners, not subject to minute supervision and control, but acting under a sense of personal responsibility, will constitute a body much better adapted for the convenient and speedy despatch of the ordinary current work of the Conservancy, than the seven Commissioners now proposed, who may be controlled in all their proceedings by a body so numerous and so uncertain as the Justices assembled in Sessions.”

It was undeniable that the Board as now constituted had not given general

satisfaction. Among the printed papers connected with the Bill was an Extract from a Government Resolution dated 17th April 1855, which ran as follows:—

“That, with reference to the repeated calls which have been made upon the Worshipful Bench of Justices to expedite the submission of the Draft Act which has been now several months under consideration and discussion, and generally to the dilatoriness which has hitherto marked the proceedings of the Board of Conservancy and the Bench of Justices in Municipal matters, the Governor in Council is of opinion that some alteration in the mode of transacting Municipal business is urgently required, and possibly, that the whole Municipal constitution of Bombay may stand in need of revision.”

In consequence of the dissatisfaction felt with respect to the present constitution of the Municipal body, a suggestion was made, and approved by the Government of Bombay, that the number should be reduced, and a Board constituted similar to that provided by the amended Bill. The Government did not now object to the amendment which had been made by the Select Committee and adopted by the Council. They admitted that they had given an unwilling assent to the proposal of the Justices to retain the existing constitution of the Board; but stated that, having given that assent, they were disinclined now to retract it. One Member of the Government, however, who had not been a party to this unwilling acquiescence, declared himself in favor of the Municipal Body proposed by the amended Bill. Nor did the Justices themselves appear to be at all unanimous on the subject. He found from a Report published in one of the Bombay newspapers, that at the Meeting of Justices at which this Section of the Bill was taken into consideration, there were present only twelve Justices out of sixty or seventy. The Report said:—

“At the last Meeting, Section V of the Bill, which provides that the Governor in Council shall appoint one of the Commissioners, who shall be President, and that the other two Commissioners shall be elected by Her Majesty's Justices of the Peace in Sessions assembled, was taken into consideration; and, although there were but twelve Justices present, there were no less than three different propositions regarding this Section of the Bill. Messrs. Acland and Stuart were of opinion that one

Commissioner would be more likely to carry out the provisions of the Bill with advantage to the Public than three, the number mentioned in Section IV; Messrs. Narayen Dinanath and Rustomjee Cursetjee (Members of the Board of Conservancy) were opposed to this view, and proposed as an amendment that seven Commissioners were necessary to carry out the provisions of the Bill; whilst Messrs. Winchester and Hutchinson proposed as a further amendment that the 4th Clause of the Bill be allowed to remain unaltered. The latter amendment was, on being put to the vote, lost: the same result attended the first proposition; and ultimately, the amendment of Mr. Narayen Dinanath, to continue the old Board, was carried by seven votes *versus* five."

He thought, therefore, that the statement made on this point in the letter of the Acting Clerk of the Peace could hardly be accepted as the collective voice of the Bench of Justices—the more so as among the connected papers was a Petition to the Council signed by Mr. Gilmore and twelve other Justices, expressly approving of a Municipal Board composed of three Members, in preference to one composed of seven. He thought, therefore, that there was really no ground for the Council changing the resolution to which it had already come upon this question.

MR. PEACOCK said, he did not see any reason for making the proposed change. The Bill had been settled by a Committee of the whole Council on the Report of the Select Committee to whom it had been referred. Originally, Section III stood as the Honorable Member for Bombay now proposed; but the Select Committee had altered it, and the alteration had been adopted by the Council in Committee. The Council ought, therefore, to have some very strong reason to induce it to change the resolution to which it had already come upon the question. He did not know whether the Honorable Member for Bombay proposed, if he carried his amendment, to alter Section VIII of the Bill. As the Bill now stood, there were to be three Commissioners, and these were to be paid. Section VIII provided that they

"may receive such allowances out of the funds to be raised under this Act as shall be, from time to time, fixed by the Governor in Council. Provided that the allowances for any Commissioner shall not exceed the rate of ten thousand Rupees a year if the Commissioner holds no other appointment or occupation; or

the rate of four thousand Rupees a year if he holds any other appointment or occupation."

That provision adopted the principle laid down by the Council in the Municipal Bill for Calcutta. If there were to be seven Commissioners, he should like to know whether the Honorable Member for Bombay would have all of them paid Commissioners, or all of them unpaid Commissioners, or some of them paid and some unpaid. If all were to be paid, it would be an important question whether the Municipal Fund could afford to pay £7,000 a year instead of £3,000 a year for the purpose. The only public ground upon which the Honorable Member proposed the change in the Bill, was stated in the letter from the Acting Clerk of the Peace in Bombay to the Secretary to the Government of Bombay. Mr. Leathes said:—

"With reference to Section IV of the Bill, I am desired to state that the Bench consider that the proposition made by them, agreed to by the Bombay Government, and embodied in the Draft Act sent from Bombay to the Legislative Council, with reference to the appointment of seven Municipal Commissioners, should be adhered to."

But the Bench gave no reason why the proposition made by them should be adhered to.

The Acting Clerk of the Peace proceeded to say, in the next para. of his letter—

"The Bench consider, with reference to Section IX of the Bill, that the Municipal Commissioners should be under the supervision, direction, and control of Her Majesty's Justices in Sessions assembled, as proposed in Section X of the original Draft Bill."

But the Bench gave no reason for this opinion. The question of placing the Commissioners under the supervision and control of the Justices had been considered by the Select Committee on this Bill, and they made the following remarks on the subject in their original Report:—

"In considering the constitution of the Municipal body at Bombay, and the several communications on this subject which have from time to time been printed, we have felt ourselves bound to advert to the different aspect which this question has now assumed in consequence of the important duties connected with the drainage of the Town not being

*Mr. Currie*

undertaken by the Government, as was contemplated when the scheme proposed by the Bill was discussed between the Government and the Justices. We concur in the opinion expressed by the Government and by some of the Justices, that a small number of well paid Commissioners, not subject to minute supervision and control, but acting under a sense of personal responsibility, will constitute a body much better adapted for the convenient and speedy despatch of the ordinary current work of the Conservancy, than the seven Commissioners now proposed, who may be controlled in all their proceedings by a body so numerous and so uncertain as the Justices assembled in Sessions.

We therefore propose that there shall be at Bombay (as there is in each of the two other Presidency Towns) only three Commissioners, of whom one shall be an Officer appointed by Government, and two shall be elected by the Justices, and paid out of the Municipal Fund. We think that the Justices, who are presumed at Bombay in some degree to represent the whole body of rate-payers, should have both the privilege and the responsibility of electing two fit persons for this important office. We propose that the three Commissioners should ordinarily not be subject to check or control by the Justices; but with respect to new works involving a large expenditure of the Municipal Funds, we think that the Commissioners may with advantage be required to lay their proposals before the Justices before they are submitted to the Governor in Council for sanction; and we have so provided by Section IX of the Amended Bill."

The Select Committee, therefore, of whom the Honorable Member for Bombay was one, having duly weighed all the communications that had been placed before them on the subject, had recommended to the Council that the Commissioners should not be subject to the control of the Justices; and, in accordance with that recommendation, had inserted in the Bill the Section which now stood as Section IX, and which enacted as follows:—

"In the execution of this Act and the Incorporated Act, and of Act XIV of 1856, the Commissioners shall not be subject to any check or control on the part of the Justices. Provided that, in respect of any work for the execution of which the consent or sanction of the local Government is necessary under any of the said Acts, and in respect of the regulation of the salaries of Officers appointed under any of the said Acts, the Commissioners shall, before making application to Government, submit a plan of the work or a Schedule of the salaries for the approval of the Justices. When any such plan or Schedule is disapproved by the Justices, the Commissioners, if they see fit, may refer the matter for the decision of the Governor in Council."

The Council had adopted this Section in a Committee of the whole Council, as also Section IV of the amended Bill, which provided that the number of Commissioners should be three, and that of these, one should be appointed by the local Government, and the other two be elected by the Justices,—and Section VIII, which provided that the Commissioners should receive salaries for their services. He thought that the views taken by the Select Committee were correct, and that no sufficient ground had been shewn for inducing the Council to change the resolution to which it had already come with respect to them. The Government of Bombay themselves did not advocate the change very strongly. They said:—

"The Governor in Council agrees with the Bench in the opinions expressed throughout the remainder of the Acting Clerk's letter, with the exception of its 4th and 5th paragraphs. With respect to the matters to which these two paragraphs refer, the Select Committee correctly observed that Government was reluctantly brought to consent to a scheme of Municipal management involving the continuance of seven Commissioners, acting under the supervision, direction, and control of the Justices; but having done so, his Lordship in Council is unwilling to retract the assent already given by him to the adoption of that scheme; and he considers the avoidance of further delay in passing the Municipal Bill so important, that he would, at any rate, feel disinclined from renewing a discussion which might possibly cause additional obstruction."

These were the only reasons before the Council in support of the proposed alteration. They were followed by a paragraph which was against it. The paragraph said:—

"I am, however, directed to state that the Honorable Mr. Reeves, who was not a Member of this Government when the matter was originally discussed, wishes that you should be made aware of his opinion that the substitution of seven Commissioners for the three proposed in the Select Committee's Amended Draft Act, would most injuriously affect the Municipal Constitution of Bombay."

He (Mr. Peacock) was certainly of the same opinion; and he thought that the Council, having once come to the conclusion in a Committee of the whole Council that there should be only three Commissioners, should require some stronger reasons than those

which had as yet been brought forward to induce it to vary its opinion.

MR. LEGEYT'S Motion was then put and negatived, and the Section passed as it stood.

Section IX provided that the Commissioners should not be under the control of the Justices.

MR. LEGEYT said, after the resolution to which the Council had just come, it would perhaps be superfluous to press an alteration which he intended to propose in this Section. The object of that alteration was to restore the control of the Justices over the proceedings of the Commissioners. When the question was discussed in Select Committee, he did not oppose the reduction of the number of the Board of Commissioners from seven to three; but he did oppose the removal of the Commissioners from the control of the Justices, and he still continued of opinion that such a measure was not likely to be attended by any particular good. He was also satisfied that it would create a strong feeling of disfavor among the Natives of Bombay. The Justices had exercised control over the Municipal disbursements and arrangements of the Island for many years. That they had done so with good effect in the main, was universally admitted. They had also lately come forward in a most liberal manner, and suggested the imposition of new taxes upon themselves and the community at large for improvements which would place Bombay far beyond any other town in India as far as municipal advantages were concerned. It was now proposed to deprive them of all control over the Commissioners; and they naturally said—"We have done all this for Bombay; we have swayed the community by our influence to assent to a town duty which will raise large funds; we have done all that the authorities have asked of us; and what do we get in return? We are pushed aside; we are told—'We do not want you any longer; we will deprive you of that voice which you have hitherto had in the management of the municipal funds, and in the supervision of public works which have hitherto been carried out with those funds under your control.'" It appeared to him that, under the circumstances, the Justices had considerable reason to complain. As he had said just now, the belief in Bombay was that,

if the Board should be reduced to three Commissioners, the control over public works in the Island would altogether pass away from the body which had hitherto exercised such control over it. And he must say a very happy influence it had been; because it had enabled the Board of Conservancy to carry out improvements without any of those petty acts of opposition which check such improvements beyond anything else, to a surprising extent. When the provision for removing the Commissioners from the control of the Justices was promulgated in Bombay, a universal cry was raised there against it amongst the Natives. He did not say that there was a unanimous feeling in the Bench of Justices, that the present state of things should be retained. The Bench consisted partly of European and partly of Native Justices; and the Europeans were not so nearly affected by the local improvements and local conservancy department as the Natives were. It was the Native members that felt the hardship of the proposed change, which would involve the loss to them of the influence and dignity which, in their estimation, attached to the office of a Justice of the Peace. He thought it would be extremely unwise to diminish the influence which the Bench of Justices had hitherto possessed. They had hitherto exercised it entirely for good. He did not know one single instance in which the power had been exercised except for the good of the town and of the community. There was a feeling amongst the Native Justices that they formed part and parcel of the Government by reason of their holding a Commission of the Peace; and very often, in times of difficulty, particularly in the riots between Parsees and Mahomedans, some few years since, they had interposed, and exerted an unseen influence to put down the disturbances. He thought, therefore, that in remodelling the Municipal Commission, and in imposing new taxes upon the community to the extent of five lacs of Rupees a year, which the scheme provided in this Bill contemplated, the Council should not offend the feelings which had hitherto been usefully and loyally employed for the common good. He felt no inclination to give any undue importance to the political status of the Justices; but it was undeniable that

they were a most useful body of men; and if the community of Bombay were to be deprived of their presence, he was convinced that many months would not elapse before their loss would be felt and deplored. He must also say that he did feel that there was a compact between the Government and the Justices on this subject, which ought not to be disregarded. The Government had distinctly consented that the Justices should have control over the municipal funds; and he thought it would not be right for this Council to come between them and the Justices, and place the Bench on a scale lower than that which it had hitherto occupied, by depriving it of the influence and power at present vested in it. He, therefore, begged to move that Section IX of the Bill be left out, and that the following new Section be substituted for it:—

"In execution of this Act and of Act XIV of 1856, and in administering the Municipal Fund, the Commissioners, in all matters other than such as are by the said Act expressly mentioned to be subject to control by the Government or its Officers, shall be under the supervision, direction, and control of the said Justices in Sessions assembled, or of such other persons as the Governor in Council may appoint to supervise and control the Fund. Provided that, in the event of the said Justices or such other persons as aforesaid rejecting any measure submitted for their sanction by the Commissioners, it shall be lawful for the Commissioners, if they see fit, to refer the matter to the Governor in Council, whose decision thereon shall be final."

MR. CURRIE said, he had been under the impression that the vote which the Council had just come to upon Section IV carried with it the whole of the alterations made by the Select Committee with respect to the constitution of the Municipal Body. Of course, it was open to the Hon'ble Member to move his amendment; but it seemed to him that the amendment was hardly consistent with the vote which the Council had just given on the last Motion.

With regard to the objection urged by the Honorable Member against this Section, that it seemed to him to set aside the Justices, and to cast a slight upon them—he (Mr. Currie) was certainly of opinion that the Justices ought not to be set aside; and it had been the endeavor of the Select Committee to

reserve to them all the authority which they could properly reserve, and which the Justices could usefully exercise. It was impossible that so large and uncertain a body as a Bench of seventy Justices could exercise a beneficial control over all the details of the proceedings of the Executive Board. The Bill reserved to the Justices the election of the majority of the Municipal Commissioners. It also provided that no increase should be made in the house-rate except upon their representation; that the accounts of the Municipal Fund should be laid before them periodically, in order to enable them to perform this duty; and that no new work involving large expenditure should be submitted to the Government for sanction without having been first laid before them for their approval; and it further gave them control over the salaries of the establishments which might be appointed by the Commissioners. In all this, he thought the Council had reserved to the Justices all the powers which they could exercise with advantage.

The Honorable Member had said that the Native Justices would feel very strongly the change made by the amended Bill in their power of control and superintendence; but judging from the Report he (Mr. Currie) had read of the proceedings at the Meeting of Justices at which the constitution of the Municipal Body was taken into consideration, he thought that there could hardly be any strong feeling on the subject, since only twelve out of some seventy Justices attended the Meeting, and out of them, five at least must have been Europeans.

MR. LEGEYT'S Motion was then put. The Council divided:—

Aye 1.  
Mr. LeGeyt.

Noes 7.  
Mr. Forbes.  
Mr. Harington.  
Mr. Currie.  
Mr. Pascook.  
Mr. Ricketts.  
Mr. Grant.  
The Chairman.

Section X provided an annual rate of five per cent. on houses, buildings, and lands, subject to the proviso that the local Government might, on the representation of the Justices, fix any higher annual rate not exceeding 7½ per cent. It further provided that "any rate so

fixed shall be published in the Government Gazette before the commencement of the year in which such rate is to have effect."

MR. LEGEYT moved that this last provision be left out of the Section.

MR. CURRIE said, he had to apologize to the Council for troubling it so often; but it fell to him, as the only remaining Member of the Select Committee on the Bill, to answer the Motions which were being brought forward.

He confessed he did not see the object of the Motion just made. He did not understand upon what grounds the Honorable Member proposed to omit the last part of the Section. The Section provided that the five per cent. rate on houses should be an annual rate; the proviso provided that the rate which might be imposed in lieu of it, should be an annual rate; and the incorporated Act XXV of 1856 provided for an annual valuation and assessment. Every thing shewed that the rate was to be an annual one; and surely, if the Government determined to fix for any year a rate in excess of the ordinary rate prescribed, they ought to give notice of it before the commencement of the year in which it was to have effect. It, therefore, appeared to him that the words which the Honorable Member proposed to omit from the Section, were necessary. The Government said, in their letter to the Justices, that they would wish them to consider the provision in the 10th Section of the Bill—

"that extraordinary rates of assessment must be published in the Government Gazette before the commencement of the year in which the assessment is to be levied, which would possibly be before the necessity of the enhancement of the rate could be apparent."

But surely, if an extraordinary rate was to be levied in any year, the necessity for levying it must be apparent before the commencement of the year.

After some discussion, Mr. LeGeyt, with the leave of the Council, withdrew his Motion.

Section XIII provided that—

"The Commissioners may exempt from assessment any house, building, or land, the annual value whereof is less than twelve Rupees, if the same be the sole rateable property of the owner."

MR. LEGEYT moved two amendments in the Section;—first, that the word "may" after the word "Commissioners" in the first line of the Section be left out, and the word "shall" be substituted for it; and secondly, that the word "twelve" before the word "Rupees" be left out, and the word "twenty-four" be substituted for it. The reasons, he said, given by the Government of Bombay for these amendments, were to be found in paragraphs 2 and 3 of their Resolution dated the 17th of March 1858. The Justices stated in paragraph 7 of their letter to the Government as follows:—

"With reference to Section XIII, the Bench agree with Government that the sum justifying exemption from the rate on houses and lands should be at least double the amount proposed by the Legislative Council; but they are still of opinion that the annual value of forty-eight Rupees originally proposed would be the proper amount, and that the exemption should be absolute by law."

He had always understood that the practice in Bombay was not to assess any building of which the annual value was less than forty-eight Rupees; but in some of the annexures to the Bill, he saw it stated that twenty Rupees had been adopted as the limit. He was not certain which of these two figures was the correct one; but the reason advanced for not levying an assessment on these small tenements was that the proceeds of the tax were extremely small, and while the payment of it would be very inconvenient to the poorest class of the inhabitants, the expense and trouble of collecting it would never be repaid. He quite concurred with the Government of Bombay and the Justices that all buildings of which the annual rent was under twenty-four Rupees should be exempted from the assessment.

MR. CURRIE said, he had no objection to urge against the first amendment proposed. With respect to the second, he would merely say that the Select Committee, finding no reason alleged for so high a minimum as forty-eight Rupees, had thought it right to substitute for it twelve Rupees, which was the minimum already approved of for Calcutta and Madras. In Calcutta, it did not seem from the Report of the

Municipal Commissioners for last year that twelve Rupees had been found to be an inconvenient limit. It appeared, however, that heretofore the limit in Bombay had been twenty Rupees; and with reference to that circumstance, and to the reasons which had now been assigned by the Governor in Council, he should have no objection to adopt the limit of twenty-four Rupees proposed by the Government.

MR. RICKEITS said, it appeared to him that it should be the object of the Council that the houses in Bombay and in the other-Presidency Towns should be improved; but if the Council were to substitute "shall" for "may" in the Section, any person who made his tenement a little worse than it now was, so as to depreciate its annual value below twenty-four Rupees, would be entitled to claim exemption from the assessment as a matter of right, whereas, in its present form, the Section would leave it to the discretion of the Commissioners to make the exemption or not.

THE CHAIRMAN said, his doubt about the proposed amendments did not arise from the fear expressed by the Honorable Member who had spoken last that the owners of small tenements in Bombay would, as it were, cut off their noses to spite their faces, by living in bad houses in order to escape the tax. That risk the Council must run whether they made the exemption imperative or discretionary. The consideration suggested by his Honorable Friend was no doubt in favor of the second amendment. But on the first amendment, he (the Chairman) greatly doubted, notwithstanding what was said by the Governor of Bombay in Council, whether it was expedient to substitute "shall" for "may" in this Clause. If the exemption were made imperative, you must needs give to every person who was not exempted from assessment, the means of questioning the decision of the Commissioners. He did not know what means the Bill as it stood would give; whether it would give a regular appeal to the Board of Justices, or leave the party aggrieved to contest the validity of the assessment in an ordinary Court of Justice. He would, however, observe that no one who had had any experience in assessing the value of small tenements—and, as he had once acted as a

revising Barrister, he had some slight experience that way—but must be aware that on no kind of issue were you more apt to encounter a mass of contradictory evidence upon which it was extremely difficult to come to a conclusion. If, therefore, there was to be an appeal from the decision of the Commissioners, as there must be if it were obligatory upon them to exempt from assessment tenements of which the value was below a given sum, the Act would open a door to a great deal of litigation, and might subject the Commissioners and the Municipal Fund to much inconvenience and expense. All exemptions from a general tax on the ground of poverty were matters of favor rather than matters of right; and on the whole, he thought that it was preferable to leave this exemption from assessment to the discretion of the Commissioners, trusting to them for a fair and judicious exercise of the power.

He fully concurred in the proposal to raise the value of the tenements to be exempted from twelve to twenty-four Rupees.

MR. GRANT said, the word "may" was used in the corresponding Section of the Act for Calcutta, and he was pretty sure that it was used there advisedly, for the very reason mentioned by the Honorable Chairman. The question of the property assessed being "the sole rateable property of the owner" was one likely to lead to litigation, as well as the question of value. Therefore, in every point of view, it appeared to him that it would be better to leave exemption from assessment under the Act to the discretion of the Commissioners.

MR. PEACOCK said, he certainly thought it better, for the reasons suggested by the Honorable Chairman and the Honorable Member who had spoken last, to retain the word "may" in preference to the word "shall."

With respect to the maximum sum which should justify exemption from assessment, he would observe that the tax would be a tax, not on occupiers, but on owners. The reason given by the Bombay Government for making the maximum sum forty-eight Rupees instead of twenty-four Rupees per annum, was as follows:—

"In Bombay, where the cost of living is so much greater than in Calcutta or Madras, it

seems scarcely equitable to tax the property of persons whose only means of livelihood may be a shed let for a rent barely sufficient for their subsistence."

But it was scarcely probable that any owner who let his house or shed either for twenty-four Rupees or forty-eight Rupees a year, lived upon the rent alone. If any such case existed, the Commissioners could exempt it under the word "may."

MR. LEGEYNT said, the occupier would be the owner generally, though he perceived that the Government stated the contrary. He did not think that they were right. He would, with the leave of the Council, withdraw his first amendment; but he must press the second.

The first Motion was by leave withdrawn.

The second Motion was then put, and agreed to.

Section XVII. provided that—

"Every person who may have owned or had charge of any vehicle or animal kept within the said town for any number of days in any quarter, shall be liable to the whole tax for that quarter."

MR. LEGEYNT said that the Government of Bombay had written as follows in reference to this Section:—

"The Governor in Council considers that in Section XVII the substitution of the words 'any number of' for the words 'a period exceeding thirty,' in Section XIX of the Original Bill, is not an improvement. His Lordship in Council has no reason for believing that the frauds which, in the Select Committee's observations on this Section, are stated to occur in Calcutta, prevail in Bombay. Government do not, however, object to the alteration which will be effected by Section XVIII of the new Bill."

The Select Committee in their Report said that the Section corresponded with Section V of the Suburban Roads Bill as settled in Committee of the whole Council, and that the alterations were intended to prevent the frauds, by fictitious transfers of vehicles, &c., which had been found to occur under the Calcutta Act XXVIII of 1856. As, however, the Authorities in Bombay stated that such frauds were not practised in that Presidency, and they preferred the more liberal provision contained in the draft Bill which they had sent up, and

which did now stand in the Calcutta and Madras Bills, he hoped that the Council would see no objection to restoring the Section to the form in which it originally stood. He, therefore, moved that the words "any number of days in any quarter shall be liable to the whole tax for that quarter," at the end of the Section, be left out, and the following words substituted for them:—

"A period exceeding thirty days in any quarter, shall be liable to the whole tax for that quarter. If the period do not exceed thirty days, no tax shall be chargeable for that quarter. Provided that, when any person owning or having charge of any vehicle or animal, shall transfer the same to another person, he shall give notice thereof to the Commissioners within one week of the date of such transfer; or, if he fail to give such notice, shall be liable to the whole tax for the quarter, although the period during which he may have owned or had charge of such vehicle or animal, shall not have exceeded thirty days."

MR. CURRIE said, if the Section were restored to its original form, the Commissioners appointed under the Act would not thank the Honorable Member for it. The object of the change made in the Section by the Select Committee, was to obviate in Bombay an abuse which had actually arisen here under the Calcutta Act. In consequence of a representation made by the Municipal Commissioners on the subject, a similar alteration had been made in the Suburban Roads Bill. In England, if a person had possession of a horse for any portion of the period for which the tax was levied, he had to pay the tax for the whole of that period. It might be that, under this rule, the same horse might be paid for twice; but he saw no objection to that, as it amounted to but a small tax on the transfer.

MR. HARINGTON said, although the Council had the assurance of the Honorable the Governor in Council at Bombay that the frauds stated to be practised by certain classes in Calcutta in order to avoid payment of the tax upon their conveyances, to which they were liable under the Bengal Act, were not known at Bombay, he thought these frauds were likely to prove contagious, and he doubted not that, at no distant date, the infection would find its way into the Presidency; in which case, as remarked by the Honorable Member for

*Mr. Peacock*



Bengal, the Commissioners under the Act would not thank him for the alteration which he proposed to introduce into the Section. But as the Bill did not appear to contemplate that any vehicle or animal should pay the tax more than once for any quarter, he was of opinion that a provision to that effect should be added to the Section, and it was his intention to move such addition in the event of the amendment proposed by the Honorable Member for Bombay not being carried.

MR. PEACOCK said, he thought that the better way would be to make a person who had had possession of a horse or carriage during any portion of a quarter, pay the tax for that quarter. That was the principle adopted in England in regard to the assessed taxes, and it was a rule which appeared to him to rest on a sound principle. The provision in the Calcutta Act that no tax should be chargeable where a person had possession of a carriage or horse for less than thirty days, had led to frauds in many cases. The Commissioners, in their Report for the last year, stated that cases like this had occurred. A party of four gentlemen—if, indeed, persons who could be guilty of such devices could be called gentlemen—kept a carriage between them, and collusively transferred the property from one to another every month, and so avoided the tax. Now, he thought the Legislative Council ought not to allow itself to be laughed at in that way, and that it ought to provide that, if a person kept a horse or carriage for any part of a quarter, he should pay the tax, which was a very small one, for the whole quarter. The principle was that, if a person could keep a horse or carriage for his luxury or convenience, he should contribute towards the Municipal Fund. You judge of his capability to contribute by what he keeps. The Bill imposed taxes on what the poor actually consumed—such as rice, ghee, and even fire-wood; and he did think that a gentleman who kept a horse for his comfort for any portion of a quarter, ought to pay seven Rupees towards the Municipal Fund for that quarter.

MR. GRANT said, the Council had to choose between two principles—would it tax a carriage or horse once only every quarter?—or would it tax every owner of a carriage for what he had kept up within

the quarter? If the Council resolved to tax a carriage or horse only once every quarter, perhaps the best way would be to make that person pay whose property the carriage or horse might be on quarter-day. The first thing, however, to be done was to determine which of the two principles should be adopted.

THE CHAIRMAN said, take it as one would, as there was to be no registration, the Commissioners must depend upon the returns which would be made by the tax payers; and therefore, the plan suggested by the Honorable Member who had spoken last, seemed to him the best mode of carrying out the object which the Honorable Member of the North Western Provinces had in view.

The question being put, the Council divided :—

<i>Ayes</i> 2	<i>Noes</i> 6
Mr. LeGeyt. The Chairman.	Mr. Forbes. Mr. Harington. Mr. Currie. Mr. Peacock. Mr. Ricketts. Mr. Grant.

MR. PEACOCK moved that the words "number of days in any" before the word "quarter" in the 5th line of the Section be left out, in order that the words "portion of a" might be substituted for them. In doing so, he said he had no objection to give the Commissioners power to exempt any person from the tax in respect of a horse and carriage which he kept for any portion of a quarter only for the purposes of business or trade.

MR. CURRIE said, he had no objection to a verbal alteration like the one proposed, except that it might throw some doubt on the interpretation of the wording of the Suburban Roads Act, which adopted the phrase "any number of days."

MR. PEACOCK said, "any number of days" would not mean one day; and it was better to make the amendment in the present Bill, leaving the Act relating to the Suburban Roads to be amended when necessary.

The Motion was put, and agreed to.

MR. HARINGTON moved that the following Proviso be added to the Section :—

"Provided that no more than one payment of the tax shall be required in any quarter on any such vehicle or animal; and that, where any

change of ownership in respect of any vehicle or animal shall have taken place during any quarter, the person who may have owned or had charge of the vehicle or animal on the first day of the quarter shall pay the tax for the whole quarter."

MR. CURRIE said, he must beg to offer the most decided opposition to this amendment. If it was thought right that the tax on a particular carriage or animal should be paid only once a quarter, it was much better that the payment by each person who had been the owner, should be adjusted according to the portion of the quarter during which he had possessed it. The amendment now proposed, would be quite impracticable.

MR. PEACOCK said although the tax was called a tax on the carriage, it in reality was a tax on the owner in respect of the carriage. It was not the particular carriage that was taxed. Suppose a man kept a pie-bald horse: the tax imposed would be, not upon the pie-bald horse, but upon the owner for keeping it. If he sold the horse and purchased another during the same quarter, he would still be liable to the tax. If a man could afford to keep a horse for his luxury or convenience during any portion of a quarter, he could afford to pay seven Rupees for municipal purposes for that quarter. It would be impossible for the Commissioners, in every case where a horse might have changed hands, to discover in whose possession it was during particular portions of the quarter.

THE CHAIRMAN said, the fallacy of that argument was that, in most of these cases, the fact of keeping a horse or vehicle for a short time was not a test of the ability of the person keeping it to contribute in a larger degree to the Municipal Fund. Suppose the case of a man whose means enabled him to keep a horse and gig, and to keep no more. His horse broke down, and he had to get rid of that and buy another. Perhaps he bought the new horse before he could get rid of the old one, and for a few days both remained in his stable. His means, his presumable capacity to contribute to the Municipal Fund, remained the same; yet, if the Clause stood as the Honorable and learned Member would have it, he would be made to pay a double tax.

The Motion was then put, and negatived.

THE CHAIRMAN then moved that the following Proviso be added to the Section:—

"Provided that, in case any such person has kept or had charge of any vehicle or animal for a period less than thirty days, the Commissioners may remit any portion of the tax payable in respect of such vehicle or animal not exceeding two-thirds of the tax for the quarter."

MR. CURRIE said, this Proviso would be subject to the same sort of frauds which the Section in the Act for Calcutta had been found subject to.

THE CHAIRMAN said, if a man had kept two vehicles for say three weeks, but parted with one of them after that time, he would, under the Section as it now stood, have to pay a quarter's tax for both. His (the Chairman's) Proviso would make him liable for only one month's tax for the vehicle which he had kept only three weeks. He did not see that this provision was open to the Honorable Member's objection. The fraud of which he understood the Municipal Commissioners to complain was this. Two or three Baboos kept a carriage between them, each for only twenty-eight days, and so evaded the tax. Now, he would catch each of those three Baboos. He would not take a quarter's tax from each; but he would take at least a month's tax from each; and so the Fund would not lose by the change of ownership, whether it was colorable and fraudulent, or real and *bonâ fide*.

MR. PEACOCK said, he should prefer to leave the Section as it stood, except as to those horses and carriages which were kept for the purposes of business or trade.

MR. LEGEYTT asked, what the words "business or trade" would include? By far the greater number of the vehicles kept in Bombay were kept by clerks and assistants who lived eight or nine miles distant from the Fort, and were consequently obliged to keep conveyances to bring them to their offices. Upon this class, the tax would press most heavily, and any relief that could properly be afforded to them ought not to be withheld. He, therefore, should with great pleasure vote in favor of the Honorable and learned Chairman's Proviso.

change of ownership in respect of any vehicle or animal shall have taken place during any quarter, the person who may have owned or had charge of the vehicle or animal on the first day of the quarter shall pay the tax for the whole quarter."

MR. CURRIE said, he must beg to offer the most decided opposition to this amendment. If it was thought right that the tax on a particular carriage or animal should be paid only once a quarter, it was much better that the payment by each person who had been the owner, should be adjusted according to the portion of the quarter during which he had possessed it. The amendment now proposed, would be quite impracticable.

MR. PEACOCK said although the tax was called a tax on the carriage, it in reality was a tax on the owner in respect of the carriage. It was not the particular carriage that was taxed. Suppose a man kept a pie-bald horse: the tax imposed would be, not upon the pie-bald horse, but upon the owner for keeping it. If he sold the horse and purchased another during the same quarter, he would still be liable to the tax. If a man could afford to keep a horse for his luxury or convenience during any portion of a quarter, he could afford to pay seven Rupees for municipal purposes for that quarter. It would be impossible for the Commissioners, in every case where a horse might have changed hands, to discover in whose possession it was during particular portions of the quarter.

THE CHAIRMAN said, the fallacy of that argument was that, in most of these cases, the fact of keeping a horse or vehicle for a short time was not a test of the ability of the person keeping it to contribute in a larger degree to the Municipal Fund. Suppose the case of a man whose means enabled him to keep a horse and gig, and to keep no more. His horse broke down, and he had to get rid of that and buy another. Perhaps he bought the new horse before he could get rid of the old one, and for a few days both remained in his stable. His means, his presumable capacity to contribute to the Municipal Fund, remained the same; yet, if the Clause stood as the Honorable and learned Member would have it, he would be made to pay a double tax.

The Motion was then put, and negatived.

THE CHAIRMAN then moved that the following Proviso be added to the Section:—

"Provided that, in case any such person has kept or had charge of any vehicle or animal for a period less than thirty days, the Commissioners may remit any portion of the tax payable in respect of such vehicle or animal not exceeding two-thirds of the tax for the quarter."

MR. CURRIE said, this Proviso would be subject to the same sort of frauds which the Section in the Act for Calcutta had been found subject to.

THE CHAIRMAN said, if a man had kept two vehicles for say three weeks, but parted with one of them after that time, he would, under the Section as it now stood, have to pay a quarter's tax for both. His (the Chairman's) Proviso would make him liable for only one month's tax for the vehicle which he had kept only three weeks. He did not see that this provision was open to the Honorable Member's objection. The fraud of which he understood the Municipal Commissioners to complain was this. Two or three Baboos kept a carriage between them, each for only twenty-eight days, and so evaded the tax. Now, he would catch each of those three Baboos. He would not take a quarter's tax from each; but he would take at least a month's tax from each; and so the Fund would not lose by the change of ownership, whether it was colorable and fraudulent, or real and *bond fide*.

MR. PEACOCK said, he should prefer to leave the Section as it stood, except as to those horses and carriages which were kept for the purposes of business or trade.

MR. LEGEYNT asked, what the words "business or trade" would include? By far the greater number of the vehicles kept in Bombay were kept by clerks and assistants who lived eight or nine miles distant from the Fort, and were consequently obliged to keep conveyances to bring them to their offices. Upon this class, the tax would press most heavily, and any relief that could properly be afforded to them ought not to be withheld. He, therefore, should with great pleasure vote in favor of the Honorable and learned Chairman's Proviso.

Bengal, the Commissioners under the Act would not thank him for the alteration which he proposed to introduce into the Section. But as the Bill did not appear to contemplate that any vehicle or animal should pay the tax more than once for any quarter, he was of opinion that a provision to that effect should be added to the Section, and it was his intention to move such addition in the event of the amendment proposed by the Honorable Member for Bombay not being carried.

MR. PEACOCK said, he thought that the better way would be to make a person who had had possession of a horse or carriage during any portion of a quarter, pay the tax for that quarter. That was the principle adopted in England in regard to the assessed taxes, and it was a rule which appeared to him to rest on a sound principle. The provision in the Calcutta Act that no tax should be chargeable where a person had possession of a carriage or horse for less than thirty days, had led to frauds in many cases. The Commissioners, in their Report for the last year, stated that cases like this had occurred. A party of four gentlemen—if, indeed, persons who could be guilty of such devices could be called gentlemen—kept a carriage between them, and collusively transferred the property from one to another every month, and so avoided the tax. Now, he thought the Legislative Council ought not to allow itself to be laughed at in that way, and that it ought to provide that, if a person kept a horse or carriage for any part of a quarter, he should pay the tax, which was a very small one, for the whole quarter. The principle was that, if a person could keep a horse or carriage for his luxury or convenience, he should contribute towards the Municipal Fund. You judge of his capability to contribute by what he keeps. The Bill imposed taxes on what the poor actually consumed—such as rice, ghee, and even fire-wood; and he did think that a gentleman who kept a horse for his comfort for any portion of a quarter, ought to pay seven Rupees towards the Municipal Fund for that quarter.

MR. GRANT said, the Council had to choose between two principles—would it tax a carriage or horse once only every quarter?—or would it tax every owner of a carriage for what he had kept up within

the quarter? If the Council resolved to tax a carriage or horse only once every quarter, perhaps the best way would be to make that person pay whose property the carriage or horse might be on quarter-day. The first thing, however, to be done was to determine which of the two principles should be adopted.

THE CHAIRMAN said, take it as one would, as there was to be no registration, the Commissioners must depend upon the returns which would be made by the tax payers; and therefore, the plan suggested by the Honorable Member who had spoken last, seemed to him the best mode of carrying out the object which the Honorable Member of the North Western Provinces had in view.

The question being put, the Council divided:—

*Ayes 2*  
Mr. LeGeyt.  
The Chairman.

*Noes 6*  
Mr. Forbes.  
Mr. Harington.  
Mr. Currie.  
Mr. Peacock.  
Mr. Ricketts.  
Mr. Grant.

MR. PEACOCK moved that the words "number of days in any" before the word "quarter" in the 5th line of the Section be left out, in order that the words "portion of a" might be substituted for them. In doing so, he said he had no objection to give the Commissioners power to exempt any person from the tax in respect of a horse and carriage which he kept for any portion of a quarter only for the purposes of business or trade.

MR. CURRIE said, he had no objection to a verbal alteration like the one proposed, except that it might throw some doubt on the interpretation of the wording of the Suburban Roads Act, which adopted the phrase "any number of days."

MR. PEACOCK said, "any number of days" would not mean one day; and it was better to make the amendment in the present Bill, leaving the Act relating to the Suburban Roads to be amended when necessary.

The Motion was put, and agreed to.

MR. HARRINGTON moved that the following Proviso be added to the Section:—

"Provided that no more than one payment of the tax shall be required in any quarter on any such vehicle or animal; and that, where any

Mr. CURRIE said, he thought that the Proviso would increase the difficulties experienced in collecting the tax. If a person returned a false schedule, shewing a less number of horses than he had actually had in his possession, it might not be very difficult to prove that it was false; but it would be utterly impossible to prove the exact number of days that he might have had possession of a particular horse. He thought that the simpler the provisions were, the better, and should vote against the amendment.

Mr. GRANT said, if he thought that this Proviso would really make the collection of the tax difficult, he should vote against it; but it only gave a discretionary power to the Commissioners. It left it optional with them to remit a certain portion of a quarter's tax in respect of a horse or carriage kept for less than thirty days; and the proof that a carriage or horse had been kept for less than thirty days, would be on the person who claimed the remission. If he could not give such proof, he would not get the remission. And certainly, the Proviso was consistent with the principle of the carriage and horse-tax. This tax was not levied as an item of general revenue; its object was that every man should pay for the use which he makes of the roads. The Municipality repaired the roads; there were no turnpikes on them; and, therefore, all who used them with horses and vehicles ought to pay their fair share for the repairs. The strict principle would be to make a man pay so much a day; but that would be too complex in practice. The tax was made payable quarterly for the sake of convenience; but if a person used the roads only one day, it was hard to make him pay for ninety days. It appeared to him that the proposed Proviso sufficiently met in a rough way the justice of the case, and he should vote in support of it.

Mr. PEACOCK said, with reference to what had fallen from the Honorable Member for Bombay, it appeared to him that there would not be one case in five hundred in which a person situated as the Honorable Member described, would keep a carriage for only a portion of a quarter, unless he gave up his business. The real objection which he saw against the Proviso was the difficulty in the

collection of the tax to which the Honorable Member for Bengal had adverted. Under the Section as it stood, no such difficulty would arise.

The amendment being put, the Council divided:—

*Ayes 4*  
Mr. Harington,  
Mr. LeGeyt,  
Mr. Grant,  
The Chairman.

*Noes 4*  
Mr. Forbes,  
Mr. Currie,  
Mr. Peacock,  
Mr. Kickette.

The numbers being equal, the Chairman gave a casting vote with the Ayes.

Section XXVI provided as follows:—

"All monies received by the Commissioners or paid to their credit by virtue of this Act, or of Act XIV of 1836, or of any other Act or Regulation, and all fines and penalties imposed and levied by the Court of Petty Sessions or by any Magistrate of Police or Justice of the Peace within the said Town, and all sums of money collected on account of fees for licences granted under Act V of 1842, shall form a Fund which shall be called the Municipal Fund of Bombay."

Mr. CURRIE said, in consequence of the alteration made to-day in Section I on the motion of the Honorable Member for Bombay, it would be necessary to amend this Section. The Council had acceded to the Honorable Member's wish to increase the Municipal Fund by the fees leviable under Section XIII Chapter II of Regulation XIX. 1827; but, as the Bill stood, the appropriation of those fees was not provided for. The fees were to be realized by the Collector. Act XI of 1815 had provided that they should go to the Municipal Fund; but that Act was repealed by the present Bill; and, therefore, there was now no provision for the appropriation of the fees. He had pointed this out to the Honorable Member, but the Honorable Member seemed to think that it was of no consequence, and that the Governor in Council might do what he pleased with the fees. He (Mr. Currie) thought that, if the fees were levied at all, they should go to the Municipal Fund; and as the Honorable Member would make no Motion on the subject, he (Mr. Currie) would move that the words and figures "or Section XIII Chapter II Regulation XIX. 1827 of the Bombay Code" be inserted after the figures "1842" in the 11th line of the Section, so that the fees collected under

that provision should form an asset of the Municipal Fund.

Agreed to.

Section XXVIII placed the Municipal Fund under the management of the Commissioners, and directed that it should be applied "to the purposes of the Act, and the incorporated Act, and of Act XIV of 1856; and to the execution of any public works tending to the improvement of the said Town, which may be sanctioned by the Governor in Council, although not expressly mentioned in the Acts."

MR. LEGEY moved that the words "or any measures connected with the comfort and health of the inhabitants" be inserted after the word "Town" in the 14th line of the Section. The Justices had recommended the insertion of these words in their letter to the Government of Bombay.

MR. CURRIE said, he thought the words proposed, were quite unnecessary. The Section had been framed by the Select Committee; and when they framed it, they had before them Section XIII of Act XI of 1845, which empowered the Justices to construct any "public works, tending to the improvement of the Town, connected with the comfort and health of the inhabitants thereof." The Select Committee thought that, in taking the general words which they did, in lieu of those used in the Section, they would provide for all that was necessary. Any measures of a public nature connected with the comfort and health of the inhabitants of a town, must be included in the terms "public works tending to the improvement of the town." He, therefore, thought the amendment quite unnecessary; and as no alteration should be made in a Bill already settled in a Committee of the whole Council without good and sufficient reason, he should vote against it.

The Motion was put, and negatived.

Section XXXI provided as follows:—

"The Commissioners shall carry out, with as little delay as possible, such a complete system of sewerage and drainage within the said Town as shall be directed by the Governor in Council; and until such system of sewerage and drainage has been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon have been repaid, shall set apart for the purposes above-mentioned, out of the Municipal Fund, an annual sum not

less than two hundred and fifty thousand Rupees. If such system of sewerage and drainage has been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon have been repaid, before the expenses incurred by Government for the construction of the said Velhar Water-works shall have been repaid, the said annual sum of two hundred and fifty thousand Rupees shall be added to the sum of one hundred and seventy-five thousand Rupees directed by the preceding Section to be appropriated annually to the repayment of the expenses of the said works."

MR. LEGEY moved that the words—

"carry out, with as little delay as possible, such a complete system of sewerage and drainage within the said Town as shall be directed by the Governor in Council; and until such system of sewerage and drainage has been completed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon have been repaid, shall"—

after the word "shall" in the 1st line of Section XXXI, be left out, and the following words substituted for them, namely:—

"Until such a complete system of sewerage and drainage within the said Town, as shall be agreed upon between the Governor in Council and the Bench of Justices, shall have been completed and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses and interest thereon shall have been repaid,"

He said, this alteration was necessary, for there had been a sort of an agreement between the Government of Bombay and the Justices that the system of sewerage and drainage should be carried out by the former. It was at the suggestion of the Government of Bombay that he moved his amendment. The Government thought that the amendment would meet the difficulty of the case. He himself believed that it would, and hoped that the Council would see no objection to its adoption.

MR. CURRIE said, this Bill gave the Municipal Commissioners of Bombay a very large increase of revenue, and one of the principal objects for which that increase had been proposed and acceded to, was a complete reform of the sewerage and drainage of the Town. The Select Committee had thought it right that the Bill should contain a

specific provision that such a system of sewerage and drainage should be carried out as speedily as possible, and that a certain portion of the Municipal Fund should be appropriated to that object. Accordingly, they had inserted Section XXXI. The amendment proposed by the Honorable Member was open to the objection that it did not provide expressly that such a system of sewerage and drainage should be carried out. It only provided that a certain sum should be reserved for the purpose. It was very important that there should be an express provision in the Bill requiring that the work, for which a large portion of the Municipal Fund was to be raised, should be carried out with all practicable speed; and if such a work was to be carried out, the proper persons to superintend it were, he thought, the Board of Commissioners. They would be able to do this more efficiently and satisfactorily than any Officers appointed by Government. He did not know whether the manner in which the Vihar Water-works had been carried out under the superintendence of Government had been such as to give satisfaction. But however that might be, the Municipal Commissioners were certainly the proper persons for carrying out a system of sewerage and drainage within the town. In Calcutta, the subject of improving the drainage of the town had been before the Government for more than twenty years. Reports on schemes of sewerage and drainage had been called for and laid aside; and the question was at last brought to a practical issue by the Municipal Commissioners. The Secretary to the Municipal Commissioners had proposed a plan of drainage which had been submitted to the Commissioners, and by them laid before the Government. It had been examined by Officers of Government, and approved by them in all material points. To the Municipal Commissioners, then, was due the praise of having brought the long-conceived project of reforming the drainage of Calcutta to a practical issue. He understood that the Bombay Government proposed to contribute from the Abkaree duties a large portion of the amount necessary for draining the Town, and it might perhaps impose as a condition of such contribution that the execution of the work

should be left in its own hands. If such were the case, he should be unwilling to offer any opposition to the amendment; but unless it were so, he should prefer to leave the Section unaltered. At any rate, the amendment moved by the Honorable Member would require some alteration; because, in its present form, it pledged no one to the carrying out of that which was so necessary—a complete system of sewerage and drainage for Bombay.

Mr. LeGEYT said, the Honorable Member had re-opened a very large question, and one which, at this distance from Bombay, was more or less involved in obscurity. It was difficult to see exactly how the question lay at this moment. He believed that the Government, in paragraph 5 of their letter, had exactly hit upon the best course which could possibly be pursued in the case; and he did think that it would be most injudicious in the Council by any vote to tie up the hands of the Government, or to insist on any duty being performed by the Commissioners which the Government, after full consideration, had engaged, with the consent of the Municipality, to take into its own hands. If the Council did this, it would be doing Bombay a grievous and serious injury. He could not see the least reason to object to the proposition of the Government that this part of the Act should be a sort of declaration as to the existing state of things between the Government and the Municipality. The question relative to the Vihar Works was still an open one between them. A final reference on the subject was now before the Court of Directors. The Municipality hoped for a satisfactory result from that reference, and the Government had recommended that a compromise on the points of contention should be allowed. The state of the drainage question stands thus at the present moment. The Municipality had come forward, and done their part. They had agreed to contribute two and a half lacs a year towards the drainage. The Government, in their letter to the Justices dated the 19th March 1857, proposed, subject to the orders of the Government of India—

“That Government should undertake to expend in the construction of the works requisite for the introduction of a reformed system of drains and sewers in Bombay, in addi-

tion to a sum to be contributed (estimated at two lacs and fifty thousand Rupees) from the Municipal Fund for the like purpose, such amount as may be realized by Government over and above the present Abkaree and Customs Revenue from country spirits manufactured in or imported into Bombay by increasing the duty on such spirits so as to raise the same to one Rupee per gallon, the rate in force at Calcutta. It is roughly estimated that the increase of Revenue from the additional duty will amount to about two lacs and fifty thousand Rupees."

The Municipality accepted this proposal, and were perfectly willing to hand over the sum of two and a half lacs a year towards the carrying out of an efficient system of sewerage and drainage. The Government also proposed to take the work into their own hands, because they considered that they could do it better than the Municipality.

With respect to the Honorable Member's question regarding the Veihar Water-works, he was prepared to say that those works *had* given satisfaction. No public work in India of the same magnitude had been so speedily and so efficiently carried out as they had been. Of course, as happened in the case of all public works of a similar nature, the actual outlay for the works had exceeded the estimate; but it was to be observed that these important works had been commenced upon and carried out in the short space of three years, and that they might have been used this year in supplying Bombay with water if there had been any pressing need for it. He was by no means persuaded that, if the system of sewerage and drainage were not left with the Government of Bombay, the Government would not say—"If we cannot carry out the work in our own way, we will take no further trouble in the matter." If the Government were allowed to carry out the sewerage and drainage, no difficulty would occur; and it would be a thousand pities if this Council were, by its vote, to let a work of so much importance to the Town of Bombay—of importance second in degree only to that of the introduction of water into Bombay—remain unexecuted, or be executed in an inefficient manner. He should, therefore, press his Motion.

THE CHAIRMAN said, he thought it would be better to adopt the suggestion of the Government of Bombay, which seemed to have been fully con-

*Mr. LeGeyt*

sidered, and to be approved of by the community as represented by the Board of Justices. The only argument of the Honorable Member for Bengal which at all moved his mind was that the Section, as proposed to be amended, would not make the duty of carrying out a system of sewerage and drainage quite so imperative on the Commissioners as the Section in its present form made it; but on the other hand, although this was now declared to be their duty, it was so expressed as to leave it a duty of imperfect obligation. The words were—"The Commissioners shall carry out with as little delay as possible, such a complete system of sewerage and drainage within the said town as shall be directed by the Governor in Council." There was, therefore, something which the Governor in Council must first determine; and then, there would remain the very wide issue—"What was 'as little delay as possible?'" The real stringency of the existing Sections consisted in the provision which required a certain portion of the Municipal Fund to be set apart until a system of sewerage and drainage was carried out, and which forbade its application to any other purposes. That provision would remain if the Section were amended in the way proposed.

MR. GRANT asked if the Council was to understand that both the Government of Bombay and the Public of Bombay as represented by the Justices, were in favor of the change advocated by the Honorable Mover of the amendment?

MR. LEGEYT replied, entirely.

MR. PEACOCK said, he did not understand the question to be whether the Government or the Commissioners should carry out a system of sewerage and drainage, but whether there was any thing in the Act to compel the Government to carry out such a system. He thought that the Council might safely rely on the Government of Bombay, and that the system would be carried out efficiently as soon as the plan of operations should have been determined on, and the necessary funds were available.

MR. LEGEYT'S Motion was then put and agreed to, and the Section passed.

The Council having resumed its sitting, the Bill was reported.



Mr. LEGEYT moved that the Bill be read a third time and passed.

The Motion was carried, and the Bill read a third time.

#### STATE OFFENCES.

Mr. PEACOCK moved that the Council do resolve itself into a Committee on the Bill "to make further provision for the trial and punishment of offences against the State."

Agreed to.

The Bill passed through Committee with the addition of a Section limiting its duration until the end of the year 1859, and was reported.

Mr. PEACOCK moved that the Bill be read a third time and passed.

The Motion was carried, and the Bill read a third time.

Mr. PEACOCK moved that Mr. Ricketts be requested to take the above Bill to the President in Council in order that it may be submitted to the Governor General for his assent.

Agreed to.

#### MUNICIPAL ASSESSMENT (BOMBAY).

Mr. LEGEYT moved that Mr. Ricketts be requested to take the Bill "for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay" to the President in Council in order that it may be submitted to the Governor-General for his assent.

Agreed to.

#### ESTATE OF THE LATE NABOB OF THE CARNATIC.

Mr. FORBES moved that a communication received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill "to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic."

Agreed to.

#### MADRAS MARINE POLICE.

Mr. FORBES moved that a communication received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill "for the maintenance of a Police Force for the Port of Madras."

Agreed to.

The Council adjourned.

VOL. IV.—PART VII.

Saturday, July 3, 1858.

#### PRESENT:

The Honorable the Chief Justice, *Vice-President*, in the Chair.

Hon'ble J. P. Grant,	Hon. Sir A. W. Buller,
Hon'ble H. Ricketts,	H. B. Harington,
Hon'ble B. Peacock,	Esq.
P. W. LeGeyt, Esq.,	and
E. Currie, Esq.,	H. Forbes, Esq.

#### SUSPENSION OF SUITS AGAINST THE FAMILY &c. OF THE LATE NABOB OF THE CARNATIC.

THE VICE-PRESIDENT read a Message informing the Legislative Council that the Governor General had assented to the Bill "to continue for six months the privileges granted by Act I of 1844 to certain members of the family, household, and retinue of his late Highness the Nabob of the Carnatic."

#### ESTATE OF THE LATE NABOB OF THE CARNATIC.

THE CLERK presented to the Council a Petition from Mr. Alexander Orr, as Attorney of His Highness Prince Azeem Jah Bahadoor, praying the Council to delay further proceedings with the Bill "to provide for the administration of the estate and for the payment of the debts of the late Nabob of the Carnatic" until Saturday the 17th of July, to allow time for the arrival of an amended Petition from Prince Azeem Jah; or that His Highness be at once allowed to be heard by Counsel against the Bill, either before the Select Committee on the Bill, or before a Committee of the whole Council.

Mr. PEACOCK said, it would be in the recollection of the Council that the Bill to which the Petition referred was read a first and second time on the 17th of March last. Afterwards, a communication was received from the Madras Government requesting that the Bill might be passed as quickly as possible. In consequence of that communication, he moved the suspension of the Standing Orders, in order that the Select Committee to whom the Bill had been referred might report upon it at the end of two months, instead of three,