

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

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Authorities on the subject, and the reply was that they had no alternative: the man had incurred the penalty of transportation, and they could only transport him to Bombay.

The motion was agreed to.

NATIVE PASSENGER VESSELS.

MR. ELIOTT moved that the Bill "to prevent the over-crowding of vessels carrying Native passengers in the Bay of Bengal" be referred to a Select Committee consisting of Mr. Allen, Mr. LeGeyt, and the Mover.

Agreed to.

NOTICES OF MOTIONS.

MR. LEGEYT gave notice that, on Saturday next, he would move the second reading of the Bill to amend Act II of 1852 (relating to the Land Customs of Bombay).

Also the first reading of a Bill to levy a tax upon Tobacco imported into Bombay.

The Council adjourned.

Saturday, August 9, 1856.

PRESENT :

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

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

HINDOO POLYGAMY.

THE CLERK presented a Petition from Rajahs Jogendrochunder Roy and Poornochunder Roy and other Inhabitants of Soorapoolie, praying for the abolition of Hindoo Polygamy.

Also a Petition from certain Pundits and others, Inhabitants of the same place, with the same prayer.

Also a Petition from Coolin Brahmins, heads of families in Calcutta, with the following prayer:—

"That your Honorable Council may pass an enactment declaring that the ancient prevailing Law of this Land is that of Monogamy, and tolerating second marriages only in those few exceptional cases that would interfere with the grand object of the Marriage Institution as conceived of by the Hindoos, which is to obtain a son for the discharge of peculiar duties which he alone can rightly perform."

A second Petition from Coolin Brahmins, with the same prayer, was presented.

Also a Petition from landholders and others of Rungpore, with the same prayer.

Also a Petition from Inhabitants of Hooghly, with the same prayer.

MARRIAGE OF HINDOO WIDOWS.

Also seven Petitions from Inhabitants of Surat, addressed to the Government of Bombay and forwarded to the Clerk, praying that the Bill "to remove all legal obstacles to the marriage of Hindoo widows" might not be passed.

MR. GRANT moved that the Petitions for the abolition of Hindoo Polygamy be printed. He should make no motion with reference to the others, as they related to a measure which had already been passed.

The Honorable Member's motion was agreed to.

POLICE CHOWKEYDARS (BENGAL).

THE CLERK also presented a Petition from zemindars, landholders, and others, Inhabitants of Bengal, praying for the republication of the Bill "to amend the law relating to the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars, in the Presidency of Fort William in Bengal."

MR. CURRIE said, as the Bill stood for committal to-day, he should move that the Petition be read.

Agreed to.

THE CLERK read the Petition, which was as follows:—

To the Honorable the Legislative Council of India.

The humble petition of the undersigned Zemindars, Landholders, and other native inhabitants of Bengal.

SHEWETH,—That your memorialists have seen in the report of the weekly meeting of the Council published in the *Englishman* of the 4th instant, that, upon the motion of the Honorable Member for Bengal, the Council postponed going into Committee on the Bill "to amend the law relative to the appointment and maintenance of Police Chowkeydars in cities, towns, stations, suburbs, and bazars, in the Presidency of Fort William in Bengal," in consequence of the Bill, which has undergone considerable alterations in the Select Committee, having been sent to the Lieutenant Governor with a view to ascertain whether His Honor had any suggestions to make in respect to the alterations so made in the Bill.

Your memorialists, taking all circumstances into consideration, consider the postponement highly desirable, and beg most respectfully to observe that the reason which induced the Council to put off the commitment of the Bill until the opinion of the Lieutenant Governor

on the subject was obtained, may with greater force be applied in favor of those who will be directly affected by the Bill, which imposes a new tax upon them.

Your memorialists, therefore, humbly solicit that the Bill, with all its alterations, be re-published for general information, in order to enable your memorialists to offer any suggestions which they may deem proper to make in respect to the alterations in question.

MR. CURRIE said, he should have no objection to re-publish the Bill after it had passed through a Committee of the whole Council. Very numerous suggestions had been made by the Lieutenant Governor of Bengal and the Lieutenant Governor of the North Western Provinces respecting the provisions of the Bill as already published, and it had therefore appeared advisable to him and to his Honorable friend on the right (Mr. Allen) that those authorities should have an opportunity of seeing the Bill before it was carried through a Committee of the whole Council. But there was not at all the same reason for the general re-publication before its committal. In fact, he thought that it would be much better if it should be committed in the first instance, and re-published afterwards.

PORT-DUES AND FEES.

MR. ELIOTT presented the Report of the Select Committee on the Bill "to authorize the levy of Port-dues and fees at the present rates for a further period of twelve months."

In doing so, he moved that the necessary Standing Orders be suspended, in order that the Bill might be committed and read a third time to-day, as the period for which the provision sanctioning the Port-dues now existing, would expire before the next Meeting of the Council.

The motion was seconded by Sir James Colville, and carried.

DUTIES ON TOBACCO (BOMBAY).

MR. LEGEYT moved the first reading of a Bill "to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay." The Bill, he said, had for its object the amendment of the law prescribing the duties payable on Tobacco, and the retail sale and warehousing of that commodity in the Presidency Town of Bombay.

From time immemorial—at least the practice was supposed to have been handed down to the English by the Portuguese Government, when the Island was ceded—

a special tax had been levied on the importation of Tobacco into Bombay; and from that period until 1851, it had been the custom to farm the levy of that tax. Six or seven years ago, considerable difficulty was experienced by the authorities in consequence of petitions which were presented to them, complaining that a system of oppression was practised on the people by the farmer, and it was determined that the lease should not be renewed. Accordingly, since the beginning of 1851, the collection of the tax had been entrusted to the Collector of Customs. The rules for collecting the tax were to be found in Regulation XXI of 1827 of the Bombay Code, Chapters 5, 6, 7, and 8, and Act XXIV of 1850. The Collector of Customs, about the time that the collection of the tax came into his hands, reported that the rules did not work well, and submitted new rules in the form of a Draft Bill, which he recommended the Bombay Government to take measures to have passed into Law. Some Honorable Members of the Council might remember that the Draft Bill was submitted to the Government of India in the Legislative Department, and read a first time in Council, and published for general information in January 1852. Since that time until the 8th of June 1853, nothing appeared to have been done in the matter. On the 8th of June 1853, the Bombay Government submitted to the Supreme Government a proposal to abolish all special import and export duties on Tobacco. This was done at the instance of the then Collector of Customs at Bombay. While that proposal was under the consideration of the Supreme Government, a further communication was received from the Bombay Government, forwarding a representation from the Municipality of that Presidency, in which it was urged that the special tax on the importation of Tobacco was really and truly a municipal tax, and ought to be made over for municipal purposes. The Bombay Government was disposed to listen to this representation with favor, and forwarded an opinion to that effect to the Supreme Government. In the early part of last year, the Supreme Government stated, in reply, that the tax was a long-established one, and that it had not been objected to, by any practical argument, by the tax-payers themselves, but by Officers of Government who were appointed to collect it, upon what they (the Government) considered purely theoretical reasons. At the same time,

however, they said that the tax might be made over to the Municipality, on the condition that the amount then contributed by that body towards the maintenance of the Presidency Police—namely, Rs. 53,000 per annum—should be increased to a moiety of the cost of that Force, which would amount to Rs. 1,07,000 per annum. The Supreme Government also recommended the Bombay Government to take measures to get the Draft Bill read in 1852 passed into Law; and he now had the honor to present this Bill, and move the first reading. It was almost identical with that Draft, with a few and unimportant alterations.

MR. GRANT seconded the Honorable Member's motion, which was then agreed to.

The Bill was read a first time accordingly.

CRIMINAL JURISDICTION OF MOONSIFFS AND TUHSEELDARS (N. W. PROVINCES).

MR. ALLEN moved the first reading of a Bill "for conferring Criminal jurisdiction on Moonsiffs and Tuhseeldars in the North-Western Provinces." He said, it had long been felt in the Presidency of Bengal that there was not a sufficient number of subordinate Criminal Courts to try petty offences near the spot at which they were committed. On account of this defect of the law, which existed only in the Bengal Presidency, or, at any rate, did not exist to the same extent in the Presidencies of Madras and Bombay, it had, from the very commencement of our jurisdiction, been the custom for the Zemindars of Bengal to hold cutcherries of their own, and decide trifling Criminal and Civil suits. There was no warrant of law for this custom; but still, the custom had prevailed, and had probably, in some measure, remedied the evil. In 1843, an Act was passed which enabled the Government to appoint Deputy Magistrates who might have the ordinary powers of Assistant Magistrates, or the special powers of Assistant Magistrates, or the full powers of Magistrates. The ordinary powers of Assistant Magistrates authorized a fine to the extent of Rs. 50 for common offences, and imprisonment for a period not exceeding one month for small thefts. The special powers authorized imprisonment for a period not exceeding six months. And the full powers of a Magistrate authorized imprisonment for a term of two or three years, for particular offences. The Law of 1843 did not remedy the evil, because, unless Deputy Magistrates were vested with the

Mr. LeGeyt

full powers of Magistrates, they could take cognizance of no cases on the spot, but must refer the cases to the Magistrate, who would refer it back to them. The evil was a little more remedied by Act X of 1854, which enabled the Government to authorize any Assistant or Deputy Magistrate to take cognizance of cases, if they pleased, without a reference from the Magistrate, in the same way that they could upon such reference. In this manner, the evil had been remedied to a certain extent. But the Lieutenant Governor of the North-Western Provinces wished to be allowed to confer the ordinary powers of Assistant Magistrates upon all Tuhseeldars and on Moonsiffs, where necessary. He did not like to take advantage of the Act of 1843, for two reasons. He wished to keep the title of "Deputy Magistrate" as one of some consideration, and not to make it apply to those Officers who had only the ordinary powers of Assistant Magistrates, as well as those who had the full powers of Magistrates. He would prefer that, when only the ordinary powers of Assistant Magistrates were conferred upon Tuhseeldars or Moonsiffs, those Officers should not be called Deputy Magistrates, but by some inferior title. Another reason why he wished for a new Act on the subject was, that, by Act XV of 1843, the Government could not recall the powers which it had once given, except upon a formal enquiry. It was often found that a Tuhseeldar or Moonsiff was a perfectly capable Officer and a man of integrity, but, at the same time, that he had not exercised the powers of a Magistrate to the satisfaction of the people, or of the Magistrate. The Lieutenant Governor of the North-Western Provinces would, therefore, be glad to be enabled to confer and recall the ordinary powers of Assistant Magistrates as it might seem expedient to him, without throwing, as a formal enquiry must do, a disgrace on the Officer, who might very probably be still retained in his office of Tuhseeldar or Moonsiff.

The Bill did not extend to the Lower Provinces of Bengal, because the Government of Bengal had in contemplation a plan of their own for remedying the evil which had been felt to exist here as well as in the North-Western Provinces.

The Bill was read a first time.

LAND CUSTOMS (BOMBAY).

On the Order of the Day being read for the second reading of the Bill to amend Act II of 1852—

MR. LEGEYT said, he must ask the indulgence of the Council to withdraw the motion. He had thought that the Bill stood for second reading; but he now found that, before he had left for Bombay, he had, with the leave of the Council, withdrawn the former Bill brought in by him, and that he had given notice of his intention to introduce, at the following Meeting, a new Bill on the subject, the first reading of which he had also been obliged to postpone before his departure from Calcutta. He, however, now begged leave to give notice that he would, on Saturday next, move the first reading of a Bill on the subject.

OATHS OF OFFICE BY REGISTERS OF DEEDS.

MR. ALLEN moved the second reading of the Bill "concerning the taking of Oaths of Office by Registers of Deeds."

MR. PEACOCK said, it was not his intention to oppose the second reading of this Bill, but he desired to make a few observations upon it. Unless some additional security were obtained from the administering of prospective oaths of office, he thought it much better that such oaths should be abolished. He had never known an instance in which a man had been indicted for perjury for violating a prospective oath of office. If a functionary neglected the duties of his office, he was liable to be dismissed or punished. If he accepted fees to which he was not entitled, he was liable to punishment for bribery or extortion. He (Mr. Peacock) did not believe that any functionary had ever been held responsible for breaking his oath of office, and he would have been much better pleased if a Bill had been introduced for the abolition of oaths of office altogether. As this Bill, however, had for its object the administering of oaths of office to a particular class of functionaries in a more convenient form than that which existed at present, he would not object to it, because he thought that, while the administration of oaths of office was still the general rule, it ought not to be disallowed in this particular case.

He might mention that, if the Bill were to be passed, it would be necessary to amend it. Regulation XXXVI of 1793 authorized the appointment of Registers of Deeds for Zillahs; and Act XXX of 1838 authorized the appointment of such officers at any Stations which the Government might think fit. There were Stations, besides

Zillah Stations, at which the Government thought it expedient that Registers of Deeds should be located; and, therefore, if this Bill were to be passed, he thought that it should be made to include such Stations.

SIR JAMES COLVILE said, he entirely concurred with the Honorable and learned Member who had just spoken in his views regarding oaths of office. He could not, in reference to this subject, but remark on the very singular inconsistency in that plan for the reform of the Courts and Legal Procedure of this country, which was now before the public, namely, that, while the learned Commissioners proposed to abolish what he was old-fashioned enough to think useful, namely, an oath or solemn affirmation by a witness, they proposed to retain an oath or declaration, he forgot which it was, of office.

He agreed, however, in thinking that the abolition of oaths of office should be by one general measure, and that there was no reason for opposing a Bill, the effect of which would only be to make the taking of such oaths by officers of a particular class less onerous while the system was retained.

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

EXECUTION OF CRIMINAL PROCESS.

MR. CURRIE moved the third reading of the Bill "to provide for the execution of Criminal process in places out of the jurisdiction of the authority issuing the same."

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

REVENUE OF CALCUTTA.

MR. ELIOTT moved that the Council resolve itself into a Committee on the Bill "relating to the administration of the Public Revenues in the Town of Calcutta," and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee without amendment.

The Council resumed its sitting.

PORT-DUES AND FEES.

MR. ELIOTT moved that the Council resolve itself into a Committee on the Bill "to authorize the levy of Port-dues and fees at the present rates for a further period of twelve months."

Agreed to.

The Bill passed through Committee without amendment.

The Council resumed its sitting.

POLICE CHOWKEYDARS (BENGAL).

MR. CURRIE moved that the Council resolve itself into a Committee upon the Bill "to amend the law relating to the appointment and maintenance of Police Chowkeydars, in Cities, Towns, Stations, Suburbs, and Bazaars, in the Presidency of Fort William in Bengal"; and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended that it should be passed.

Agreed to.

Section I was passed as it stood.

Section II was passed after a verbal amendment moved by Mr. Peacock.

Sections III to IX were passed as they stood.

Sections X and XI were passed after verbal amendments moved by Mr. Currie and Mr. Elliott.

Sections XII to XVII were passed as they stood.

Section XVIII was passed after a verbal amendment moved by Mr. Currie.

Section XIX provided that every assessment or rate under the Act should stand good for one year, and until a new one should be made; and that every revised assessment or rate should be deemed a new one.

After a verbal amendment, MR. CURRIE said that the the Bill, as it stood, merely provided that the Panchayet should, once in every year, *if directed so to do by the Magistrate*, prepare an assessment, or revise the assessment then in force. It might, therefore, be possible that the same assessment might go on for several years. It had been suggested to him that in such case the assessment ought to be published annually, and he accordingly moved that the following Proviso be added to the Section:—

"Provided always, that, if no new assessment or rate is made within the first three months of any year, the list of the previous year shall be re-published according to the provisions of Section XVIII, and shall thereupon be deemed to be the assessment or rate for the current year, and shall be open to appeal under the next succeeding Section."

The Proviso was agreed to, and the Section then passed.

Section XX was passed as it stood.

Section XXI provided that the Commissioner of Circuit might direct the Magistrate to revise an assessment or rate.

MR. PEACOCK said, he thought that the consent of the Local Government should be necessary to enable the Commissioner of Circuit to exercise this power.

The Lieutenant Governor of the North-Western Provinces, referring to this provision, which stood as Section XIV in the original Bill, said—

"On Section XIV, the Lieutenant Governor concurs with the Magistrate of Mirzapore, that it will be the better course to maintain the rule of the present Law (Clause 3 Section VI. Regulation III of 1821), by which the order of Government is necessary to require a Magistrate to enter on a general revision of an assessment which has been approved by him, on the ground of its being considered too high, or otherwise essentially wrong or defective. The authority of a Magistrate, in regard to a general and important measure of this kind, should not be lightly shaken. 'In this matter,' as Mr. Roberts says, 'the Commissioner may not be always right, and the Magistrate should have a chance of being heard before his measures are condemned as defective.'"

It appeared to him (Mr. Peacock) that there was considerable force in these observations, and he thought that the Commissioner of Circuit should not have the power to direct a Magistrate to revise an assessment or rate without the consent of the local Government.

MR. CURRIE said, he did not object to the proposed amendment being introduced. The question, however, had been considered by the Select Committee, though this was not mentioned in their Report, and they were of opinion that the power should rather be left absolutely to the Commissioner of Circuit as the Chief Officer of the Division; and that his discretion might safely be trusted in a matter of this kind.

MR. ALLEN observed that Section LIX specifically made all the proceedings of the Commissioner of Circuit subject to the control of the local Government.

MR. PEACOCK moved that the words "with the consent of the local Government" be inserted after the words "the Commissioner of Circuit" in the first line of the Section.

SIR JAMES COLVILE said, he had not a strong opinion on the subject; but it appeared to him, from the explanation just given by the Honorable Member for the North-Western Provinces, that the local Government would have a check upon any improper exercise of this power by the Commissioner of Circuit, and it would probably be incon-

venient if the Commissioner, who might be at a considerable distance from the seat of the local Government, should not be able to direct the revision of an assessment without a reference to the local Government.

MR. ELIOTT said, he did not see any necessity for the amendment proposed.

MR. CURRIE said, in stating that he would not object to the amendment, he merely meant to express his willingness to accede to whatever might be the general wish of Honorable Members in the matter. But if the sense of the Council was to be taken by a division on the amendment, he should vote against it.

MR. PEACOCK said, he did not think that there would be any great inconvenience. The Commissioner would write to the local Government for its consent, and the Magistrate would have an opportunity of being heard before his measures were condemned. As the Section stood, it, to some extent, got rid of the authority of the Magistrate without giving him an opportunity of being heard at all in support of his measure.

With regard to the observation made by the Honorable Member for Bengal, it was true that the Honorable Member for Madras had said he did not think the amendment was necessary; but as he had offered no reason in support of that view, he (Mr. Peacock) did not see why the Honorable Member for Bengal should have altered his opinion as to the expediency of adopting the amendment.

The question having been put, the Council divided :—

Ayes.	Noes.
Sir Arthur Butler.	Mr. Currie.
Mr. LeGeyt.	Mr. Allen.
Mr. Peacock.	Mr. Elliott.
The Commander-in-Chief	Mr. Grant.
The Chairman.	Sir James Colville.

The numbers being equal, the Chairman gave his casting vote in support of the motion.

Sections XXII and XXIII were passed as they stood.

Section XXIV was passed after a verbal amendment moved by Mr. Currie.

Sections XXV to XXX were passed as they stood.

Section XXXI provided that a Magistrate might appoint a Sudder Panchayet in cities and large towns "containing three or more divisions or districts."

MR. PEACOCK asked if it was necessary to retain these last words. Supposing that a city or large town contained two dis-

tricts, and that it was not expedient to increase the number of the districts to three: it might be inconvenient if the Magistrate should not have the power of appointing a Sudder Panchayet in such city or town if he thought fit. The Lieutenant-Governor of the North-Western Provinces said—

"Attention is requested to the suggestion of the Commissioner of Benares, and of the Magistrate of Agra and Mirzapore, for legalizing the usage, now adopted very generally in large cities, of constituting a Sudder Panchayet for the whole city, to which appeals against the assessments of the Mohulla Panchayets should, in the first instance, be made. A Clause might be inserted in the Bill authorizing the Magistrate, in cities in which he may receive sanction for the purpose from the Government, to constitute a Sudder Panchayet, the number of which might be left to his discretion, on the condition that no number less than five should be a quorum."

MR. CURRIE said, he thought that this was hardly a matter for reference to the local Government. He thought it preferable that the Act should indicate, as it did, what should be done, and leave the Magistrate to do it.

With respect to the number of districts for which a Sudder Panchayet should be appointed, he thought that three was the smallest number for which the appointment of such a body could possibly be thought advisable. At present, in the city of Dacca, there were upwards of 50 Mohullah Panchayets. In Bareilly, previous to a late reform of the Chowkeydaree system, the number was very large, and, even under the reformed system, the number, he believed, speaking without book, was not less than 12 or 15.

MR. PEACOCK said he would make no motion on the subject.

The Section was then passed as it stood.

Sections XXXII to XL were passed as they stood.

Section XLI provided that the Tax Darogah should prepare all summonses and processes to be issued against defaulters, and should make the usual returns thereto; and should keep a regular account of all distresses levied and sales made by him for the realization of arrears; and should also perform any other duty connected with the purposes of this Act that the Magistrate might direct.

MR. CURRIE said, the last Clause of the Section, he thought, ought to be omitted. Section XXXVII provided that "the Tax Darogahs, appointed under this Act, shall be employed exclusively in the duties hereinafter described." This hardly tallied

with the provision in the present Section, that they should "also perform any other duty connected with the purposes of this Act that the Magistrate directs;" nor, indeed, would there be any duties for the Tax Darogah to perform other than those specified. He should therefore move that the last clause of this Section be omitted.

MR. ALLEN said, he would rather that it should be retained. Section XXXIV specifically said that the Tax-Darogahs were to be appointed "for preparing or assisting the Panchayet in preparing the assessment or rate, for copying the same, for collecting the tax, for keeping the accounts and records, and otherwise carrying out the purposes of this Act." These duties would come under the clause of Section XLI, which the Honorable Member desired to omit. Section XXXVII said that the Tax-Darogahs "shall be employed exclusively in the duties hereinafter described." If the last clause of Section XLI were left out, how would the duties specified in Section XXXIV, which went before Section XXXVII, be included in Section XLI?

SIR JAMES COLVILLE observed that the fault lay in Section XXXVII.

MR. PEACOCK said, by Section XXXIV, Tax-Darogahs might be appointed—first "for preparing or assisting the Panchayet in preparing the assessment or rate." The manner in which they should perform that duty was prescribed in Section XXXVIII. They were also to be appointed "for collecting the tax." The manner in which they should perform that duty was prescribed in Section XXXIX. And they were to "keep the accounts and records." The manner in which that duty should be performed was prescribed in the early part of Section XLI. The provision in that Section, therefore, that they "shall also perform any other duty connected with the purposes of this Act that the Magistrate directs," must mean any duty not specified in the Act. But it appeared to him that the Council ought not to give a Magistrate a general power to authorize a Tax-collector to perform any duty connected with the Act. If he could exercise such a power, he might delegate even his own duties and authorize a Tax-collector to sit in appeal upon an assessment made by a Panchayet.

SIR ARTHUR BULLER said, he quite concurred with the Honorable and learned Member who had just spoken. There might be many duties connected with the purposes

of this Act which the Magistrate ought himself to discharge.

MR. CURRIE'S motion was then put and carried, and the Section, as amended, passed.

Sections XLII to XLV were passed as they stood.

Section XLVI provided that any Tax-Darogah or other servant appointed under this Act, and any Chowkeydar or Officer of Police, who should purchase any property at any sale held under the Act, should be liable to a penalty not exceeding 50 Rupees.

MR. CURRIE said, in consequence of a suggestion made to him by his Honorable and learned friend (Mr. Peacock), he should move that the following words be added to the Section:—

"and the property shall be confiscated and sold, and the proceeds applied to the purposes of this Act,"

MR. ALLEN said, the object was to prevent officers appointed under this Act, from making a collusive purchase, to the injury of the defaulting tax-payer. But if the property collusively purchased were to be re-sold, and the proceeds of the re-sale were to be applied to the purposes of the Act, the injury done to the defaulting tax-payer would be left unremedied.

MR. PEACOCK said, he had suggested to the Honorable Mover of the Bill that the property should be made liable to confiscation, because it appeared to him that a fine of 50 Rupees would be no great punishment to a man who might have collusively purchased for a nominal sum property worth 100 Rupees. But he did not wish that the words which would make the proceeds of a re-sale applicable to the purposes of this Act, should be retained in the motion. He thought it would be better to omit those words; and then, if a defaulting tax-payer should sustain loss from a collusive purchase by an Officer appointed under the Act, he might petition the Government to make good his loss out of the confiscated property.

MR. CURRIE amended his motion by omitting the words "and the proceeds applied to the purposes of this Act."

The motion was then agreed to, and the Section passed.

Sections XLVII and XLVIII were passed as they stood.

Section XLIX provided that any person who should obstruct or molest a Tax-Darogah or any of his establishment in the performance of his duties, or should fraudulently conceal, remove, or dispose of any of his property

for the purpose of avoiding a distress under the provisions of this Act, should be liable to a penalty not exceeding 50 Rupees.

MR. PEACOCK moved that the words, "or shall knowingly assist any other person in so doing," be inserted after the word "Act" in the 9th line of the Section.

The motion was carried, and the Section then passed.

Section L was passed as it stood.

Section LI provided that "the Chowkeydars, Jemadars, and Inspectors appointed under the Act, should perform all the duties, and be subject to all the liabilities, of Police Officers as prescribed in the Regulations of the Bengal Code, or the Acts of the Government of India."

MR. CURRIE said, it had been suggested to him by the Honorable and learned Member to his right (Mr. Peacock), that the provision, as worded, was too wide, and might include special powers given to Police Officers in Calcutta, for instance, which was not intended. He should, therefore, move that the word "General" be inserted before the word "Regulations."

Agreed to.

MR. CURRIE moved that the words "for the time being in force" be inserted after the words "Government of India."

Agreed to.

The Section was then passed.

Sections LII to LIV were passed as they stood.

Section LV provided that, "on the 15th day of each month, the Chowkeydars, &c., shall be mustered at the Thannah to which they are attached," in order to receive their wages for the preceding month.

MR. PEACOCK said, this Section might give rise to some difficulty. In the first place, the 15th day of a month might be a holiday. In the next, if all the Chowkeydars, Jemadars, and Inspectors of a city or town were to be mustered at their respective Thannahs on the same day, it would be a thieves' holiday in the city or town from which they were withdrawn: the thieves would be free to exercise their vocation that day without check or hindrance. He should, therefore, move that the words "or on such other day not later than the 15th day of the month as the Magistrate may appoint" be inserted after the words "15th day of each month" in the Section.

Agreed to.

MR. PEACOCK next moved that the words "be mustered" be left out, and the word "attend" be substituted for them.

MR. ALLEN asked, if "mustered" implied personal attendance. He thought that it only meant that every man should be accounted for, but not that he should be bound to appear in person. The word "attend" would mean nothing less than personal attendance. A Chowkeydar might be engaged on duty, or he might be on the sick-list on the day appointed by the Magistrate. He therefore thought that the word "mustered" should be retained in preference to the word "attend."

MR. PEACOCK said, if the meaning of the term "mustered" was what the Honorable Member believed it to be, he should, with the leave of the Council, withdraw his motion. All he wished was, that the Section should not make it necessary for all the Police Officers of a city or town to be brought together at the same time at the thannahs to which they were attached.

The motion was withdrawn, and the Section then passed.

Section LVI rendered a Chowkeydar, convicted of neglect of duty or misconduct, or of connivance at the commission of any heinous offence, liable to a fine to an extent not exceeding one month's wages, or to suspension or dismissal from his situation, or to imprisonment for any period not exceeding six months.

MR. PEACOCK moved that the words "or of connivance at the commission of any heinous offence" be left out, as that offence could not be placed on the same footing as the other offences to which the Section applied. The punishment provided for the other offences was insufficient for the punishment of Chowkeydars who connived at the commission of a heinous offence. Such connivance was now punishable by the general law, and it would be punishable under the Penal Code.

The motion was agreed to.

MR. PEACOCK then proposed to move that the words relating to fine should be left out. He thought it objectionable to impose fines upon servants of this class. They were employed upon the lowest possible salaries, and if their salaries were taken away from them by means of fines, they had no resource left but to become thieves. He would refer the Council to some remarks which had been made by the Honorable Court of Directors with regard to punishing this class of servants with fine. [Mr. Peacock here read from a Despatch a passage in which the Court of Directors, referring to the supervisions of the Police Force, said that the pay

of the subordinate native servants of the Government was, from a necessary regard to economy, fixed at the lowest scale at which the services could be fairly obtained, and that to impose fines upon them was to deprive them of their legitimate means of subsistence, and to drive them to irregular courses for a livelihood.] He (Mr. Peacock) would rather limit the punishment under this Section to imprisonment, suspension, or dismissal.

MR. LEGEYT said, he quite concurred with the Honorable and learned Member opposite (Mr. Peacock.) He had seen the evil effects of fining persons of this class illustrated by very striking cases. A few years ago, the Sudder Court at Bombay found it necessary to issue peremptory orders restricting fines on this class of public servants to a very small portion of their pay, and requiring special returns to be made monthly to the Court, showing the amount in each case.

MR. CURRIE said, the effect of suspending a Chowkeydar for one month would be the same as fining him one month's wages. There was a precisely similar provision in the Calcutta Act; and for trifling offences fine was, practically, the only punishment possible.

MR. LEGEYT remarked that Chowkeydars in Calcutta received a salary of 6 Rs. per month, whereas Chowkeydars in the Mofussil received a salary of only 4 Rupees per month.

MR. CURRIE replied that 6 Rupees per month in Calcutta was not a higher pay than 4 Rupees per month in the Mofussil.

MR. ALLEN said, he would much rather keep the words "one month's wages" in the Section. A native could live in the Mofussil on one Rupee a month. If a Chowkeydar could not be fined for minor offences, his minor offences must go unpunished, because to send him to gaol would be to disgrace him in the eyes of his comrades, and also to throw him amongst bad characters. Besides, if he were sent to gaol, say for 7 or 14 days, it would be necessary to supply his place, but what kind of a Chowkeydar would the Police Authorities get for 7 or 14 days?

MR. PEACOCK moved that the words "quarter of a" be inserted after the "one," and before the words "month's wages" in the 7th line of the Section.

MR. CURRIE said, the maximum fine should not be less than half a month's wages,

Mr. Peacock

and moved as an amendment that the word "one" after the word "exceeding" be left out, and that the words "half a" be substituted for it.

MR. PEACOCK'S motion was negatived.

MR. CURRIE'S motion was then put and carried.

MR. PEACOCK proposed to add to the Section a Clause providing that, if a policeman should be convicted under it a second or third time, he should be dismissed.

MR. GRANT suggested that it would be better to leave that to the discretion of the Magistrate, who would doubtless dismiss him.

MR. PEACOCK assented to this, and the Section was then passed.

Sections LVII to LIX were carried as they stood.

Section LX was the interpretation Section of the Act.

MR. CURRIE moved that the following Clause be introduced after the interpretation of the word "house" :—

"The word 'Bazaar' shall mean any place of trade where there is a collection of shops or warehouses."

He proposed this because he understood the proper and strict meaning of the word Bazaar to be a daily market, which was not the sense in which it was used in the Bill.

After some conversation the motion was agreed to, and the Section, after a verbal amendment in a subsequent Clause, passed.

Appendixes A, B, C, and D, were passed as they stood.

Appendix E was a table of fees to be taken as costs for proceedings under this Act.

MR. CURRIE said, he had a revised table to submit. The table now given in the Appendix had been taken from Act X of 1852, the Calcutta Assessment Act. In the new Assessment Bill, the Select Committee had altered that table, and he now proposed that a table corresponding with that introduced into the Assessment Bill should be adopted in this. The amounts were fixed according to a regularly graduated scale, and were somewhat lower than those prescribed by Act X of 1852. He should, therefore, move that all the words and figures of the Appendix be left out, and the revised table which he proposed be substituted for them.

Agreed to.

The Preamble was passed after a transposition of words.

The Title was passed as it stood.

The Council having resumed its sitting, the three Bills settled in Committee were reported.

PORT-DUES AND FEES.

MR. ELIOTT moved the third 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 third time.

MR. GRANT was requested to carry the Bill to the Right Honorable the Governor General for his assent.

OATHS OF OFFICE BY REGISTERS OF DEEDS.

MR. ALLEN moved that the Bill "concerning the taking of Oaths of Office by Registers of Deeds" be referred to a Select Committee consisting of Mr. LeGeyt, Mr. Currie, and the Mover.

Agreed to.

POLICE CHOWKEYDARS (BENGAL PRESIDENCY).

MR. CURRIE moved, under Standing Orders Nos. LXXXIV and LXXXV, that the Bill "to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars, in the Presidency of Fort William in Bengal," as settled in Committee of the whole Council, be printed and re-published for general information.

Agreed to.

MOFUSSIL MUNICIPAL LAW.

MR. LeGEYT moved that a communication which he had received from the Government of Bombay, on the subject of widening streets, be laid on the table and referred to the Select Committee on the projects of Mofussil Municipal Law.

Agreed to.

ABKAREE REVENUE (BENGAL PRESIDENCY).

MR. CURRIE moved that a communication which he had received from the Government of Bengal, relating to the Bill "to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal," be laid on the table, and referred to the Select Committee on the Bill.

Agreed to.

TRIALS FOR RAPE (BENGAL PRESIDENCY).

* Also that a communication which he had received from the Government of Bengal on the subject of the Bill "to enable Session Judges to pass sentence in trials for Rape," be laid on the table, and referred to the Select Committee on the Bill.

Agreed to.

MUNICIPAL ASSESSMENT (CALCUTTA).

Also that a communication which he had received from the Government of Bengal relative to the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta," and 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," be laid upon the table and referred to the Select Committees on the Bills.

Agreed to.

NOTICES OF MOTIONS.

MR. CURRIE gave notice that, on Saturday next, he would move the second reading of the Bill "to consolidate and amend the law relating to the cultivation of the Poppy and the manufacture of Opium in the Presidency of Fort William in Bengal."

Also, that, on the first day of Meeting after the Doorga Poojah vacation, he would move the third reading of the Bill "to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars, in the Presidency of Fort William in Bengal."

The Council adjourned.

Saturday, August 16, 1856.

PRESENT :

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

Hon. Sir J. W. Colville,	P. W. LeGeyt, Esq.,
Hon. J. P. Grant,	E. Currie, Esq.,
Hon. B. Peacock,	and
D. Elliott, Esq.,	Hon. Sir A. W. Buller,
C. Allen, Esq.,	

HINDOO POLYGAMY.

THE CLERK presented a petition from Rajah Suttohurn Ghosal praying for the abolition of Hindoo polygamy.