

Tuesday, March 5, 1872

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

VOL 11

Book No. 1

2 Jan. - 6 April

1872

ABSTRACT OF PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

VOL 11

1872

Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic., cap. 67.

The Council met at Government House on Tuesday, the 5th March 1872.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.T., *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief, G.O.B., G.O.S.I.

The Hon'ble John Strachey.

The Hon'ble Sir Richard Temple, K.C.S.I.

The Hon'ble J. Fitzjames Stephen, Q. C.

The Hon'ble B. H. Ellis.

Major General the Hon'ble H. W. Norman, C.B.

The Hon'ble J. F. D. Inglis.

The Hon'ble W. Robinson, C.S.I.

The Hon'ble F. S. Chapman.

The Hon'ble R. Stewart.

The Hon'ble J. R. Bullen Smith.

The Hon'ble F. R. Cockerell.

NATIVE MARRIAGE BILL.

The Hon'ble MR. STEPHEN moved that the adjourned discussion on the Bill to legalize marriages between certain Natives of India not professing the Christian religion be further adjourned for a week. He said this was the day upon which the adjourned discussion and debate was, according to the formal resolution of the Council, to be resumed. He had now to move for a further adjournment for one week. The object of this was to give hon'ble members of the Council full time to consider certain papers which had been received, some from the Madras Presidency and several from the North-Western Provinces, a few days ago. There had not been full time for the consideration of these papers by the members of the Council. He did not wish to enter into any discussion upon the matter at present, but simply to state publicly that he, for one, should oppose any lengthened adjournment; and, as far as he had any thing to say in the matter, he trusted that it might be finally disposed of when it was next brought on in one way or another. He took this opportunity of making that statement for this reason amongst others: A

few days ago a petition was sent up by one of the Indian Associations asking for a further adjournment of two months to afford them time to make their representations. As an adjournment for six weeks had already taken place, and as this matter had been before the public in one shape or another for a great length of time, MR. STEPHEN thought that whatever the Association had to say upon the general principles of this Bill might be said in very much less time than two months. And he might observe that an application for a postponement for two months was equivalent to an application to postpone the consideration of the Bill until after the Mover of it had left the Council, and until after the constitution of the Council had been considerably changed. It was in fact analogous to the House of Commons form of moving that the measure should be read a third time six months hence.

He did not wish to discuss the matter any further; he only wished to guard himself against any misconception, and wished it to be understood that the Bill would be disposed of on the next occasion when it came up before the Council.

The Motion was put and agreed to.

LAND-REVENUE (N. W. P.) BILL.

The Hon'ble MR. STEPHEN, in moving for leave to introduce a Bill to consolidate and amend the law relating to Land-Revenue in the North-Western Provinces of Bengal, said that attention had been drawn by His Honour the Lieutenant-Governor of Bengal to the fact that the title of the Bill was not technically correct: it should include in its operation, not only the North-Western Provinces of Bengal, but also those parts of the Lower Provinces of Bengal to which the Permanent Settlement did not apply. As to the Bill itself, MR. STEPHEN would at present say but little; but he wished to make some general observations with reference to this Bill, and to two other Bills which his friend, the Hon'ble Mr. Cockerell, would move for leave to introduce at a later stage of the proceedings. MR. STEPHEN had had the honour of holding the office which he now held for the last two and a half years, and he was now about to vacate it. During that time, considerable steps had been made in execution of the scheme for consolidating the statute-law of this country. He was happy to be able to say that, if this Bill and the other two Bills which would be introduced by his hon'ble friend, should finally meet the approval of the Council and pass through it, the process of consolidation would be carried out with regard to the Bengal Regulations as far as MR. STEPHEN thought it was desirable they should be consolidated. He knew that the Bengal Regulations

were regarded with a sort of fondness by many of those who had administered them; and it would be presumptuous and out of place in him to say that they did not deserve the high character which they had enjoyed. They were the instruments by which the Government in this part of the country had for a number of years carried on the administration, and the general result certainly showed that they were well adapted for the purpose. At the same time he must remark that there were considerable objections to them: they were enacted at a time when there was very little technical law, and very few means for administering the law with technical care, in the Provinces to which they applied. They were couched in language which contrasted favourably indeed with the intricate and cumbersome verbiage of contemporary Acts of Parliament; but the language was very elliptical; a great deal had to be supplied by the sense of the reader; it was not always exact; the arrangement was extremely intricate and confused in many instances; and they embodied a large quantity of matter which had ceased to possess any interest other than a historical interest, which they would always retain.

So much for the Regulations generally. He did not think that any one who was acquainted with them would doubt that they wanted consolidation, recasting and re-arrangement. MR. STEPHEN was happy to say—thanks very much to the exertions of his friend, Mr. Cockerell—they had been consolidated and re-arranged to such an extent that, with these three Bills, the whole of the Regulations would be wiped off with only a few exceptions. Of course it was not proposed to wipe out the Permanent Settlement and some other Regulations which, for a variety of reasons, it would be inadvisable to interfere with. MR. STEPHEN believed that, when these three Bills should be finally disposed of, there would not be above thirty Regulations left, and these thirty Regulations would have very little to do with the ordinary working of the law of the country.

The further observations he had to make were, as to the circumstances under which he asked leave to introduce these Bills, and the manner in which he proposed they should be dealt with. He hoped to have the Bills drawn and to introduce and publish them in the Gazette before he left the country, and before the Government left Calcutta. He hoped to introduce them in the course of a month or six weeks; then, in the regular course, they would be circulated for the opinion of the Local Governments who might be affected by them, and when his successor, in the course of the next cold weather, had the advantage of the opinions, both of the Local Governments and of the Council, he would be in a position to deal with them, and if he and the Council thought fit, to carry out the work of consolidation.

There was one other matter with regard to these Bills to which he wished to call special attention in the presence of His Honour the Lieutenant-Governor of Bengal. The Regulations in question related partly to Bengal and partly to the North-Western Provinces. One of these Bills—the Mortgage Bill—would properly refer, not only to the Lower and Upper Provinces of Bengal, but also to the Panjáb and Oudh. Nothing could be farther from MR. STEPHEN'S wish, than that this Council should legislate in such a manner as to interfere with the jurisdiction of the Council of Bengal over which His Honour presided. The Bills would be drawn so as to extend to Northern India generally; but it would be a subject upon which His Honour would no doubt express his opinion, whether it might not be a more convenient course, with regard to some of these Bills, that the Bills passed by this Council should be confined to the North-Western Provinces or Upper India; and that similar Bills should be introduced into the Bengal Council for Lower Bengal. That was a matter upon which MR. STEPHEN offered no opinion; but he must again repeat that he wished to point out that, in this work of consolidation of the Bengal Regulations, there was every wish on the part of the Government of India directly to co-operate with the Legislative Council of the Lieutenant-Governor.

He would now say a few words in regard to the particular Bill which he moved for leave to introduce. He need not recall to the recollection of the Council the famous historical circumstances in which this legislation originated. The Regulation which formed the basis of the whole settlement system of Northern India was Regulation VII of 1822, and it was subsequently amended by another well known Regulation, which gave such very great relief that it used to be said that it had descended from heaven for the relief of district officers. MR. STEPHEN alluded to Regulation IX of 1833. These two Regulations were supplemented by a great number of circulars embodied in *Thomason's Directions to Settlement Officers*, and also by a work called *Directions to Collectors*. Until somewhat recently, that formed the whole settlement law of the Panjáb. In the course of the last summer, the settlement law of the Panjáb was re-enacted with the assistance of the Lieutenant-Governor and the Financial Commissioner. And the Bill which he (MR. STEPHEN) now moved for leave to introduce, would be an attempt to state, in a clear and more permanent and condensed form, the existing system of land-settlement. He thought any one who read Regulation VII of 1822 would derive from it a very indefinite view of the subject, unless he brought to it, in the first instance, a considerable degree of knowledge. When the necessity which existed in this country of putting people in possession of clear instructions as to what they were to do was considered, the difficulties which had to be contended with under the existing state of the law could not but be realized;

and he hoped that, by recasting this legislation in a more modern and complete form, considerable assistance would be rendered to officers in the discharge of their duties. He might observe that he was not aware that any formal communication had taken place upon this subject; but communications more or less official in their nature had taken place between the Government of India and the two Local Governments upon the subject, in the course of last summer, and it was then thought that the Bill introduced last summer should be confined to the Panjáb, and that any subsequent legislation for the North-Western Provinces and the parts of Bengal affected by it should be separately proceeded with. For the last two years, the North-Western Provinces' Government had found it a convenient course for the principal officers of those Provinces, who were connected with the administration of the revenue, to hold communication with each other during the hot weather; and MR. STEPHEN would suggest that, in the following hot weather, they would be able to take into consideration the Bill which he was about to introduce. The Bill could also, during that time, be taken into consideration by His Honour the Lieutenant-Governor of Bengal and his advisers, and His Honour would be able to say whether it would be a more convenient course that it should be confined to the parts of the Lower Provinces not permanently settled, or that it should be confined to the Upper Provinces.

He had only two remarks to make in conclusion. The Bill, as it was proposed to draft it, would either wholly or partly repeal and consolidate no less than forty different Regulations and Acts, and put them all into a comparatively reasonable shape. The Bill had been drawn by his hon'ble friend, Mr. Cockerell, who knew more than most other people about these Regulations, and to whom the public was considerably indebted. He had done more than any other single person in carrying out the work of consolidation.

HIS HONOUR THE LIEUTENANT-GOVERNOR had only one or two words to say in regard to this Bill. He had no desire to follow the hon'ble Mr. Stephen through his speech; but with regard to the explanations which had been made with respect to the relative positions of this Council and of the Council presided over by HIS HONOUR, he merely wished to say that the course proposed to be taken by Mr. Stephen appeared to him satisfactory. HIS HONOUR understood that the measure would be introduced as a general Bill, subject entirely to future consideration as to the question whether it should apply to that part of the country for which the Bengal legislature was empowered to legislate.

The Motion was put and agreed to.

OATHS AND DECLARATIONS ACT AMENDMENT BILL.

The Hon'ble MR. STEPHEN also presented the final Report of the Select Committee on the Bill to amend Act No. V of 1840 (concerning the Oaths and Declarations of Hindús and Mahomedans).

PĀNJBAB LAWS BILL.

The Hon'ble MR. STEPHEN also presented the final Report of the Select Committee on the Bill for declaring what laws are in force in the Panjáb.

BURMA COURTS BILL.

The Hon'ble MR. STEPHEN then presented the Report of the Select Committee on the Bill to regulate the Courts in British Burma.

NATIVE PASSENGER SHIPS ACT AMENDMENT BILL.

The Hon'ble MR. CHAPMAN presented the Report of the Select Committee on the Bill to amend Act XII of 1870, the Native Passenger Ships Act.

HIGH COURT JURISDICTION (SIND) BILL.

The Hon'ble MR. CHAPMAN having applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble MR. CHAPMAN then introduced the Bill to remove doubts as to the jurisdiction of the High Court over the Province of Sind, and moved that it be referred to a Select Committee with instructions to report in a fortnight. He said that he did not think he should tax the patience of the Council if he read the Bill from beginning to end :—

“Whereas it is expedient to remove doubts which have arisen as to the jurisdiction of the High Court of Bombay over the Province of Sind; It is hereby enacted as follows :—

1. The High Court of Bombay has not, and shall be deemed never to have had, jurisdiction over the Province of Sind.”

His Honour THE LIEUTENANT-GOVERNOR said that, as the Bill was to be, as it were, galloped through the Council, he would detain them to say a few words. He thought it was a matter of grave consideration whether what he might call judicial decentralization was desirable; whether it was desirable to remove, from the jurisdiction of a great Court, a Province which was somewhat large on the map, but which was in fact mostly sand and desert, with a limited population and revenue. He understood that the Judicial Commissioner was an officer somewhat of the standing, position and pay of a Zilla

Judge. He, for one, was very much opposed to the judicial government of the country, and he was not sure that he should not be ready to lend a helping hand to any Bill for removing the jurisdiction of any Court and vesting the control in the hands of executive officers. But, under the Bill, there was a Judicial Commissioner, who was not higher than a District Judge, who was rendered altogether independent of any superior tribunal in India. The executive authority would not have greater power because the judicial authority was thus constituted. Still, the arrangement might be very well if suitors could not go further, but they knew that there was an appeal at present from every superior tribunal in India to the Privy Council. That appeal, as it at present existed, was, he was inclined to think, a very great evil; but it did exist, and he merely threw out, for the consideration of the Committee and Council, that it was a question whether it was desirable to remove these local Courts from the control of superior Courts in the country, unless they could at the same time be removed from the jurisdiction of the Privy Council; because appeals to the Privy Council involved enormous expense, and, in his opinion, gave a rich man an enormous advantage over a poor one, enabling him to suspend, for an almost indefinite time, a judgment which the poor man had obtained with very great difficulty.

The Hon'ble MR. CHAPMAN begged to explain that the remarks which had fallen from His Honour the Lieutenant-Governor were founded on an entire misapprehension of the scope and object of the Bill. The Province of Sind never had been under the jurisdiction of the High Court of Bombay, and it was therefore a mistake to say that it was to be removed from that jurisdiction. The judicial arrangements of the Province were provided for by a local Act (XII of 1866), and the Judicial Commissioner appointed under that Act had all the powers of a Sadr Court. The Bill would merely remove doubts which had arisen as to the sense in which the word "Presidency," as used in the Act constituting the High Courts and in the Letters Patent, was to be understood. As far as he knew, there was no desire on their part to assert jurisdiction in Sind, and they would not be deprived of any power they now possessed.

The Hon'ble MR. STEPHEN wished to say one or two words in addition to what had been stated by the Hon'ble Mr. Chapman. This was a Bill merely for removing doubts which had unfortunately arisen as to the jurisdiction of the High Court at Bombay over the Province of Sind. The subject of appeals to the Privy Council from foreign Courts was not within the jurisdiction of this Council. The theory was that Her Majesty was the supreme Judge throughout Her whole dominions, and that every one had a right to appeal to Her Majesty from the decision of any tribunal whatever, and it was for

Parliament to determine in what cases and from what Courts appeals should lie to the Privy Council. Whether there was an appeal to the Privy Council from the judgments of the Judicial Commissioner was a point upon which he did not offer any opinion. Whether there was such an appeal or not, he would only say that, if there was an appeal, it could not be taken away. He should add just one word. It was not expressed in this Bill or in the re-enactment of the Code of Criminal Procedure that it was not intended to affect the jurisdiction of the High Court over European British subjects.

The Motion was put and agreed to.

PRIVY COUNCIL APPEALS BILL.

The Hon'ble MR. COCKERELL moved for leave to introduce a Bill to consolidate and amend the law relating to the admission of appeals to Her Majesty in Council from judgments and orders of the Civil Courts. He said that the rules of procedure for the admission and transmission of appeals from the decrees and orders of the Civil Courts in India to the Privy Council were contained in the Bengal Regulations XVI of 1797, V of 1803 and the corresponding Regulations of the Madras and Bombay Codes, supplemented by Acts II of 1844 and XXV of 1852. These had exclusive application to what were termed the 'Regulation Provinces.' The whole of the provisions of these enactments, with certain emendations and additions, were reproduced in Act II of 1863, which applied to the Non-Regulation territories.

They had therefore substantially the same set of rules in this matter, applicable to the whole of British India, contained in no less than seven enactments.

In furtherance of the general scheme of consolidation of the Statutes, the substitution of one Act for the seven enactments just referred to was the primary and chief object of the proposed legislation.

At the same time the opportunity afforded by this consolidation would be taken to effect a slight amendment of the existing law which recent circumstances had rendered necessary.

The procedure now in force had been framed on the assumption that every appeal to Her Majesty in Council must be in respect of some decree or order passed by the highest Civil Appellate Court; and, until the passing of the Oudh Courts Act, such was actually the case.

The Oudh Courts Act, by its new provision in regard to appellate jurisdiction, had made it possible for litigation, no matter what the amount or

value involved might be, under certain circumstances to stop short of the highest Court of Appeal in that Province. For example, a Deputy Commissioner might try a suit the subject-matter of which was of any amount or value, and an appeal would lie against his judgment or order in such suit to the Commissioner. If the latter concurred with the Deputy Commissioner, there was no further appeal in this country.

It was necessary to lay down the procedure to be adopted in such cases for the admission and transmission of an appeal to the Privy Council. The Bill would provide that the application for the admission of the appeal should be made to, and the necessary proceedings on such application should be taken by, the Court which, under the law for the time being in force relative to appeals, was the Court of final jurisdiction in India.

HIS HONOUR THE LIEUTENANT-GOVERNOR would only express the hope that, in carrying his motion into effect, the hon'ble member would do somewhat more than consolidate the law, and would consider the whole law with a view to its emendation. HIS HONOUR's opinion was that the law in force enabled a rich man to hang up the decree of a poor man for years and years, and he thought that a great evil; he hoped the Hon'ble Mr. Cockerell would consider the rules now in force for the admission of appeals, and put them in such a state as to obviate this evil.

The Motion was put and agreed to.

MORTGAGE PROCEDURE BILL.

The Hon'ble MR. COCKERELL also moved for leave to introduce a Bill to consolidate and amend the law relating to mortgage procedure. He said that, by Regulation I of 1798, it was enacted that any person who had obtained a loan on the security of landed property might, if he so desired, deposit, in the principal Court of the district in which he resided, the principal amount borrowed, together with interest, where the transaction included the payment of interest, at any time previous to the date fixed for the repayment of the loan, and that the Court should thereupon grant a receipt to the depositor, and notify the fact of the payment to the creditor; a right of redemption of the property mortgaged being thus preserved to the mortgagor.

These provisions, originally applicable to Bengal and Benares, were, by Regulation XXXIV of 1803, extended to the rest of the Bengal Presidency. By Regulation XVII of 1806, a term of grace, extending to one year beyond the date fixed for the repayment of the loan, was added within which the debtor might, by making the necessary deposit in Court, or proved tender of payment

to his creditor, preserve his right of redemption, and the mortgagee, in order to obtain foreclosure of the right of redemption, was required to give notice through the Court of his claim against the mortgagor one year previous to such foreclosure.

These provisions, designed for the special protection of persons borrowing money on the security of landed property against possible fraud on the part of their creditors and the consequences of their own imprudence, were peculiar to the Bengal Presidency and such parts of the Non-regulation Provinces as were administered in accordance with the spirit of the Bengal Regulations.

The absorption of the provisions of these three Regulations into one Act would necessarily come within the general scheme of consolidation; but in the Bill which he was now asking leave to introduce, it was proposed to do something more than consolidate the existing law in respect of mortgage procedure.

In 1868, a gentleman who belonged to a well known firm of solicitors in this city, addressed the Secretary to the Bengal Legislative Council on the subject of amending this procedure and assimilating it to that of the English law, pointing out the difficulties and inconvenience occasioned by the present restrictions as to foreclosure of mortgages. Another gentleman (since deceased), who was the member of a firm of merchants and agents largely interested in landed property in some of the Bengal districts, made a representation to the Local Government about the same time and to the same purport.

The Bengal Government consulted a few of its judicial officers, and after collating various opinions, the late Lieutenant-Governor made a reference to him (MR. COCKERELL) on the subject. Before replying to that reference, he obtained, through the co-operation of the Government of the North-Western Provinces, the opinions of several of the judicial officers of those Provinces, and transmitted these, with his own views on the general question, to Sir W. Grey, who came to the conclusion, upon the whole correspondence, that the amendment of the existing law was desirable, but that the measure was one which could be more conveniently dealt with by this Council than by the Local Council.

MR. COCKERELL mentioned these circumstances in connection with the Bill as indicating, with reference to what fell from an hon'ble member (Mr. Stephen) on that subject, the reason for the present proposal, to include the Lower Provinces of Bengal in the local limits of the projected legislation.

The present proposal was to assimilate the Bengal to the English procedure so far as to substitute the institution of a foreclosure suit at the expiration of the period within which the loan was to be repaid, for the notice required by the existing law, but without prejudice to the term of grace now allowed for the preservation of the right of redemption. So that, if, on the adjudication of the suit, the Court decreed foreclosure, such decree would be conditional on the repayment of the amount found to be due by the mortgagor not being made within one year from the date of the institution of the suit.

Thus, the one year's grace during which the mortgagor's right of redemption would be preserved to him was to be retained, and he would be placed in no worse position than he was under the present law; but the year of grace would be utilized, and the mortgagee would not have to wait so long as under the prevailing system for the adjustment of his claims against the mortgagor.

The exact effect of the proposed change, as compared with the procedure of the English law in like cases, could be more conveniently explained when the Bill was introduced.

His Honour THE LIEUTENANT-GOVERNOR had not been aware that the subject was to have been brought before the Council that day, and he had not had an opportunity of studying it; but from the first of the papers before him, and the observations of the hon'ble member, it appeared to HIS HONOUR that this Bill might be properly called a Bill for facilitating the more speedy foreclosure of mortgages. It was a mortgagee's, and not a mortgagor's, Bill. HIS HONOUR's feeling on the subject was that, having regard to the rights and feelings, the interests and traditions, of the people of the country, he should be very averse to do anything to facilitate the speedy foreclosure of mortgages. The Council were perhaps aware that, in Native times, the sale of land was very rare indeed. Mortgages were not uncommon; but the idea of the Natives was that there was almost no limit to the time in which mortgaged property might be released. He believed that the feeling in the Panjáb was so strong that it was necessary to relax the whole law on the subject, and to permit the redemption of mortgaged land which had been out of possession for a time far beyond our ideas of limitation. He had heard that it was the same in Bombay. He was told that people who had been heard of since the battle of Pánipat, in 1759, appeared and reclaimed mortgaged land at a recent settlement. He did not wish, under the circumstances, to commit himself to an opinion, but he did wish to impress on the Council the necessity for proceeding with very great caution in the matter. They should not be actuated too much by English ideas, nor should they, without great care, examination and study, accept the views

of English lawyers in matters of this kind, but should rather defer to Native ideas on the subject.

The Hon'ble MR. BULLEN SMITH wished to say one word on the subject. He desired to speak with deference to the views of others upon a subject of this kind, but he declared it to be his honest conviction that some amendment of the law in the direction in which this Bill pointed was absolutely necessary. It seemed to him that the Regulations now in force on the subject practically had in view simply and solely the rights of the mortgagor; they seemed designed simply and solely to protect the borrower; and from what had fallen from His Honour the Lieutenant-Governor, MR. BULLEN SMITH was somewhat confirmed in that opinion. He freely granted that the Council could not be too careful, in a country where the possession of land was held so sacred, in making amendments in any law affecting it; but at the same time there was a point—and, in his judgment, that point had been reached—where the desire to protect the mortgagor operated inequitably towards the mortgagee. That, he was sure, would not be His Honour's desire. It was only fair that both should receive equitable protection from the law; but at present, a person who advanced money on the security of landed property in this Province did not, in his opinion, when fair ground arose for realizing that property, receive that protection and that facility to recover his rights to which he was entitled. It was on these grounds, speaking from a purely practical view, that he gave his support to this Bill.

The Motion was put and agreed to.

PANJÁB MUNICIPALITIES ACT AMENDMENT BILL.

The Hon'ble MR. COCKERELL having applied to His Excellency the President to suspend the Rules for the Conduct of Business,

The President declared the Rules suspended.

The Hon'ble MR. COCKERELL then introduced the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities), and moved that it be referred to a Select Committee with instructions to report in a week. He said that, as the Panjáb Municipal Act (XV of 1867) expired on the last day of February, the present Bill was virtually designed to revive that Act, with retrospective effect from the date of its expiry. It was apparently desired by the Local Government that the Act should now be made permanent, and the Bill, if passed in its present shape, would give effect to that intention. Looking, however, to the provisions of Act XV of 1867, the circumstances in which it was

passed, and the unusual condition attached to its prospective operation, MR. COCKERELL did not think the Council would be justified in simply re-enacting it for an indefinite period. He quite admitted that, when dealing with measures of this kind in their capacity of a Local Council, they should pay the utmost possible deference to the opinions and expressed wishes of the Local Government, and this obligation was perhaps the stronger where, as in the present case, they had to act without the personal assistance of any of the officers of the province in which the law to be enacted had exclusive operation.

The fact would seem to be that the limitation to the operation of the Panjáb Municipal Act was overlooked, and that the Bill now brought forward should have been introduced into this Council several months ago, in which case full opportunity would have been given for looking into the whole matter and ascertaining, by the light of past experience of the working of the Act, whether its permanent retention was expedient. But as the matter now stood, we were suddenly called upon to give permanency to an Act which was extremely vague and indefinite as to the powers of taxation which it gave, and this with nothing before them to show how an Act of so avowedly an experimental character had worked during the period for which it had been in force. They had, working side by side, as it were, with the municipalities of some of the districts of the Panjáb, the municipal bodies established in the North-Western Provinces under the carefully elaborated Act of 1868—an Act which not only strictly defined the forms of taxation which might be resorted to, but which went so far as to limit the incidence of such taxes as the octroi, which, as past experience showed, had frequently become, and was always, unless carefully checked liable to degenerate into, a transit-duty on the general trade of the country.

There was nothing before them to show that what were deemed to be wholesome and salutary checks on the exercise of the power of taxing their fellow-townsmen by the Municipal Commissioners in the North-Western Provinces, would be objectionable, or were even unnecessary, in the Panjáb.

It seemed to him (MR. COCKERELL), therefore, that the whole question required very careful consideration, and if the Bill was referred to a Select Committee, he would propose that provision be made for the revival and continuation of the expired Act for one year only. This would allow the existing municipal arrangements, which were now without any legal warrant, to be carried on, and give time for maturing such scheme of permanent legislation for the regulation of municipalities in the Panjáb as might be thought advisable.

The Hon'ble MR. CHAPMAN said that he was very glad to find, from the remarks that had fallen from his hon'ble friend, the Mover, that he proposed that this law should be continued in force for one year only.

During this interval he hoped the Government of the Panjáb would maturely consider such a measure for the regulation of their municipal taxation as would commend itself to the approval of the Council.

Nothing, he thought, could well be more unsatisfactory than the unbounded latitude of the present law in respect to powers of taxation.

Section VI runs thus:—

"Every Committee may, with the previous sanction of the Lieutenant-Governor, define the persons or property within the town to be taxed for the purposes of this Act, the amount of rate of the taxes to be imposed, and may impose such taxes accordingly."

Now, he supposed there was no member of this Council who would deprecate more strongly than himself undue interference with the action of Local Governments, but it was one thing to vexatiously hamper and fetter executive control over expenditure, and another to confer almost unlimited authority to impose taxes. The Government of India could not, he considered, watch too narrowly and jealously the conduct of subordinate Governments in the matter of taxation. And he conceived it to be the duty of this Council, when conferring powers in this direction, to fence them in and circumscribe them with the greatest possible exactitude and minuteness.

He confessed he viewed with the gravest apprehension the rapidity with which great burthens were being imposed on the country under the denomination of local taxation. There seemed to be an idea gaining ground that you had only to tax the people for Municipal, Local Fund, or Provincial purposes, and that, by this simple change of names, you at once got rid of the odium and discontent an imperial tax would occasion. If the proceeds of local taxation were honestly and usefully spent for the payer's immediate benefit, it would, no doubt, to a certain extent reconcile him to the burthen, but the naked fact still remained that, whether the rupee was extracted from his pocket by his hon'ble friend, Sir Richard Temple, or by a Committee of his own townspeople, he was to that extent a poorer man.

The volume which he held in his hand was the Administration Report of the Bombay Presidency; and he found that there were in existence two hundred and one municipalities, with revenues ranging from five lákhs to two hundred rupees, and collecting a total sum of between twenty and twenty-one lákhs of rupees.

Under the name of Local Funds, about twenty-five lákhs were collected. In other words, nearly half a million was collected from the up-country population of the presidency under the head of Municipal and Local Fund taxation. This was exclusive of the amount realized from Sind, from the Town and Island of Bombay, from various other kinds of Local Funds, and under the recent Local Acts for imposing taxes for Provincial Services.

He had just been informed, on what he believed to be excellent authority, that in some Provinces of the Panjáb, a sum equal to nearly fifty per cent. of the land-revenue assessment was levied under the denomination of Local Cesses of various kinds.

He thought it was high time that his hon'ble friend, Sir Richard Temple, turned his attention to this state of affairs. In a short time the Council would have the pleasure of listening to his exposition on the financial condition of the country; and he, MR. CHAPMAN, did say that he ought to inform them clearly and fully of the total amount of taxation of every kind and description to which the people were subjected.

The Hon'ble MR. ROBINSON said—"My Lord,—The intention of the hon'ble Mover of this Bill, as now explained to us, to limit its operation to one year, tones down one of the most serious objections to the measure as presented to the Council by the Bill itself; but I think this Council has every right to express surprise at the course pursued by the Government of the Panjáb in this matter, and I think that any proposal to give permanence to this legislation by a *coup de main* should be firmly rejected.

"I speak under correction; for no papers connected with the working of the Act and the reasons for its continuance have been laid before this Council.

"The facts, as I gather them, to be as follows:—That highly important Act (XV of 1867) was passed as a temporary, tentative measure by this Council, with no small hesitation, five years ago. The interests involved, and the area covered by the measure, are, I need scarcely remind the Council, very great, namely, the taxation and municipal administration of the numerous town populations of several of those great Provinces for which this Council legislates. The Act was passed on the express understanding that its operation would be carefully watched and the stewardship accounted for. The time to which the enactment was limited has expired. But so entirely has the Panjáb Government slept on those conditions that the watchful Secretary to the Legislative Department had to call the attention of that Government by telegram to the fact that the enactment was on the eve of expiry, and a laconic reply, to the effect that the

Lieutenant-Governor wishes the provisions of this enactment to continue without limit as to time, is, I believe, all that this Council is now asked to act on. It is added that the municipalities want greater powers.

"Now, no doubt the members of this Council have referred to the Act itself, and found that it is pretty much in the character of a law empowering Towns Committees and the Lieutenant-Governor, or Chief Commissioner, as the case may be, to raise any taxes and levy any rates in any way they please; and when they have got the money, to spend it as they like on the list of objects thrown together in section 9. It contains neither administrative nor popular provisions, and is absolutely devoid of everything that serves either as a safeguard to trade, to the public or the rate-payers; as an indication as to the proportionate expenditure on the different objects, or as a guide in respect to sound municipal administration.

"It was natural enough that a Bill of this kind, even five years ago, should be viewed by this Council with great hesitation and awaken anxious deliberation. We find that the hon'ble member who introduced the Bill was fully alive to the very debateable character of the measure. He admitted that 'this Bill,' to quote his words, 'owing to the limited experience we had had of the working of municipal institutions in the Panjáb, must be an imperfect one. We were only,' he said, 'feeling our way, and he had no doubt that, before long, a supplementary Bill to supply deficiencies in the present Bill might very possibly be asked for.' He avowed, too, at a latter stage of the same debate, that some of the taxation that was to be legalized under the Bill *did* interfere with trade.

"In the debate which followed, one member remarked that 'he hoped the Council would seriously consider whether powers of the unusual and extensive character proposed by the Bill should be given to the Lieutenant-Governor; for instance, the power, without any control whatever, to appoint Committees, to make rules, to suspend or limit the powers of Committees, and to levy town-duties and taxes. If the Bill was really required,' he further remarked, 'it might be made a temporary Act for *one or two* years, but not a permanent enactment'. And he added that, 'for the last few years, the system of levying town-duties had been silently spreading, and, as he believed, had acted as a serious check to the commerce of the country.'

"The Hon'ble Mr. Maine admitted, during the debate, that one of the objects of the Bill was to indemnify the Panjáb Government for some of its past acts, 'as there was no doubt,' he said, 'that that Government had

exceeded its legal powers, and (Mr. Maine) quite agreed that the powers proposed to be given by the Bill were somewhat large * * * and in effect restored to the Lieutenant-Governor a part of the legislative power which he had lost in 1861, by the Indian Councils' Act.

“His Excellency Lord Lawrence admitted, at the close of the introductory debate, that there was a good deal of force in the objections raised to the Bill; but seeing that money must somehow be had, he supported the Bill, and held out a hesitating expectation ‘that, if there was a very serious abuse of such a power as that proposed to be conferred by the Bill, we should hear an outcry.’ His Excellency the Viceroy further added that there was, no doubt, much force in what an hon’ble member had advanced, namely, that the tendency of such taxing provisions as were contemplated in the Bill *was to interfere with trade and unduly extend taxation*, and he stated that he would oppose any application of such provisions to villages and rural communities, or any addition to the burdens on landed property under its powers.

“The Hon’ble Colonel Durand thought that the objections taken to the Bill were ‘exceedingly important. We really ought to know,’ he said, ‘what we were doing before this Bill was passed. The Bill proposed,’ he added, ‘to give enormous powers for a wide-spread system of taxation, and we did not, up to the present moment, know how far that kind of taxation might come into conflict with the general taxation of the country. He thought,’ to quote his words further, ‘before the Council proceeded with this Bill, there should be some very clear and specific information furnished to the hon’ble members.’

“In presenting the Report of the Select Committee on the Bill, the hon’ble Mover explained that a new section had been added in Committee, namely, that the Act should expire in five years. ‘Several provisions of the Bill,’ he said, ‘were of an experimental character, and it was therefore thought that the propriety of continuing the Act should be reconsidered after that interval;’ and he explained that it was this limitation in respect to time that had influenced the Members of the Committee, and ‘smoothed over,’ as he described it, their objections. They had assented to give the measure five years’ trial.

“In closing the debate, His Excellency the President supported the Bill as a tentative measure, on the ground that his experience justified this limited confidence, and he thought that the obvious objections to the Bill had, to quote his words, ‘been effectually met by the provision limiting the operation of the Act to five years, and he had every hope that the experiment would be successful.’

"In the subsequent debate on the amendments to be introduced into the Bill, an hon'ble member remarked that 'he had himself once asked to see the accounts of certain Municipal Committees, and it was curious to see the modes of taxation adopted. The Commissioners,' he said, 'were gradually levying taxes of the nature of transit-duties, which must have a very injurious effect on trade.' He further noticed that, in the Panjáb, it had been alleged that the trade of one large town at least, which was formerly a large cotton-mart, had been ruined 'in consequence of a toll levied on goods coming into it.' And he based his hope that such abuses would not *continue* under this Act, on the provision that the limit of five years would secure a full discussion of this important matter in this Council under the light of experience and carefully rendered accounts.

"Now, I think that the action of our predecessors of this Council was marked with cautious judgment, and with every consideration towards the local authorities. It was impossible that any legislative body could be satisfied with a measure of this loose and dangerous character. But the local authorities *had* already exceeded their powers under the law and were in need of indemnification, and with well-judged reluctance the trust was continued to them for a sufficiently long period to enable them to carry on their work and to secure materials and experience sufficient to enable this Council *now* to legislate with deliberation and assurance.

"But the same Council has clearly bequeathed to us a duty which, under special circumstances, they were unable to perform themselves; and they have provided us with the full opportunity of fulfilling that duty deliberately, honestly and openly.

"But will any one say that the local authorities of the Panjáb have fulfilled the implied agreement under which their Act was passed five years ago? I think not. And I would earnestly ask this Council to consider whether they have been placed in a position to redeem the pledge which was held out to the public five years ago, to give this important subject careful consideration and full re-examination at this time.

"At this late period of our sitting no proper consideration could be given to this important matter, even although cart-loads of information were supplied, and the Act had not actually expired. Examination and deliberation are now simply out of the question. I therefore consider that a short Act should be passed to continue the present Act for one year only. The conduct of the local authorities entitles them to no greater consideration. In the meantime, thorough

enquiry into the administration of Act XV of 1867 should be made, and materials collected to enable sound and full legislation next year on this matter.

“I have trespassed, I fear, already at too great length on the patience of this Council, but I am deeply convinced that the matter before it is one of very serious importance throughout the country. It is nothing less than the question of wide-spread taxation, and municipal government of the vast town populations of this great empire. It is one which may now well occupy the consideration of the legislature of India; one which I fear has already been too long relegated to local bodies and interests. This matter is scarcely inferior in importance to the discussion of imperial taxation and expenditure; for, if we only bear in mind the very important influence which town populations in every country exercise over the loyalty and affection of the general population, some of us will, I think, deem that deep importance attaches to the presence of sound principles of taxation and administration in legislation of this nature.

“For several years past, something in the direction of municipal taxation and administration has been going on in each of our Provinces, but each has been left very much to its own devices and to its own local legislature; a hap-hazard condition of things has sprung up in consequence throughout the country.

“This direction of taxation has been enormously stimulated by the action enjoined by the late financial policy adopted by the Government of India; and the increasing burdens thrown upon Local Governments and Provinces have of course in part been shifted on to municipal bodies with powers and instructions, in some cases, to get all they can out of almost any source that can be devised. I am satisfied that the time has fully come when the supreme legislature is bound thoroughly to canvass the main sources of taxation and the more important features of municipal administration, in a manner that will serve for guidance where narrower feelings and more local influences are at work than are likely to be met in the supreme legislature of the Government of India. And I am sure that there is no member of this Council that has not been seriously impressed with the character of the discussions which have been going on in different parts of the empire on this important subject.

“The opportunity will be afforded by the discussion which will arise on the proposal to re-enact Act XV of 1867, if the measure now before the Council be limited to one year.

"I am satisfied that several of the sources of taxation which are now placed at the disposal of these small Towns Committees in all parts of the country require careful consideration and canvass. The debate which took place five years ago shows that even then there was a great tendency to revive the pernicious transit-duties of days gone by. I am inclined to believe that this tendency has taken greater development during the interval. We want to know whether these improprieties are occurring in the Panjáb. There is nothing in the Act to prevent them. I have recently observed casual discussions relating to octrois and towns-duties, which show that opinion is very divided, and naturally so, on a subject of the utmost importance to trade, and I think that inquiry will elicit some errors of practice. Clearly, these are matters for imperial, rather than local, legislative discussion, and discussion may be raised on the Bill to be presented after due deliberation next year.

"I will hazard another instance of what I consider the danger of this kind of hap-hazard legislation. We all of course dislike exceedingly telling stories out of school, but they sometimes serve to illustrate a true position and fix attention on a matter which is well worthy of thought. If nothing else, the one I have to tell shows that, if the Panjáb Municipalities are levying *quasi* transit-duties, they are not singular in their acts.

"I had recently to examine the conduct of the municipal vestries of various towns in the Madras Presidency, and I found that several of them had absolutely turned over the whole, or nearly the whole, of their local obligations to the trade of the country by a system of tolls. They happened to be towns situated on great arteries of trade, and by erecting toll-bars on those great thoroughfares, and charging heavy rates, the greater part—in some cases nearly the whole—of what was required to be spent on their town drains, cess-pools, etc., and on the Police and sanitation of a small locality, was being persistently levied on the trade of the country. At one or more seaport-towns, tolls on trade brought there for exportation paid nearly the whole cost of their local institutions; scarcely a rate was raised or a tax imposed.

"Now, when we bear in mind that there is a perfect net-work of these Trade-trap municipalities throughout the country, each ready enough to shift its local obligations on to the trade of the country, I need scarcely say that such matters are not safely entrusted in the main to municipal vestries and to district presidents. Local Governments and Chief Commissioners sometimes, I fear, lose sight of broad considerations amidst the pressure of need and other obvious influences. Tolls are right in right places; but I am satisfied that there are such things as wrong places. The disorders noticed in respect to

Madras, have, I feel sure, been rectified in practice, but the law should make these things impossible.

“ On the whole, I think therefore that this legislature must do its duty, and take advantage of the opportunity, which should be now secured, for the thorough and deliberate discussion of the whole matter which is involved in this legislation next year. In the meantime, it will suffice to save the Government of the Panjáb from the consequence of their laches.”

HIS HONOUR THE LIEUTENANT-GOVERNOR said, that his official connection with the Panjáb was during the happy days before any laws were extended to that province. Since that, he had several times visited it, and had maintained his connection with that province, and his relations with the officers of the Panjáb Commission had been extremely intimate. HIS HONOUR was quite free to admit that there might have been mistakes committed in the Panjáb, but his impression was that they were mistakes which had been committed in common with other Provinces. His impression also was that those mistakes had been corrected under the orders of the Government of India, and that during the last five years they had been very much checked and diminished, and the municipal taxation had been brought into a clear and reasonable system. With regard to the strictures that had been made by hon'ble members on the Panjáb system, he believed that there were in no other Province municipalities that were so real, so vital, and so self-acting as in the Panjáb. Therefore, the good that had been gained might fairly be considered ; and although there had been mistakes, great results had been obtained. HIS HONOUR entirely disagreed with those who held that the system of administration by local bodies and voluntary local taxation was necessarily an evil ; on the contrary, he maintained that to teach the people of this country to govern themselves by local institutions was a great gain : it was a path upon which the Government had entered, and he hoped that they would follow it out discreetly and well. It was not necessary now to enter into a discussion of the great questions of local taxation. But HIS HONOUR differed from the views of those who held that it was wholly a failure, or that it could be assumed that direct was preferable to indirect taxation ; for the people did prefer indirect taxation ; and provided that this Bill guarded against the abuses of indirect taxation, HIS HONOUR did not see why the people should not be taxed in the way most agreeable to themselves.

Major General the HON'BLE H. W. NORMAN trusted that the renewal of this Bill would be proceeded with with great caution, for he believed that municipal taxation in some parts of the country had produced as great dissatis-

faction as the income tax itself, and he feared that, in some cases, this taxation was exacted for purposes not so manifestly necessary as those for which the income tax was raised.

The Hon'ble MR. ELLIS did not intend to follow his hon'ble friend, Mr. Robinson, in the discussion on the numerous points on which he had descanted in his speech ; for MR. ELLIS did not think that such a discussion was appropriate on the present occasion. Such subjects had been better left for consideration when the details of the Bill came to be considered. MR. ELLIS entirely concurred with what had fallen from His Honour the Lieutenant-Governor in refutation of Mr. Robinson's strictures upon the municipal system of the Panjáb ; the system had no doubt been abused, and those abuses had attracted the attention of the Government of India ; a re-action had set in very greatly in the other direction, and, in his opinion, even too strongly. There was a sort of crusade against octroi-duties ; orders were issued almost entirely sweeping them away, and reducing the managers of these municipalities to resort to other modes of taxation which were not popular. These orders were afterwards modified, but the greatest care was taken to prevent town-duties becoming transit-duties.

With reference to what had fallen from his hon'ble friend, General Norman, MR. ELLIS would observe that it was true that municipal taxation had caused discontent. He believed that that discontent had been caused by the substitution of other modes of taxation for a system of octroi-duties, which, in many parts of India, was the mode of taxing most congenial to the people ; it was the very attempt to get rid of these octroi-duties that had led to the introduction of other modes of taxation, which were felt by the people more severely, and pressed upon them more heavily, than either imperial taxation or octroi-duties. He would not dwell further upon that subject, because, as he had said, it did not appear to him to be appropriate to the present question. He would express his concurrence with the hon'ble member in charge of the Bill, that a Bill be passed to continue the existing Act for a further period of one year.

The Hon'ble SIR RICHARD TEMPLE said, that, although he entirely agreed with what had fallen from his hon'ble friends Messrs. Chapman and Robinson, with respect to the expediency of limiting the operation of this Bill to one year, and also with what had fallen from his colleagues Mr. Ellis and General Norman, nevertheless, he would venture to assure his hon'ble friends that, if they now visited the Panjáb and saw the good condition of the cities and what had been done both in the way of material and moral improvement, he thought they

would agree with him that municipal taxation had not been carried too far, and that, as far as it had been carried, it had been entirely used for the good of the people, and had been attended with the most beneficial effects. Further he was sanguine that, if hon'ble members would be good enough to look into the proceedings of the Government of India about the date of July 1868, they would find that these very principles, which they had now so justly maintained with reference to the limitation of taxation, had been at that time particularly considered, and were embodied in the Resolution of the Government of India in which one of his hon'ble colleagues opposite (Mr. Strachey) was greatly concerned. It would there be found that this portion of taxation would in no way be permitted to operate as a transit-duty. Taxes which could in any way affect commerce were eliminated, and the taxation that remained was only such as could justly and legitimately be imposed. SIR RICHARD TEMPLE believed that that Resolution had been acted upon up to the present day. Possibly, one or two of these objectionable duties had been imposed, but at any rate they had been small. Take the condition of those towns, and take the estimation in which they were held by the public, and then say whether or not these principles had been fully acted upon. If that was the case, then he thought all objections to this should be withdrawn.

One word more he would say financially. An Imperial Act was passed last year for enabling municipalities to borrow money from the Government on proper security ; that Act applied to every Local Government, to every Province, throughout British India. He assumed that, in passing that Act, this legislature did, to a large extent, sanction the principle upon which municipalities and municipal taxation were established. If so, he wished to point out that now to refrain from re-enacting the law, or in any way to stop the operation of the law in the Panjáb, might place municipalities in a very embarrassing position in respect to loans which they might have contracted or which they might wish to contract. And if there was any doubt as to the propriety of continuing terminable Acts, or Acts of a limited time, with respect to a particular Province, then there might be a doubt whether the Council should have passed the general Act to which he had referred. On these grounds he believed there should be very little doubt as to the propriety of passing the Bill now before the Council.

The Hon'ble MR. CHAPMAN wished to be informed whether his hon'ble friend assented to give, as far as he was able, the information as to local taxation he had asked for.

The Hon'ble SIR RICHARD TEMPLE said, he thought the question of the hon'ble member was one which rather trenched upon the Executive, and he was not quite sure that he ought to comply with the request that was made. He was, however, in the hands of His Lordship the President as to whether His Excellency wished the information to be given or not.

His Excellency THE PRESIDENT said, he did not think there was any objection to Sir Richard Temple stating, as a matter of fact, whether, he was willing to give the information. For HIS EXCELLENCY'S own part, he did not see any objection to the information being supplied so far as it was available. He believed that this information had already been collected in Madras, and would be received by the Government of India in a short time.

The Hon'ble SIR RICHARD TEMPLE said, that the statement which he gave in his last Budget Exposition was as near an estimate as could be obtained of all the items of local taxation in India, including the new branch of provincial taxation which came into existence in consequence of the Provincial Service scheme passed last year. So, this year, or the next year, if the figures and data to show how that estimate had turned out were available, there could be no possible objection to include it in the Budget statement. He could not at this moment say whether the figures of the current year had been received from the Local Governments in sufficient detail to enable him to give a very precise statement.

The Hon'ble MR. CHAPMAN rejoined that he did not like to contradict his hon'ble friend, but to the best of his recollection the last Budget statement contained no allusion to local funds, and certainly none as to the amount of municipal taxation.

His Honour THE LIEUTENANT-GOVERNOR said, that the Government of India had desired the Local Government to submit accounts which would supply very completely the whole of the information which the Hon'ble Mr. Chapman had asked for. With reference to the Government under his control, it would be his wish to afford every information in his power to give.

His Excellency THE PRESIDENT said, that, so far as it went, he would be happy to use his influence to cause the information asked for to be supplied. He thought it was desirable that a picture of the extent of municipal and local taxation should be given in as accurate a form as possible.

The Hon'ble MR. STEPHEN said, that he had several remarks to offer, to which he would beg the attention of the Council. With regard to the conduct

of the Panjáb Government, he was sorry to say that he could not defend them from the charge of negligence in having taken no steps to obtain a renewal of the existing municipal law. He regretted that his hon'ble friend, Mr. Cockerell, who had been good enough to take charge of the Bill at his (MR. STEPHEN'S) request, had not informed him of the view he took as to the term for which the Act was to be revived. The result of this was, that the printed Bill revived the expired Act and made it perpetual; whereas the hon'ble member in charge had spoken strongly in favour of its being revived for one year only.

With reference to the proposed change itself, MR. STEPHEN would remark that, there was a very large number of municipalities in the Panjáb, as many, he was informed, as 300, which had the control of municipal income. These municipalities had to provide taxation for the following amongst other purposes—town police, education, sanitary arrangements, statistics of life and health, all works of town improvement. Hon'ble gentlemen who were acquainted with the Panjáb must know perfectly well how necessary all these works were. The effect of the change proposed might be to put a stop to all these improvements; to throw everything into uncertainty; and to render it impracticable for any municipality to undertake works the execution of which might extend over a period of one year. The Hon'ble Mr. Robinson, moreover, spoke, as he thought, with undue severity of the Panjáb Government. If they had been negligent in not applying at an earlier period for the extension of the Act, public interests should not be made to suffer. MR. STEPHEN thought that, in this particular case, the Council would do well to accept the views expressed by the Local Government, and not enter upon such an inquiry as the one suggested by his hon'ble friend, as they would find it in practice very difficult to carry out such an inquiry in a satisfactory manner. His hon'ble friend, Mr. Robinson, said that they would find broader views in this Council than in the Local Governments. MR. STEPHEN would ask why a committee consisting of three or four members, each with local views of his own, taken from Madras or Bombay, should have broader views on any subject than the Lieutenant-Governor of the Panjáb and his principal advisers. Considering the position and experience of the members of that Government, he should be particularly disposed to accept their views in this matter. Of course, it was in the power of the Council to limit this Bill to one year. If they did, he hoped they would consider that the late Lord Mayo spoke most strongly, after personal experience, of the successful administration of these municipalities as the most characteristic part of Sir Donald McLeod's administration. MR. STEPHEN hoped the Council would also bear in mind the fact that, very

recently, the Lieutenant-Governor of the Panjáb himself had called attention to the intolerable state of filth of many parts of the city of Delhi, and to the cholera which had been caused there. If that town, and others to which he need not at present refer, were to be improved at all, it must be by the execution of works of improvement extending over a considerable period of time. If the Council should reject the suggestion made by the Local Government as to the time for which the Act was to be continued, it would prevent the undertaking of works of improvement the execution of which was likely to extend over any considerable time. He must confess that he hoped the Council would consider the matter long before they arrived at any such conclusion. He might observe that the discussion of the question was altogether premature. The question whether the Act should be perpetual, or revived for a limited period, was one which would more properly be considered in committee, and he thought we should have no difficulty in receiving such a communication from the Panjáb Government in regard to this Bill as would give a full general statement of the grounds upon which they wished that the Act should be made perpetual.

The Hon'ble MR. COCKERELL explained that the duty of introducing the Bill having been assigned to him very shortly before the meeting of the Council, there had, in fact, been but little time for him to communicate to the hon'ble member his (MR. COCKERELL'S) views as to how the proposal of the Panjáb Government should be dealt with. He must, however, remind the Council, in reference to the remarks of the hon'ble member, that he (MR. COCKERELL) had drawn especial attention to the fact that the Bill, in its present shape, provided for the permanent continuation of Act XV of 1867, and had then gone on to express his opinion that the Act referred to should be revived and continued for one year only, and that he should recommend the adoption of this course when the Bill came before the Select Committee to which it was proposed to refer it.

The Hon'ble MR. ELLIS thought that the passing of a Bill to make the Act permanent should be taken into consideration at Simla, where, although the Council would be deprived of the Hon'ble Mr. Robinson's assistance, they would have the advantage of the presence in Council of His Honour the Lieutenant-Governor of the Panjáb, and perhaps of others who had some knowledge of the Panjáb.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to prolong the operation of Act XV of 1867 (Panjáb Municipalities)—The Hon'ble Messrs. Stephen, Inglis, Robinson and Chapman, and the Mover.

On the Bill to remove doubts as to the jurisdiction of the High Court over the Province of Sind—The Hon'ble Messrs. Stephen, Inglis, Robinson and Cockerell, and the Mover.

The Council adjourned to Tuesday, the 12th March 1872.

CALCUTTA,
The 5th March 1872. }

H. S. CUNNINGHAM,
*Offg. Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*