

Saturday, 14th June 1856

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

VOL. II.

Published by the Authority of the Council.

175.

CALCUTTA:

PRINTED BY P. M. CRANENBURGH, MILITARY ORPHAN PRESS.

1857.

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Conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," to the Governor General for his assent.

Agreed to.

NOTICES OF MOTIONS.

MR. ELIOTT gave notice that he would, on Saturday the 14th instant, move the second reading of the Bill "to authorize the levy of Port-dues and fees at the present rates for a further period of twelve months;" also the suspension of the necessary Standing Orders to enable him to pass the Bill through its remaining stages.

MR. ELIOTT also gave notice that he would, on the same day, present a Report of the Select Committee appointed to take into consideration the projects of law relating to the Police and Conservancy of Madras, and the Settlement of Prince of Wales' Island, Singapore, and Malacca, and the proposals for revising Acts X, XII, and XIII of 1852, relating to the Conservancy and Police of Calcutta; and that Members of the Committee would move the first reading of the following Bills—namely, a Bill "to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca;"

A Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta;"

A Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Madras;" and

A Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

The Council adjourned.

Saturday, June 14, 1856.

PRESENT :

The Honorable J. A. Dorin, *Vice-President*, in the Chair.

His Excellency the Com- D. Elliott, Esq.,
mandar-in-Chief, C. Allen, Esq.,
Hon. J. P. Grant, E. Currie, Esq. and
Hon. B. Peacock, Hon. Sir A. W. Buller.

The following Messages from the Governor General were brought by Mr. Grant and read :—

MESSAGE No. 77.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 7th June 1856, entitled "A Bill for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

By Order of the Right Honorable the Governor General.

CECIL BEADON,

Secretary to the Govt. of India.

FORT WILLIAM, }
The 13th June, 1856. }

MESSAGE No. 78.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 7th June 1856, entitled "A Bill for the conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

By Order of the Right Honorable the Governor General.

CECIL BEADON,

Secretary to the Govt. of India.

FORT WILLIAM, }
The 13th June, 1856. }

MOOKHTEARS' PETITION (CALCUTTA
SUDDER COURT).

THE CLERK presented a Petition from Mookhtears attached to the Sudder Court of Calcutta, complaining of the rule of practice recently made by the Court, and sanctioned by the Government, respecting the dismissal, or *ex parte* decision, of suits in the absence of the Vakeels engaged, as illegal and unjust.

MR. PEACOCK moved that the Petition be printed.

MR. GRANT said that, from the title just read, it occurred to him that the Petition did not relate to any Legislative business. It seemed rather to relate to an executive matter. If it prayed for any law on the subject, then it might be received.

THE CLERK read the following from the Petition :—

Tenthly.—If it be (as is generally believed) the object of the Government to reduce the business of the Court, there are other and less objectionable modes of accomplishing it, than the one devised. One of them is the plan, not of having separate sittings, as at present, liable to be disturbed by all the constant and the adventitious causes before adverted to, but of having distinct Sudder Courts in Calcutta, each consisting of three Judges, to each of which the appeals, miscellaneous petitions, and criminal cases of certain districts, and a certain number of the Vakeels, may at once be allotted; whether the principal Vakeels attach themselves at one or more of the Courts, this plan will prevent the possibility of any of them being required in more than one Court on any day. The other plan, to which your Petitioners earnestly entreat attention, is that of allowing the Mookhtears to plead in the absence of the Vakeels. The Mookhtears, it is well known, are persons who enjoy the confidence of the suitors, and are sent to the seat of the Sudder Court to look after causes; and it is they who select and appoint the Vakeels. Being well acquainted with the merits of the causes, they almost invariably draw up the pleadings and instruct the Vakeels, and at the time of hearing assist the Vakeels, who, in fact, without their aid and prompting, could never perform the task they undertake. These are facts well known to the Judges. By Regulation XII of 1833, the Mookhtears were recognized as competent to conduct the causes of their constituents without the intervention of Vakeels. Your Petitioners submit that there is no reason why the Mookhtears should not be allowed to appear at the hearing of causes, when the Vakeels are necessarily absent. In such case they could afford the same information to the Judges which is now afforded by them through the Vakeels, at the same time that their appearance would benefit their constituents, and facilitate the despatch of business. The efficiency of Mookhtears was tested for many years in the Courts of the Presidency Special Commission, where, under Regulation III of 1828, they exclusively conducted resumption suits, and is daily experienced in the Board of Revenue, where most of the business is carried on through the agency of Mookhtears. As their plan is not without precedent, and cannot work injuriously in any respect, your Petitioners suggest it with confidence. The adoption of it will serve to allay the alarm which the recent Rule of Practice has excited among your Petitioners' constituents in the Mofussil, and satisfy them in some measure that, though despatch is aimed at, it will not be pursued at the sacrifice of their interests.

The motion that the Petition be printed was then agreed to.

SALES OF LAND FOR ARREARS OF REVENUE (BENGAL).

THE CLERK presented a Petition from certain Members of the Central Committee of the Indigo Planters' Association on be-

half of the Committee and the Association, concerning the Bill "to improve the law relating to sales of land for arrears of Revenue in the Bengal Presidency." The Petitioners prayed that the Bill might be passed with an extension of its benefit to such under-tenures, besides those mentioned in it, as come within the scope of its principle.

MR. GRANT moved that the Petition be referred to the Select Committee on the Bill.

Agreed to.

PORT-DUES AND FEES (CALCUTTA).

THE CLERK reported that he had received from the Officiating Under-Secretary to the Government of India a copy of a Correspondence with the Government of Bengal, containing information respecting the Port-dues and fees, and the charges of the Port of Calcutta.

MR. CURRIE moved that this Correspondence be printed.

Agreed to.

MUNICIPAL ASSESSMENT (PRESIDENCY TOWNS &c.)

MR. ELIOTT presented a Report of the Select Committee on the Police and Conservancy projects of Law, submitting the following Bills—namely,

A Bill "to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca;"

A Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta;"

A Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Madras;" and

A Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

MR. ELIOTT moved the first reading of a Bill "to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince

of Wales' Island, Singapore, and Malacca." He said, when he had first laid before the Council the Bills lately passed for the Police and Conservancy of the Presidency Towns and the Straits, he had stated that the Select Committee apprehended that, for constituting the Commissioners for the assessment of Municipal taxes, and the management of Municipal affairs generally, it would be necessary to prepare a separate Bill for each Presidency Town and for the Straits. When the Select Committee went into a more close examination of the subject, they found that no other course was practicable. Consequently, a special Bill had been prepared for Calcutta, Madras, and the Straits, separately; and, on the return of the Honorable Member for Bombay, a similar Bill would be framed for that Presidency. The Statement of objects and reasons annexed to each of these Bills, and the explanation which would be given regarding them by the Honorable Members who would move the first reading to-day, would show the necessity of legislating on this subject by separate enactments. But it had been found that the provisions for carrying out the measures introduced by those Bills might be comprised in one general Act, which was to be incorporated and construed with each of the special Bills as forming one Act. The Bill which he had the honor now to introduce, had been prepared for this purpose. He thought he need not, on this occasion, take up the time of the Council by recapitulating its provisions. It would be sufficient to mention in a general way that the Bill laid down rules for determining the value of property, and for exhibiting that valuation and the amount assessed in books which would be open to the inspection of those who would be liable to the rate upon houses and lands, and to the tax proposed to be levied upon horses and vehicles.

The Bill empowered the Commissioners, for the purposes of such valuation and the levy of assessment, to call for returns from persons liable; and provided penalties to enforce the rendering of these returns.

It next provided for the hearing and determining, by two Commissioners, of objections which might be made after due publication of the rates assessed upon houses and lands.

Further, it contained provisions for an ultimate appeal, both with respect to the rates and to the taxes upon horses and carriages, to two Magistrates, except in Bombay, where the appeal would be to the Court of Petty Sessions.

Then followed provisions laying down the mode in which the rates and taxes were to be levied.

Lastly, power was given to the Commissioners to raise money for purposes connected with the improvement of Towns and Stations on the mortgage of the rates and taxes, subject to the proviso that the money borrowed should be borrowed only for works of a permanent nature, and that it should not at any time exceed in the whole ten times the average annual sum received and collected in respect of the rates and taxes.

With these observations, he begged to move the first reading of the Bill.

The Bill was read a first time.

MUNICIPAL ASSESSMENT (CALCUTTA).

MR. CURRIE moved the first reading of a Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta." He said, this was the special Bill for Calcutta to which the Honorable Member for Madras had just alluded. It had been prepared by himself, and revised by the Select Committee; but he did not know whether his colleagues in that Committee considered themselves pledged to an absolute and unqualified approval of all that the Bill contained.

The Bill might be divided into three parts, having reference to three distinct subjects. The first subject was, the appointment of Municipal Commissioners; the second, the imposition of rates and taxes, for general purposes; and the third, certain provisions for the special wants of this City.

With respect to the first point, the Council was aware that, at present, there were four Municipal Commissioners, two of whom were appointed by Government, and two elected by owners and occupiers of houses and lands within the Town. The Council was also aware that the system of election provided by Act X of 1852 had been condemned, and its operation suspended by a special Law passed towards the end of 1854; and that the present elective Commissioners, though elected for one year, had been continued in office until the present time, now the middle of the third year, simply because of the demoralising practices which were resorted to at the elections.

The first question for consideration, therefore, in revising the Law, was whether the elective system should be re-introduced in some amended form, or whether some other mode of appointing Commissioners should

be substituted for it. The system of election had been introduced nine years ago: it had been tried under two distinct Acts—Act XVI of 1847, and Act X of 1852; and, under both, the abuses had been so gross that, on two occasions, the operation of the Acts with respect to elections had been stopped previously to the repeal of the Acts themselves. He believed it to be the opinion of all who were best qualified to form an opinion on the subject, that any system of popular election was unsuited to the present state of society in Calcutta. It was true that the Law itself was defective; for, by a strange oversight, although it provided for the registration of voters, it did not make registration an indispensable qualification; and the consequence was, that the provision was altogether neglected. The Municipal Commissioners had proposed that the Law should be amended in this particular; but that amendment would be no bar to the creation of paper votes and other modes of trickery and chicanery that were resorted to at these elections. The opinion of the most intelligent and influential Native inhabitants was decidedly opposed to the system of election provided for by the existing Law, and they had expressly petitioned against its continuance. Their petition had been printed as an annexure to the Bill introduced by Mr. Mills into this Council, towards the end of 1854, for stopping the elections; and Mr. Mills himself, in his Statement of objects and reasons, said—

“As Chief Magistrate of Calcutta, I have had some practical acquaintance with the working of the elective system. I then opposed the scheme of election contained in Act X of 1852, and expressed my conviction that the system of popular election would not succeed in India.”

The Petitioners indeed had not proposed to abolish the system of election altogether. They thought that it might be continued by substituting for the present plan—

“A larger number of honorary Members, selected triennially in equal proportions from among the European and Native Candidates, by the Grand Jurors assembled at the first Sessions of the year; or, in the event of there being no Candidates, from among their own body, or any individuals they may think fit to nominate; and, in case the Grand Jurors fail to make such nomination, reserving to the Government the power of nominating any whom it may think qualified for the post.”

The Chamber of Commerce, which had also been consulted by Government on the subject, remarked upon this suggestion as follows:—

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“While, however, the Chamber of Commerce fully agrees with the Memorialists so far,” (that is, that a change in the system of election is indispensable), “as well as in the belief that, under a different system, Native gentlemen of rank and position would consider it an honor to form part of the Municipal Commission, and would devote their time and knowledge to the discharge of their duties, the substituted mode of selection as proposed by the Memorialists—namely, the selection triennially of Commissioners by the Grand Jurors assembled at the first Sessions of the year—appears to be by no means a happy idea. Failing the action of the Grand Jury in certain contemplated cases, the nomination is proposed to be left to the Government; and it seems to the Committee of the Chamber that such nomination would be best left altogether with the Government.”

“Were the qualification of voters so raised as to exclude from the elective franchise all the objectionable classes, the number of voters would be too much reduced to allow their acts to be considered as the free expression of public opinion. The same objection applies even more strongly to the acts of the 30 or 40 individuals who might happen to be summoned on the Grand Jury for the first Sessions of each year; and, in the latter case, undue influence in securing a summons might be very easily exercised by interested parties:—in fact, the Sheriff as summoning Officer, might control the election to an inconvenient extent.”

“The Committee of the Chamber, therefore, desires to record its opinion that the Members of a reformed and enlarged Municipal Commission should be named by Government; that they should be entrusted with large powers; and that the nomination should be triennial, as suggested by the Memorialists.”

He had read this extract, because it seemed to him to state very fairly the objection which arose out of the proposition of the Native inhabitants, and also because it suggested the plan which had, in effect, been introduced into this Bill. He himself thought that, under the scheme recommended by the Native inhabitants, no election at all would generally take place; and that, if any election did take place, it would be little better than the nomination of some active and influential individual. There could not be a doubt that the nomination of fit persons by the responsible head of the Government, who could have no object but the impartial welfare of the city, would be infinitely preferable to any such mis-called election.

He did not mean to say that the plan provided by the Bill was abstractedly the best plan that could be devised; but he did think that it was the best plan that was admissible under existing circumstances. He believed that the most effective mode of administering the Municipal Fund would be by a working Committee of three or four persons

appointed directly by the Government. But that plan was open to the objection that it would exclude the community from all concern in the management of their own affairs. If the system of election were rejected, as he thought it must be, the only mode in which anything of a popular character could be given to the commission would be by selecting a considerable number of suitable persons from different classes of the community, who might be supposed to represent those classes. The Bill provided that the number of persons to be so appointed, should not be less than six, or more than twelve. It was intended that the larger number should be appointed in the event of suitable persons being found to undertake the office. There was to be a President of the Commissioners, who would ordinarily be the Commissioner of Police.* The Commissioners were to be elected for three years, and were to appoint from amongst their own body an Executive Committee, to conduct the general business of the Conservancy, under such rules as might be framed by a General Meeting of the Commissioners.

This was the general plan laid down by the Bill; and he was authorized to say that it had the approval of the Lieutenant Governor. Before leaving this part of the subject, he ought to mention that another plan had been sketched and submitted to Government by the Calcutta Trade Association. He desired to speak with all respect of any proposition proceeding from so intelligent and influential a body; but he thought that, when the papers connected with this Bill were circulated, Honorable Members would agree with him that the scheme proposed by the Association was altogether unsuited to such a community as the inhabitants of Calcutta.

With respect to the second point—the imposition of rates and taxes for general purposes—he had very little to say on the present occasion, because the Bill followed, in that particular, the recommendation which had been made by the Select Committee on the Gas Bill. That Committee had recommended that the means for providing for an improved system of drainage, and for the ordinary wants of the city, should be raised by increasing the house-rate from $6\frac{1}{2}$ to $7\frac{1}{2}$ per Cent., and by imposing a tax upon horses and carriages equal to the amount expended on the repair of the roads. When the Report of that Committee was before the Council, he had endeavoured to show the reasonableness of such a tax, and had

explained the circumstances under which, after having been introduced into Calcutta a few years ago, it had been discontinued. There was, at this moment, a tax of the same kind at Bombay, and in the stations of the Straits Settlement, and it was now proposed to revive it in Calcutta, and to introduce it at Madras.

With respect to the third, the special wants of the town, he had already mentioned by anticipation that a complete system of drainage would be provided for by the increased taxes. He had a few more words to say on that subject, but before he came to it, he wished to explain the provisions which were made by this Bill for the introduction of Gas-lighting.

The Council had already pronounced on the expediency of Gas-lighting by the resolution which it had adopted on the Report of the Select Committee on the Gas Bill. That resolution was to the effect that the Select Committee on the Municipal Bill should, in framing a Bill to supply the place of Act X of 1852, provide for an improved system of lighting. The Council was not at that time prepared to adopt the special recommendation which was made by the Committee on the Gas Bill. That recommendation was, that immediate measures should be taken for the introduction of Gas into all those parts of the town in which it could be advantageously introduced, and that the lanes and alleys which could not be lighted with Gas, should be efficiently lighted with Oil. For these purposes the Committee had proposed that a general rate of $2\frac{1}{2}$ per Cent. should be imposed upon occupiers of houses and lands throughout the town. The sum required for so comprehensive a scheme was, of course, very large; and upon this ground, the scheme had been very strongly objected to in the Council. He himself thought that so large an addition to the general taxation of the town at a time when a considerable increase was about to be imposed for the more urgent want of drainage, was not altogether expedient. He also thought that it was unnecessary that this Council should urge the Municipal Commissioners to extend Gas-lighting farther than they themselves considered it desirable. It was understood that the Municipal Commissioners proposed to introduce Gas in certain selected streets. He thought it would be sufficient to enable them to carry out their plan, and at the same time to authorize them to extend it as they might think advisable. The plan which was proposed in this Bill, and which had the sanc-

tion of the Select Committee, was to authorize the Municipal Commissioners from time to time to light with Gas such streets as they might select, under the sanction of the Lieutenant Governor. When streets were lighted with Gas, a lighting rate of 2 per Cent. might be imposed on the occupiers of houses in those streets; and the Commissioners might expend from the general income of the Municipal Fund such further sum, not exceeding one-half of the net proceeds of the lighting rate, as might be necessary for the efficient lighting of those streets. The estimated expense of lighting with Gas the streets selected by the Commissioners, was Rupees 72,000 per annum. The produce of the occupancy rate of 2 per Cent. would be about Rupees 50,000. The deficit of Rupees 22,000, would have to be supplied by the Commissioners out of the Municipal Funds; and this they would be able to do from their ordinary income, altogether irrespective of the increased taxation which was provided for by other parts of the Bill, and which he regarded as especially appropriated to drainage. The ability of the Commissioners to extend Gas-lighting to other parts of the town would depend upon the possibility of providing a sufficient number of lights from the proceeds of a lighting rate of 2 per Cent. and their being able to supply any deficiency out of their annual income, with reference, of course, to the urgency of other claims upon them. As he had observed already, the money to be supplied in aid of the Lighting Fund would be altogether irrespective of the increased taxation.

The Bill provided that a complete system of sewerage and drainage should be organized and carried out with as little delay as possible, and that an annual sum of not less than a lakh and a half of rupees should be appropriated to that object. The Report of the Committee on the Gas Bill estimated that the proposed increase by $1\frac{1}{2}$ per Cent. of the house-rate, and the tax upon horses and carriages, would yield together at least a lakh and a half per annum. That, therefore, was the sum which it was proposed should be appropriated for sewerage and drainage. If Mr. Clark's estimate was anything near the mark, this would be quite sufficient for the purpose, supposing that the Government would advance the money necessary for the work at 5 per Cent., and that the money would be taken from time to time in such proportions as might be actually required. If Mr. Clark's estimate

Mr. Currie

should prove to be inadequate, some modifications of the propositions now made might be necessary. A Committee appointed by Government was now sitting on Mr. Clark's project. He (Mr. Currie) had not been able to ascertain distinctly what their views were with respect to it; but their report would probably be completed by the time this Bill went before a Select Committee for consideration.

The only other point to which he need advert, was that the Bill contained provisions for extending the scheme of drainage to such parts of the suburbs as might be deemed desirable.

With these observations he begged to move the first reading of the Bill.

The Bill was read a first time.

MUNICIPAL ASSESSMENT (MADRAS).

MR. ELIOTT moved the first reading of a Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Madras." He said, at present, the only assessment for Municipal purposes at Madras was that authorized by the old Statute 33 Geo. III, c. 52, s. 158, for defraying the expenses of cleansing, watching, and repairing the streets. By Act XXII of 1841, this assessment had been declared to be applicable only to the purposes of "lighting and watering and cleansing and repairing the roads and streets, and the drains of the town," the expense of watching being defrayed by the Government. The duty of making and collecting the assessment, and of administering the funds raised thereby, were still performed by the Justices in Sessions; for, although Act XXII of 1841 empowered the local Government to transfer that duty to the rate-payers whenever two-thirds in number and value should apply to the Governor in Council to undertake it, presenting a scheme which should obtain his full approval for the safe and effective execution of the trust, no such application accompanied by such scheme had been submitted during the fifteen years that the Act had been in operation. The ordinary rate of assessment authorized by Statute 33 Geo. III was 5 per Cent.; but it might be increased when any higher rate should, in the judgment of the Governor in Council, become essentially necessary, provided that the maximum should not in any year exceed $7\frac{1}{2}$ per cent. This Bill provided for the transfer of the Municipal powers and duties, heretofore exercised in Madras by the Justices in Sessions, to Commissioners specially appointed for managing the Conservancy of the town, as had been

done in Calcutta by Act XVI of 1847. It had long been in contemplation to make this change in Madras, and, after protracted discussion, the Draft of an Act providing for that object among others was submitted to the Government of India in 1853, and was afterwards transferred to this Council. The rate-payers in Madras having failed to propose to the Government any scheme for taking on themselves the management of the Municipal Funds, and it being deemed unadvisable to try the experiment of popular election there which had failed so signally in Calcutta, the Governor in Council had come to the conclusion that the arrangement which would be most expedient under the actual circumstances, would be the appointment of three Commissioners, one to be an Officer of Government, and the other two to be selected from amongst the community, and paid out of the Municipal Fund. It was intended that the two latter should be Executive Commissioners to carry out measures ordered at the Meetings of the body, and that the Government Commissioner should ordinarily attend only at the Meetings of the Commissioners, at which he would preside. The Bill accordingly followed this plan, which the Honorable Member for Bengal had said was, in his own judgment, the most practical one. The scheme for Calcutta resolved itself into this, that from a body of six or twelve Commissioners appointed by the Government, the Commissioners themselves would nominate three Members who should form an Executive Committee. By the scheme proposed in this Bill, the Local Government would appoint the Executive Committee directly.

With respect to the assessment to be levied, although considerable improvements had been made in the drainage of Madras of late years, they had been accomplished in part by the aid of the Government, who had either taken up a part of the works, or shared the expense. Without this aid, the Municipal Funds would have been quite inadequate for the improvements that had been effected. But there still remained a great deal more to be done for the drainage of the Town; very costly works were necessary for sewerage and for a sufficient supply of wholesome water; and for these purposes more ample funds than were now available would be essentially necessary. The operation of the new Conservancy Act, also, would entail additional expense. The Bill, therefore, gave the local Government power to raise the assessment, when necessary, to the

maximum rate allowed by the Statute 33 Geo. III c. 52—namely, $7\frac{1}{2}$ per cent.—and to impose a tax upon carriages and horses similar to that for which the Bill for Calcutta provided. The imposition of a tax upon carriages and horses in Madras had been long in contemplation. It had been strongly recommended by the Justices in Sessions in 1846, and the Madras Government had ordered its Law Officers to prepare a Bill for effecting that object. A Draft Act had accordingly been prepared, and was submitted to the Government in 1849. The reason why the project had not been proceeded with since that period, did not appear on the face of the papers connected with this Bill; but he believed it was suspended in consequence of the opposition which the carriage and horse tax had met with in Calcutta. It was now proposed to re-impose that tax in Calcutta; there was already a similar tax in force at Bombay and in the Straits; and it seemed to him highly expedient that, at Madras, where the expense of making and repairing the roads formed by far the heaviest burthen on the Municipal Fund, the persons who used those roads should pay the cost of keeping them in order. The total amount of expenditure at Madras for Municipal purposes was Rupees 1,39,000 per annum; out of this sum Rupees 52,000 and odd were expended in the repairs of the roads.

The rules for the imposition and levy of this tax were the same in this Bill as in the Bill for Calcutta. The aid to the Municipal Fund which would be afforded by this new tax would probably prevent the necessity of raising the rate upon houses and lands to $7\frac{1}{2}$ per cent. immediately, and even for some time to come; but certainly, when the projects of conservancy now under consideration should come to be carried out, that measure would be very necessary. This Bill would enable the local Government to adjust the impost to the actual exigency.

Lastly, the Bill provided that, as now, the assessment should be levied in one sum in the year, and not by quarterly collections. This subject had been much discussed: the Justices in Sessions entertained a very strong objection to quarterly collections, and had intimated to the Government of India, in submitting the Draft Act in 1853, that they wished a provision to be introduced into it that the collection should be made annually.

With these observations, he begged to move the first reading of the Bill.

The Bill was read a first time.

MUNICIPAL ASSESSMENT (STRAITS SETTLEMENT).

MR. ALLEN said, it had fallen to him to introduce the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," and the Bill he had the honor to present, had been prepared by him in connection with the other Members of the Select Committee.

The present Municipal Act for the Straits was Act IX of 1848. Three years ago the Supreme Government sent down to the Straits Government for their consideration, and published in the *Gazette*, Draft Acts for amending Act IX of 1848, and for introducing into the Straits, Police and Conservancy Acts. These several Draft Acts followed very nearly the Calcutta Acts on those subjects, namely, Acts X, XII, and XIII of 1852. The Police and Conservancy Bills had, as they had just heard, and he rejoiced to say so, received the assent of the Governor General.

The Assessment Bill remained and he would now state, in as few words as might be, in what respects this Bill differed from Act IX of 1848.

The most important variation was in the constitution of the Municipal Commissioners. Under Act IX of 1848, the Governor appointed five men as a Municipal Committee for each station. Two of these were generally official, and three non-official men. This Bill provided that the three non-official men should be elected by the rate-payers of the station, in a manner very similar to that in which the Municipal Commissioners in Calcutta had been elected under Act X of 1852; and he sincerely hoped that the experiment in the Straits would prove more successful than it had proved here. The residents in the Straits had, he believed, a greater portion of the Saxon element amongst them, and were better able to value representative Municipal institutions. They were not mere birds of passage, but resided longer in the Settlement than Europeans usually did in Calcutta; they had pressed very strongly for a voice in the election of their Commissioners, and he thought it advisable to try the experiment amongst them.

Committees had been appointed at Singapore and Penang to consider the Draft Acts sent down by the Supreme Government, and they had recommended that the number of

Elective Commissioners should be seven, or at least five, instead of three, as the Draft Act proposed. He had not thought it advisable to adopt that recommendation, but had left the constitution of the Commission as it was proposed in the Draft Act. This gives the elected men an absolute majority in the Commission, and he thought that they had no right to complain; whereas, if they were to have five or seven Elective Commissioners, the two Government Commissioners would be completely swamped.

Another alteration made by the Bill in the existing law was, that the Commissioners should hold office for three years instead of one. He thought it was advisable that men should remain in office for some little time, in order to be able to carry out their own plans; and not be subject to annual changes. In this respect, it followed the Bill for Calcutta. The Bill for Madras made the tenure of office even longer.

At the suggestion of the Penang Committee, he had lowered the qualification, and rate-payers who paid Rupees 25 per year would be qualified to vote, and those who paid Rupees 40 per year, would be qualified for election.

The rate which the Bill proposed to levy was larger than the rate proposed for Calcutta and Madras. It was 10 per Cent. upon houses and lands within the town, and 5 per Cent. upon houses and lands beyond the town. At present 10 per Cent. was the maximum rate assessed under Act IX of 1848; and although the Governor had power to reduce the rate, he had never, he believed, done so. The inhabitants of the Straits were relieved of many taxes paid here. They had no Customs Duties, for instance, and therefore he did not think that 10 per Cent. would press heavily on them.

A tax on carriages and horses already existed in the Straits, and was continued by this Bill, except that the tax for payment was fixed in Rupees instead of Dollars.

The Committees who had sat in Singapore and Penang had asked that the Municipal Commissioners should be made more independent of Government than they now were. That suggestion had been adopted in this Bill and the Conservancy Act to a certain extent.

They had also asked that the Commissioners should have the appointment of Police Officers, and the general distribution of the Police; but he thought that this was a part of the duties of the Executive Government, and that it would not be advisable to transfer it to the Municipal Commissioners.

With these observations, he begged to move the first reading of the Bill.

The Bill was read a first time.

PORT-DUES AND FEES.

MR. ELLIOTT moved the second reading of the Bill "to authorize the levy of Port-dues and Fees at the present rates for a further period of twelve months."

The motion was carried, and the Bill read a second time.

MR. ELLIOTT moved that the Bill be referred to a Select Committee consisting of Mr. Allen, Mr. Currie, and the Mover.

Agreed to.

MR. ELLIOTT moved that the 69th Standing Order (under which the Report of the Select Committee could not be presented before the expiration of twelve weeks from the date of the first publication of the Bill) be suspended, and that the Committee be instructed to report upon the Bill at the expiration of four weeks from the date of publication.

MR. GRANT seconded the motion, which was then carried.

TOLLS ON THE KURRATIYA RIVER (BENGAL).

MR. CURRIE moved the second reading of the Bill "for establishing a toll on boats and timber passing through the Kurratiya River in the district of Bogra."

The motion was carried, and the Bill read a second time.

MR. CURRIE moved that the Bill be referred to a Select Committee consisting of Mr. Elliott, Mr. Allen, and the Mover.

Agreed to.

NOTICES OF MOTIONS.

MR. PEACOCK gave notice that, on Saturday next, he would move the second reading of the Bill "to amend the law relating to affidavits, affirmations, and solemn declarations."

MR. ELLIOTT gave notice of motion, for the same day, for the second reading of the Municipal Bills which had been read a first time to-day.

It was desirable that they should be brought into operation at the same time with the Police and Conservancy Bills; and, therefore, as much time should be saved as was possible in taking them through the remaining stages. They were

in type, and would be in the hands of Honorable Members on Monday.

The Council adjourned.

Saturday, June 21, 1856.

PRESENT :

The Honorable J. A. Dorin, *Vice President*, in the Chair.

His Excellency the Com- mander-in-Chief,	D. Elliott, Esq., C. Allen, Esq.
Hon. J. P. Grant,	E. Currie, Esq., and
Hon. B. Peacock,	Hon. Sir A. W. Buller.

CLOSING OF HOTELS, &c., ON SUNDAY IN CALCUTTA.

THE CLERK presented a Petition of Inhabitants of Calcutta, praying for the enactment of a law prohibiting the opening of all Hotels, Taverns, or Liquor Shops, for the sale of any intoxicating Liquor, on Sunday in Calcutta.

MR. CURRIE moved that the Petition be printed.

Agreed to.

PREVENTION OF FIRES (CALCUTTA).

MR. PEACOCK presented the Report of the Select Committee on the Bill "for the better regulation of buildings, and for the more effectually preventing accidents by fire, within the Town of Calcutta."

AFFIDAVITS, AFFIRMATIONS, AND SOLEMN DECLARATIONS.

MR. PEACOCK moved that the Bill "to improve the law relating to affidavits, affirmations, and solemn declarations" be now read a second time.

The motion was agreed to; and the Bill read a second time.

MUNICIPAL ASSESSMENT.

MR. ELLIOTT moved the second reading of the Bill "to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

In making this motion, the Honorable Member said he would venture to suggest that, if any objections had occurred to Honorable Members with respect to particular provisions in this or the connected