

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

VOL. II.

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

MR. PEACOCK gave notice that he would on the same day move for a Committee of the whole Council on the Bill "to provide for the dissolution of the Bengal Mariners and General Widows' Fund Society, and the distribution of the funds belonging thereto."

The Council adjourned.

Saturday, December 6th, 1856.

PRESENT:

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

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

MESSAGES FROM THE GOVERNOR GENERAL

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

MESSAGE No. 85.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 29th November 1856, entitled "A Bill for establishing a Toll on Boats and Timber passing through the Kurratiya River in the District of Bogra."

By order of the Right Honorable the Governor General,

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM, }
The 5th December 1856. }

MESSAGE No. 86.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 29th November 1856, entitled, "A Bill for the better recovery of arrears of Revenue under Ryotwar Settlements in the Madras Presidency."

By order of the Right Honorable the Governor General,

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM, }
The 5th December 1856. }

HINDOO POLYGAMY.

THE CLERK presented the following Petitions, praying for the abolition of Hindoo Polygamy:—

A Petition of Hindoo inhabitants of Bengal.

A Petition of Hindoo inhabitants of Nuddea.

A Petition of Hindoo inhabitants of Sulkea and its neighbourhood, in the district of Howrah.

A Petition of Hindoo inhabitants of Shibpore and its neighbourhood, in the district of Howrah.

A Petition of Hindoo inhabitants of Buri-sa and its neighbourhood, in the district of the 24-Pergunnahs.

A Petition of Hindoo inhabitants of Keer-poy and its neighbourhood, in the district of Booghly.

A Petition of Hindoo inhabitants of Man-cor and its neighbourhood, in the district of Burdwan.

A Petition of Hindoo inhabitants of An-dool.

A Petition of Hindoo inhabitants of Pub-na.

MR. GRANT moved that the above Petitions be printed.

Agreed to.

BOMBAY MUNICIPAL TAXES.

THE CLERK also presented a Petition of Justices of the Peace for the Town and Island of Bombay in favor of the Draft Bill (of which a copy was lately referred to the Bench by Mr. LeGeyt) to amend and consolidate the laws relating to the Municipal taxes in the Islands of Bombay and Colaba.

MR. LEGEYT moved that the above Petition be printed.

Agreed to.

THE CLERK also presented the following Petitions:—

REGISTRATION OF BIRTHS.

A Petition of Christian Ministers and Inhabitants of Agra, Members of the Baptist persuasion, praying for the passing of an Act for the registration of births.

MR. ALLEN moved that the above Petition be printed.

Agreed to.

PETITION OF TRANNAUTH CHATTERJEE.

A Petition of Trannauth Chatterjee, praying for the passing of an Act authorizing the Judges of the Supreme Court to try and determine, in Chambers, without Attorney and Barrister (in the same manner as the Judges of the Small Cause Court decide cases) all complaints preferred against the officers and attorneys of that Court, and against the taxation of costs.

PETITION OF SINGAPORE INHABITANTS.

A Petition of a Committee appointed at a public meeting of the inhabitants of Singapore complaining of the enactment by the Indian Legislature, against the wishes and representations of the inhabitants, of the following Laws:—namely, Act XIII of 1856, as regards the constitution and management of the Police Force; Act XVII of 1855 relating to the Straits Copper Currency; and the Straits Municipal Assessment Bill, as respects the number of Municipal Commissioners to be appointed, and the mode of filling up vacancies among them.

Mr. ALLEN said, though there was nothing in this Petition which had not been represented by the inhabitants of Singapore before, he should move that it be printed, in order that any Honorable Member who wished to take it up, might have an opportunity of doing so.

Agreed to.

MUNICIPAL ASSESSMENT (CALCUTTA).

The CLERK reported to the Council that he had received a communication from the Secretary to the Commissioners for the improvement of the Town of Calcutta, containing further remarks by the Commissioners on 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," and on the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta."

Mr. CURRIE said, he had seen the communication referred to. It contained remarks which had, for the most part, been made by the Municipal Commissioners in a former paper; but there were one or two

points in it with which he thought it necessary that the Council should be made acquainted. With permission, he would bring them forward when the Bill was committed.

THE INDIAN PENAL CODE.

Mr. PEACOCK presented the Report of the Select Committee appointed to report on the Penal Code prepared by the Indian Law Commissioners.

MUNICIPAL ASSESSMENT (SUBURBS OF CALCUTTA.)

Mr. CURRIE postponed the motion, which stood in the Orders of the Day, for the first reading of a Bill for raising funds for making and repairing roads in the suburbs of Calcutta.

JOINT-STOCK COMPANIES BILL

Mr. PEACOCK moved that the Bill "for the incorporation and regulation of Joint-Stock Companies and other Associations, either with or without limited liability of the members thereof" be now read a second time.

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

MUNICIPAL ASSESSMENT (GENERAL).

Mr. ELIOTT moved that the Council resolve itself into a Committee on 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," and that the Committee be instructed to consider the Bill in the amended form in which it had been recommended by the Select Committee to be passed.

Agreed to.

Sections I and II were passed.

Section III provided that property should be assessed upon an estimate of its annual value.

Mr. CURRIE said, this Section was closely connected with Section IV which prescribed the manner in which the annual value of houses, buildings, and lands was to be taken for the assessment of a rate. An alteration had been made in that Section by the Select Committee to whom the Bill had been referred, and he should feel it his duty

to propose that it be disallowed, and that the practice which had heretofore existed, be permitted to continue.

MR. LEGEY observed that this Bill applied to Bombay as well as to Calcutta, and that the practice referred to had not obtained at that Presidency.

MR. CURRIE proceeded.—If the amendment made by the Select Committee were disallowed, some alteration would be necessary in Section III.

When the alteration in Section IV had been proposed in Select Committee, he himself had considerable misgivings as to its probable effect; but as it then appeared to him to be right in principle, he had not thought it necessary to oppose it. Upon further consideration, however, he did not feel at all sure that the principle was correct. The assessment of a house rate, for Municipal purposes, was not in any degree in the nature of an income tax; and he did not know but that the gross rent was as suitable a basis of assessment as the net rent after deducting the expenses of repairs. In some respects, assessment upon the gross rent would appear to be the most appropriate; for a badly built house which required heavy repairs might have as large a frontage, and cost as much for lighting and drainage as a well built house which required only a small outlay in repairs. The Section applied to rates payable by occupiers as well as rates payable by owners; and for an occupation rate, he thought that the rent actually paid was without doubt the proper basis of assessment.

However, it was not so much with principles as with practice that he was concerned at present. The Municipal Commissioners, in the communication which had been reported to-day, expressed strong objections against the provision for assessing the rate upon an estimate of the net rent of premises, and stated that it would greatly embarrass their proceedings. With the permission of the Council, he would read what they said on the subject:—

“Section IV.—The Commissioners observe that, by this Section, the ‘annual value’ is proposed to be computed and ascertained upon an estimate of the annual rent of premises, less the probable average annual cost of repairs and other expenses necessary to maintain them in a state to yield such rent. The Commissioners are unanimously of opinion that the Section, as it now stands, would be found, in practice, to be highly objectionable. The great variety of houses, huts, and other buildings in Calcutta, and the various modes of building them, such as pukka, cutcha-pukka, cutcha, &c., though to external appearance the same, and commanding

rents which are not regulated by the mode of their construction (expensive or otherwise), yet requiring very different repairs for their maintenance in habitable condition—would lead to endless disputes and difficulty in fixing the reduction for this purpose from the gross rent. It would be absolutely necessary to cause an examination of the whole to be made in order to arrive at any thing approximate to a just decision, and this examination alone would occupy the assessor for several years, there being nearly 19,000 premises in Calcutta.”

He believed that the Commissioners were right in what they stated, and that it would take years, considering the very different manner in which houses were built in Calcutta, to arrive at an estimate of what would be a proper amount of deduction to allow for repairs in each case. It was not here as in England where whole streets were built on an uniform plan, and where the rate of deduction for one house would answer for the other houses in the same street. He did not himself see how, under the Section as it now stood, it would be possible to make any assessment at all for the next year, or even for the year after that. The assessment ought to be made within the first quarter of the year, and it would obviously be impossible, in the space of three months, to form an estimate of what would be a proper rate of deduction for different classes of houses, and then to classify all the houses in the town according to such estimate.

The Honorable Member opposite (Mr. LeGeyt) had referred to the practice at Bombay. He (Mr. Currie) understood that the practice at Bombay had been to take one uniform rate of deduction for all the houses, without reference to their respective conditions and circumstances. This seemed to him objectionable. It seemed to him to be, in fact, an assessment on the same principle as an assessment on the gross rent. The Commissioners at Bombay made a deduction of 10 per cent. of the annual rent all round. That being so, and the house rate being 5 per cent, the result was exactly the same as if a rate of $4\frac{1}{2}$ per cent. were assessed on the gross rent.

For the reasons he had stated, he thought that the suggestion made by the Select Committee of an uniform rate of deduction on account of repairs, was not admissible.

He did not himself see any sufficient reason why the plan which had obtained, ever since the imposition of a house rate, in Calcutta and Madras, and also in fact though not in name at Bombay, should now be departed from. If the Council should determine to assess the rate as proposed by the Section in its altered form, there would be a

considerable loss : and this loss it would be necessary to make up, in Calcutta, by an increase of the rate, which, he apprehended, would be less palatable to the people than an assessment on the gross rental of property.

Then, supposing the assessor to have made his assessment upon an estimate of the net rental of property, after deducting the estimated expense of repairs, he would ask the Council to consider what a field would be opened for disputes and litigation. He thought that both the Municipal Commissioners and the Magistrates would be very seriously embarrassed by the numerous complaints and appeals to which any estimate of repairs would infallibly give rise.

He, therefore, proposed to alter Section IV so as to restore the principle of assessment upon the gross rent of property. In order to do that, he must make two alterations in Section III, which would make it run thus :—

“The rate or rates imposed upon houses, buildings, and lands according to the annual value thereof, in any of the said Towns, or in the said Settlement, by the special Act, shall be assessed in the manner hereinafter provided.”

And then, he would move amendments in Section IV, which would make it run thus :—

“The estimated gross annual rent at which the houses, buildings, and lands liable to the rate might reasonably be expected to let from year to year, shall, for the purposes of the rate, be held and deemed to be the annual value of such houses, buildings, and lands, &c.”

The Honorable Member concluded by moving his first amendment in Section III.

Mr. ELLIOT said, it was with great reluctance that he, as a Member of the Select Committee, had agreed to the alteration made in Section IV, foreseeing the inconvenience and difficulty which would be experienced in determining the amount of reduction to be made for repairs ; but he had been unable to resist the force of the objection that the gross annual rent of property did not represent the annual value to the owner, and that therefore it would be unjust to make it the measure of the rate to be imposed upon him. On further consideration of the subject, however, it appeared to him that the incidence of the rate would be, not on the owner, but on the occupier ; for he took it for granted that the rent of a house included what the owner considered would be necessary for the repairs of the

house. So, no doubt, the owner charged for the assessment, directly paid by him, in fixing the rent of the house ; and, consequently, it was the occupier in fact who paid the assessment. In this way, the rate assumed the character of a kind of tax highly commended by an eminent authority—Mr. Mill, whose observations he would, with permission, read to the Council :—

“A house tax, if justly proportioned to the value of the house, is one of the fairest and most unobjectionable of all taxes. No part of a person's expenditure is a better criterion of his means, or bears, on the whole, more nearly the same proportion to them. A house tax is a nearer approach to a fair income-tax, than a direct assessment on income can easily be ; having the great advantage that it makes spontaneously all the allowances which it is so difficult to make, and so impracticable to make exactly in assessing an income-tax ; for if what a person pays in house rent is a test of anything, it is a test, not of what he possesses, but of what he thinks he can afford to spend.”

Taking this view of the incidence of a rate of this kind, he entirely agreed with the Honorable Member in charge of the Bill that the rate should be assessed upon the gross, and not upon the net, annual rent of property, and should vote for the amendment he had moved.

Mr. ALLEN said, he thought this question a very important one, and of considerable difficulty. He had been one of the strongest advocates in Select Committee for the amendment by which the Section had taken its present form ; but since then, he had changed his mind ; and he would now say as few words as he might in explanation of the reasons for that change, and for having now come to the conclusion that the assessment should be upon the gross, and not upon the net, rental of property.

The Honorable Member for Bengal had said much of the inconveniences which would arise if the rate were assessed upon the net rental of property. If, however, he (Mr. Allen) had thought that it would be fair and just to assess the rate on the net rent, he should not have altered his opinion, as he thought the inconveniences which would arise over-stated. But the question before the Council was not one of mere convenience. The question before it was—was the rate to be levied, paid from the profits of the owner, or was it paid by the occupier in an increased rent?—in other words, would it fall on the owner or on the occupier ? If it would fall on the owner, the amend-

ment made in Section IV in Select Committee was clearly correct ; because suppose there were two houses each with a market value of 50,000 Rupees, and that a person purchased both to let them out for rent. One of these houses, he would say, was small in comparison to the other, but it was new and well built, and would not require repairs for several years. The purchaser would probably consider that 1,000 rupees a year would be sufficient to lay by for the purpose of keeping the house in its present condition ; and he would want to reserve for himself a clear profit of 5 per cent. upon his outlay. To make this provision for repairs, and to secure the 5 per Cent. for himself, he would charge 300 Rs. per month for the house. But the other and larger house, he would say, had been built some time, would require very considerable repairs, and it would be necessary to keep it empty two or three months every two or three years for repairs. To keep that house in its present condition, and to reimburse himself for the loss of rent during the period of its vacancy, he would probably find it necessary to lay by ten thousand rupees a year instead of one thousand. To do that, and also to ensure his profit of 5 per cent., he must charge a rent of Rs. 1,000 per month for the house. The value of both houses being equal in the market, it would be unfair, supposing the rate were 10 per cent., to charge him 30 Rs. a month for one house and 100 Rs. a month for the other. Nothing could be more unfair and unjust than that. But if, as he thought, the rate would in fact fall upon the occupier, there would be no unfairness or injustice, because to the occupier the actual net value of the house to the owner would be no consideration. The man who rented the large house and paid 1,000 Rs. a month for the same, would probably be a Lieutenant Governor or some other functionary with a large salary and luxurious tastes. He would be more interested in the cleanliness of the town, and better able to pay a high rate than the occupier of the other house, who paid a rent of only 300 Rs. a month ; and he ought, therefore, to be called upon to pay a proportionately larger Municipal rate. That the rate, although it was nominally imposed by the Bill upon the owner, did in fact fall upon the occupier, the Honorable Member for Madras had clearly shown. No owner of a house let out his property without adding the house rate to the rent. He would charge a higher rent to the extent of the rate, as one of the expenses to be put against his capital ; for, in laying out capital

upon the building or purchase of houses, he must make his rent include all expenses, such as repairs, rates, &c. The net rent was what he must calculate ; and if that were not equal to the interest which he could get on his capital by investing it in the Funds, he would not invest his money in houses.

It was also worthy of consideration that, in reality, in India, the assessment had always been on the gross, and not on the net rental of property, and no one had objected to it. There appeared, indeed, to be an exception at Bombay, but it was a nominal and not a real exception. In that Presidency, the real rate was $4\frac{1}{2}$ per Cent. upon the gross, and not 5 per Cent. on the net value of property.

For the reasons he had stated, he should support the amendment which the Honorable Member had moved upon the Section.

SIR JAMES COLVILLE said that those Honorable Members who had spoken in explanation of the change in their opinions, had mooted certain questions of political economy, the particular application of which he did not think altogether satisfactory. He would grant that, as a general rule and in the long run, a tax levied upon a house, though paid by the owner of the house, would fall upon the occupier. But if the occupier held a lease at the time when the tax was first imposed, then, during the currency of that lease, the new tax would necessarily fall exclusively upon the owner. On the expiration of the lease, the owner might doubtless raise the rent, and thus the incidence of the tax would be upon the occupier. But the owner's power of doing this was contingent on the circumstance whether there was such a demand for houses in the place that the lessee would find himself under the necessity of continuing in the house at that increased rent. It was possible that the taxation upon house property within the limits of a town might be so increased, that persons, rather than pay rents increased in proportion to that taxation, would take up their residence in the suburbs of the town ; and thus the demand for houses in the town, and the consequent value of house property, would be diminished. It was only on the assumption that demand for houses was a constant quantity that the proposition laid down by the Honorable Members who had spoken was strictly true.

Then, again, although he had great respect for the authority of Mr. Mill, whom the Honorable Member for Madras had quoted,

he did not look upon house rent as necessarily a sort of income tax, or as affording a measure of income. It was easy to put the case of a bachelor with £ 5,000 a year living in luxurious but small chambers in the Albany, and that of a professional man of much smaller means, compelled by a large family to live in a large scrambling house in Russell Square, and to save what he paid for house rent by pinching himself under some other head of expenditure.

He (Sir James Colvile), who had not pledged himself to the Section in its altered form, did not feel bound to justify the vote which he was about to give by the reasons which now influenced the Members of the Select Committee, and which might be sound or unsound. He found a particular system of assessment to have been in existence here for a long time. This Bill had been originally published containing a provision for the continuance of that system; no objection had been made to that provision; and he had it upon the authority of the Honorable Member for Bengal and of the Municipal Commissioners that the particular mode of taxation which was proposed to be substituted by the Bill in its present form, would lead to interminable disputes before the Commissioners, and be found to be extremely inconvenient in practice. The Commissioners had proposed a plan in substitution for it; but, as the Honorable Member for Bengal had shewn, it was no substitution at all. If the Council taxed houses according to the present system at 10 per cent, they would obtain a certain sum. If they altered the system by striking off arbitrarily 10 per cent of the assessable value, they would, in fact, be only laying on what was equivalent to a tax, if calculated according to the present system, of 9 per cent. The change would do nothing to redress an inequality of taxation which might exist as between house and house. And if the tax so assessed failed to raise the sum required, the Commissioners would have to come to the Council to increase the nominal rate of taxation.

For these reasons, he should vote for Section IV, as it stood in the original Bill.

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

MR. CURRIE moved his next amendment in the Section, which was agreed to, and the Section then passed.

MR. CURRIE moved his proposed amendments in Section IV, which were severally agreed to, and the Section then passed.

Sir James Colvile

Sections V to XI were passed:

MR. CURRIE said, he proposed to insert a new Section after Section XI. In the communication just received from them regarding this Bill, the Commissioners stated that they inferred, and he thought rightly, from the wording of the 5th and following Sections, that it would be necessary to have fresh assessment books prepared every year. They said that the preparation of a new set of assessment books was the work of fifteen writers for three months; and that this amount of labor had hitherto been avoided by making the same books, with such alterations as were necessary, answer for a number of years. There seemed to him no reason why that practice should not be kept up. He should, therefore, move the following new Section:—

"It shall not be necessary to prepare a new book every year, but the Commissioners may adopt the valuation and assessment contained in the book for the preceding year, with such alterations as may, in particular cases, be deemed necessary, as the valuation and assessment for the year following. Provided always that public notice of such valuation and assessment shall be given in the manner prescribed in Section VII of this Act, and the provisions of the said Section and of the three following Sections shall be applicable to the said valuation and assessment and to the book or books in which it is contained."

Agreed to.

The remaining Sections of the Bill, with the Schedule, Preamble, and Title, were passed. The Council resumed its sitting.

MUNICIPAL ASSESSMENT (CALCUTTA.)

MR. CURRIE moved that the Council resolve itself into a Committee upon the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta."

Agreed to.

Sections I to III were passed.

Section IV provided the mode in which the Commissioners were to be appointed.

MR. PEACOCK said, there had been some difference of opinion amongst the Select Committee with respect to this Clause. Under the present Law, there were four Municipal Commissioners, of whom two were appointed by the Government, and two were elective, owners of property assessed at a quarterly tax of not less than ten rupees, and occupiers of houses or lands paying a monthly rent of not less than seventy rupees being entitled to vote at their election. But

this system had proved a failure, and it had been resolved to take away the power of election from the rate-payers, and vest it in the Lieutenant Governor of Bengal. The question now was, whether the mode of appointing the Commissioners, which this Section proposed, was the best adapted for the management of the Municipal Funds. It appeared to him that it was not. The Section provided as follows:—

“The Lieutenant Governor of Bengal shall, from time to time, appoint such number of persons, inhabitants of the Town of Calcutta, as he shall think proper, not being less than six nor more than twelve, to be Commissioners for the purposes of this Act, and for the conservancy and improvement of the said Town under Act XIV of 1856.”

By Section VI, the Lieutenant-Governor was also to appoint a President of the Board of Commissioners; and by Section VIII, the Commissioners, whether they should consist of six or twelve, as the case might be, or of any intermediate number, were to select two of their number, who, with the President, were to form an Executive Committee and to conduct all the ordinary and current business of the Conservancy according to such rules as might, from time to time, be made at a General Meeting of the Commissioners, and be sanctioned by the Lieutenant Governor of Bengal. Whether the number of Commissioners should be twelve or three, it was quite clear that a Municipal body so constituted would not be a body representing the rate-payers. In point of fact, it would be a Government administration of the Municipal funds; and the question, therefore, came to this—was it better that there should be an Executive Committee consisting of two Members selected by the Board of Commissioners from their own body, and a President appointed by the Lieutenant Governor, or that the Government itself should at once appoint three Commissioners, or any other number that might be necessary? It appeared to him that, if Government had to appoint a body for the administration of the public revenues, the mode of appointment proposed by this Bill would be the very last which it would adopt. The responsibility of a body thus appointed would be so divided, that there would be no real responsibility in any one. The Lieutenant Governor would appoint the general body of Commissioners, and he would not be responsible for their acts. The general body of Commissioners would appoint an Executive Committee of two, to be

presided over by a nominee of the Lieutenant Governor, and it would not be responsible for their acts; and the Executive Committee would conduct the business of the town according to rules made by the general body of Commissioners, and sanctioned by the Lieutenant Governor, and they therefore would not be responsible, as their acts would be controlled by the general body. He was not sure what kind of a Commission the Bill really intended to provide. According to Section VIII, the three Members who were to form the Executive Committee were to be paid Officers; but, for anything that appeared to the contrary, the other Members of the Commission were not to be paid Officers. He confessed it did not appear to him that twelve Commissioners appointed in the manner proposed by the Bill would represent the people any more than three appointed by the Government; and the question really was this—were the Municipal affairs of the Town likely to be better conducted under the plan proposed by the Bill, or by three Commissioners appointed by the Government? If the Government was to take into its own hands the administration of the Municipal affairs of the town, it should see that the funds would be administered and the business transacted in a way that was likely to be the most effectual. A Commission of twelve Members, without any intention of impeding the business of the executive body, would almost necessarily impede it, and the Town would suffer. Another Bill would shortly be before a Committee of this Council—the Municipal Assessment Bill for Madras—by which it was provided that there should be three Commissioners for that Town, who should be appointed by the local Government. Now, he could see no such difference between the circumstances of the two Presidencies as that, on the very day that the Council was to decide upon giving to Madras a Municipal Commission of three Members appointed by the Government, it should decide upon giving to Calcutta a Municipal Commission of twelve Members, of whom two, chosen by themselves, were to be an Executive Committee, to be presided over by an Officer appointed by the Lieutenant Governor. Whatever was right for one Presidency appeared to him right for the other. The management of the Municipal funds ought to be entrusted either to a body elected by the rate-payers or to one appointed by Government. If any practicable proposition had been made for the election of

the Commissioners by the rate-payers and raising the franchise, he must confess that he was not prepared to say that he should not have supported it. But it was admitted on all hands that the present system had failed, and that the election could not be entrusted to the present class of voters.

The only difficulty which he felt in proposing an amendment, was that the majority of the Select Committee thought it would be necessary to re-publish the Bill if any change were made in the constitution of the Commission. But it did not appear to him that any injury would arise from re-publication. The existing rates extended to the end of January 1857; the amended Bill might without any great inconvenience be re-published, if necessary, in two or three weeks, and the rates might take effect from the beginning of next year, giving credit for the month of January which was included in the present rate. Section II of the present Bill said:—

“ And whereas the quarterly assessment last made under Act X of 1852 includes the month of January 1857, and power is given by this Act to impose a rate upon houses, buildings, and lands for a period including the same month, it is hereby enacted that one-third of the sum payable on account of the said assessment shall be remitted.”

It would be far better, he thought, that the constitution of the Commissioners under this Bill should be made to correspond with that provided for Madras, than that the municipal funds and management of the conservancy of the Town should be entrusted to a body which must necessarily be a failure. There were large funds, and important duties to be discharged; and if the Commissioners could not be elective, at least the duties should be confided to a body capable of acting efficiently.

He should observe that there was some difference between the alteration he proposed and the provision made by the Bill for Madras. The Bill for Madras provided that only one of the Commissioners should be an Officer of Government. But he saw no reason for tying up the hands of the local Government in this way. It seemed to him that, if the local Government was to have the power of appointing three Commissioners, it ought to have the power of appointing the three best men it could get, whether they were Officers of Government or not.

He should, therefore, move that Section IV be struck out, and that the following Section be substituted for it:—

Mr. Peacock

“ There shall be three Commissioners for the purposes of this Act, and for the conservancy of the Town of Calcutta under Act XIV of 1856. Such Commissioners shall be appointed by the Lieutenant Governor of Bengal, and shall be removable at his pleasure.”

MR. CURRIE said, he had no wish to detain the Council with a discussion on this subject. He had nothing further to add to what he had already stated regarding it, first in his Statement of objects and reasons, and secondly in the Report of the Select Committee. He thought that, in discontinuing the system of election, it was desirable to give something of a popular character to the constitution which was to be substituted; and he had stated that he saw no other mode of doing so than by the scheme proposed in the Bill. He thought that that scheme was calculated to provide a real representation of the different classes of inhabitants. Judging from the experience which we had had of Calcutta elections, he believed that the Lieutenant Governor would make a very much better selection for the representation of the intelligence and property of the Town than the rate-payers themselves. That was the reason for providing this scheme. He did not mean to say that the scheme was certainly the most efficient plan of administration which could be devised; but that was not the only point for consideration. It was also to be considered what plan would be the most acceptable to the people whose funds were to be administered. The Bill had been before the Public; communications had been received in respect of it; and the scheme which it provided seemed to have met with acceptance from the inhabitants generally; and he thought it would be proper to give it a trial. At the same time, the matter was in the hands of the Council; and if the sense of the Council was in favor of the amendment proposed, he should bow to its decision.

SIR JAMES COLVILE said, if the Honorable Member who had the conduct of the Bill was disposed to insist on the Section as it stood, his (Sir James Colville's) inclination would be to vote with him. All were agreed, he thought, that the elective principle was to be given up; and it was unnecessary, therefore, to discuss the reasons for giving it up. He would only say that he considered them perfectly sufficient, and that it was quite proper that another system should be substituted.

The Honorable and learned Member opposite (Mr. Peacock) had said, and no doubt

truly, that the Commission provided for by this Bill would not be a body chosen by the rate-payers; and that, therefore, they could not be taken, in any sense, to represent the rate-payers. Doubtless, the direct election would not be with the rate-payers; but still there might, in some sense, be representation without election. He had no doubt that the Lieutenant Governor of Bengal would act upon the principle of choosing men from different classes of the community who, he thought, would be good Commissioners, and these would in some degree represent the feelings of those different classes.

Whilst the Bill was before the Public, the Council had received a Petition signed by a very numerous body of Native rate-payers who, though not altogether satisfied with the Bill as it stood, seemed to approve of its principle, in so far as it gave to the Lieutenant Governor the power of nominating certain unpaid Commissioners. They wished that he should be required to choose a certain number from the Christian Inhabitants, and a certain number from the Native Inhabitants, but they did not object to the principle of nomination. He (Sir James Colville) was not disposed so to fetter the Lieutenant Governor's discretion although he had little doubt that, if given, it would be exercised so that each class would be fairly represented.

In comparing the system proposed by the Bill with that proposed by the Honorable and learned Member opposite (Mr. Peacock,) he felt that a Commission consisting entirely of three members appointed by the Government, would, in all probability, form the more efficient administrative body. But he felt that, in dealing with this question of Municipal reform, it was desirable to carry the feelings of the community with us. Nobody who could recollect the various discussions which had taken place with respect to what should be the mode of managing the Municipal affairs of the town before the present Bill was introduced, and the resistance which the Commissioners had met with in different parts of the town, could deny that the Native community were, if they would forgive him for saying so, something like naughty children who had a strong indisposition to be washed, brushed, and kept clean; and that it was desirable to make Municipal improvements more popular. And it certainly seemed to him more likely to become popular if the working of it out were intrusted to a body representing, even in a modified way, the wishes and feelings of the community, rather

than to these Government Officers. If a Commission so constituted would be less efficient than a Commission which would admit of no representation whatever, he was prepared to sacrifice some degree of efficiency for a higher degree of popularity. If, therefore, the Council divided, he should vote for the Clause as it stood.

He did not feel very much pressed by the consideration of inconsistency of passing a Bill with a Section upon this principle for Calcutta on the same day on which the Council would pass a Bill with a Section on the other principle for Madras; because he inferred from the papers annexed to the Bill for Madras that there was not the same feeling for interference in Municipal arrangements amongst the inhabitants of that Presidency that there was amongst the inhabitants of this. In concession to that feeling, and because he considered it would be better to concede to that feeling than to introduce a scheme which would be distasteful to the people, he should support the Section as it stood.

MR. GRANT said, it appeared to him that the only question raised by the Bill was, which was the most effectual manner in which the Municipal Conservancy of this City should be managed. If the Bill had raised this question—should we have a representative body as the body in charge of the Municipal affairs of the town, or should we not—then he might have had some difficulty in coming to a conclusion. He believed, however, that he should have ended in the same conclusion to which he understood that the Honorable and learned Member opposite (Mr. Peacock) had said he thought it probable he should have come—namely, against the plan of having an elective Municipal Commission. He believed that, if he had had an opportunity of giving to that question the consideration which it required, the sacrifice, under an elective system, of practical good for a nominal rather than a real advantage, would have appeared to him so great, that he should have opposed the adoption of the system. But that question was not raised now. The question raised was, how a body, appointed by Government, to which the affairs of the Town were to be entrusted, should be chosen? It was to be chosen, directly or indirectly, by the Lieutenant Governor. That had been decided. The only question which remained was, whether it was to be chosen directly or indirectly. That being so, he could not look at this

Section otherwise than as presenting to the Council the question which of those two modes would be the most effectual? He could not hesitate in deciding in favor of the direct method.

It had been argued that the proposed scheme would be in some sort a representation, and the Honorable Member for Bengal had maintained that the Lieutenant Governor of Bengal was much better able to nominate persons who should properly represent all classes of persons in Calcutta than the inhabitants of Calcutta themselves. Now, he (Mr. Grant) was an Inhabitant of Calcutta; and, for himself, he must say, without intending any disrespect, that he resisted that statement. He denied that any man alive was so fit to nominate a representative for him as he was himself. And if he said this for himself, must he not say it for the other inhabitants? Every Member of this Council must feel that he personally was best able to select his own representative. Then, were Honorable Members to say that this was only their own feeling, but that all our native friends—that the Native Community generally—must stand on a different footing; that, although the individual Members of this Council could themselves best select their own representatives, the three or four hundred thousand other inhabitants of the City could not? He entirely denied the justice of the Honorable Member's argument; and if it were a question of representation, he claimed for all the inhabitants of Calcutta the same right which he claimed for himself, and no more.

Without wishing to say anything which might give offence, he must say that, if the Municipal Commissioners formed by the very complicated process provided by the Bill were to be regarded in any sort as a representative body, they would be nothing more or less than a sham, and he disliked all shams, or all appearances of a sham. If the Council thought that the Municipal Commissioners should be a representative body, let it so determine openly. If not, then let it decide how it could best provide for the most efficient body of Municipal Commissioners. He had it on the authority of the Select Committee on the Municipal Assessment Bill for Madras—composed, with one exception, of the same Members as those composing the Select Committee on the Calcutta Bill—that the selection of three Commissioners by the local Government was the process which was most likely to produce the most efficient body; and, as he should give to Madras the system which was

Mr. Grant

thought the most likely to secure to it a good Conservancy, so he would give to Calcutta the system which was thought the most likely to secure to it, what he was sure it very much wanted—a good Conservancy.

He should, therefore, vote against the Section, and in support of the amendment.

The question was then put that Section IV be omitted.

The Council divided —

<p><i>Ayes 6.</i> Mr. Allen. Mr. Elliott. Mr. Peacock. Mr. Grant. General Low. The Chairman.</p>	<p><i>Noes 4.</i> Mr. Currie. Mr. LeGeyt. Sir James Colville.</p>
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MR. PEACOCK'S Section in substitution of Section IV was then put, and agreed to.

Section V provided for the tenure of office by the Commissioners, and for the filling up of vacancies among them. In consequence of the above alteration, it was negatived.

Section VI provided that—

“The Lieutenant Governor of Bengal shall appoint a President of the Board of Commissioners, who shall be an Officer of Government and shall be removeable at his pleasure.”

MR. PEACOCK moved that all the words after the word “appoint” be left out, in order that the words “one of the said Commissioners to be President of the Board of Commissioners” might be substituted for them.

Agreed to.

Section VII was passed.

Sections VIII, IX, X, and XI, were severally negatived, in consequence of the alteration in Section V.

MR. PEACOCK moved that the following new Section be substituted for them:—

“The Municipal Commissioners shall meet once at least in every week. The attendance of two shall be necessary to constitute a Meeting. At a Meeting of two on questions on which they are divided in opinion, if the President be one of them, he shall have a casting vote; otherwise, the question shall be reserved for the decision of a future Meeting.

Agreed to.

MR. CURRIE moved that, after the above Section, the following new Section be introduced:—

“The Municipal Commissioners may receive such allowances out of the funds to be raised under this Act, as shall be from time to time fixed by the Lieutenant Governor. Provided that the allowances for any Commissioner shall

not exceed the rate of ten thousand Rupees a year, if the Commissioner holds no other appointment or occupation; or the rate of four thousand Rupees a year if he holds any other appointment or occupation."

After some conversation, the Section was agreed to.

Sections XII to XVI were passed.

Section XVII provided that certain vehicles and animals should be exempt from the tax.

MR. CURRIE said, the Commissioners had again urged objections against the 19th and 20th lines of the Section, by which horses or other animals which, by reason of age, were unfit for use and were not used, were included in the exemption. For his own part, he was rather for retaining the provision. The Commissioners said "that, as they anticipate evasions of the tax from the difficulty of ascertaining which of such horses, &c., are not actually used, there should not be any exemption on that ground." He himself thought that, if no such exemption were made, the tax would fall hard upon persons desirous of keeping horses which had done them good service.

SIR JAMES COLVILLE said, he thought there were very few horses past their time of service in Calcutta; and that the number of persons who would have to pay for these veterans, if this provision were struck out, would bear no proportion to the number of persons who would claim exemption if it were retained.

MR. PEACOCK said, he quite agreed with the Honorable and learned the Chief Justice. If a gentleman wanted the luxury of keeping an old horse, he ought to pay for it. Certainly, the old horse would be walked out; and if he should break down in the streets, he might cause much injury to the cattle of some poor person who could not afford to suffer for the luxury of his richer neighbour.

MR. GRANT moved that the words "and Ponies" after the word "Horses" in the 13th line of the Section be omitted, in order that the words "Ponies and Mules" might be substituted for them.

Agreed to.

MR. PEACOCK moved that the 19th and 20th lines of the Section be left out.

Agreed to.

The Section was then passed.

Sections XVIII to XXIII were severally passed.

Section XXIV provided as follows:—

"Whenever any streets shall be lighted with gas, an annual lighting-rate, not exceeding

2 per cent. of the annual value, shall be imposed upon all houses, buildings, and lands in such streets: and such rate shall be payable in quarterly instalments by the occupiers of such houses, buildings, and lands. The Commissioners may, in aid of the lighting-rate, expend, out of the funds at their disposal, such further sum, not exceeding one-half of the amount of the net proceeds of the said rate, as may be necessary for the efficient lighting of such streets. Streets efficiently lighted by gas lamps placed at their corners, shall be liable to the rate, although the gas-pipes be not carried along such streets."

MR. PEACOCK said, if the discussions which had already taken place in this Council on the question of gas-lighting had produced no other benefit, he thought that they had produced this very important one—a prospect of the improvement of the town on the subject of drainage; for, by Section XXIX of this Bill, it was provided that the Commissioners should carry out, with as little delay as possible, such a complete system of sewerage and drainage within the town as should be directed by the Lieutenant Governor of Bengal, with the sanction of the Governor General in Council; and that, until that system of sewerage and drainage should have been completed, they should set aside a lakh and a half of rupees a year either for that purpose, or for paying the principal and interest of any sums which might be borrowed for the purpose. This would enable the Commissioners to borrow a sum of from 25 to 30 lakhs. Mr. Clark, the Secretary to the Commissioners, in a very able Report on the drainage of Calcutta, had shown that the expense of the large sewers would be about 16 lakhs; and he estimated that the cost of the entire drainage of the town, including surface drains and all communications with them, would amount to about 30 lakhs. The Section now before the Committee appeared to him to be founded upon an erroneous principle; and he thought that, whenever an attempt was made to legislate on erroneous principles, either an injury or a failure was sure to be the result. By this Section, the rate was, in fact, divided into two parts,—two-thirds to be paid by the occupiers of houses situated in streets which were to be lighted with gas, and one-third to come out of the general Municipal Fund. His Honorable friend opposite (Mr. Elliott), in the debate upon Section IV of the General Municipal Assessment Bill, had shewn clearly that a tax levied upon the landlord eventually fell upon the occupier; and if the existing house rate should be increased from 6½ per cent to 7½ per cent, and the present Section,

which imposed a lighting rate of 2 per cent upon occupiers of houses and lands in such streets as might be lighted with gas, were carried, it must be very obvious that the occupiers of such streets would have to bear a tax of 9½ per cent. The effect of the Section would be to give a bounty to gas-lighting; and if gas-lighting or a Gas Company could not maintain itself without a bounty, it ought not to be supported. Gas-lighting, like every thing else, ought to depend upon its own merits. If oil-lighting could be made sufficient for the town at a cheaper rate than gas, he should vote for oil-lighting. But whether the town ought to be lighted with oil or with gas, must depend upon the quantity of light that was to be obtained at the cheapest rate. He would leave it to the Commissioners to determine by which of the two means the town could be most efficiently lighted at the cheapest rate. It would be observed that this Section did not say anything about the quantity of light that was to be provided. If, for example, a street could be equally well lighted and at an equal expense by twenty oil-lamps as by ten gas lamps, there was no reason for making the occupiers pay two-thirds of the expense if it were lighted with gas, and leaving the Municipal Fund to bear the whole expense if it were lighted with oil. The means which the Commissioners might use for giving light was immaterial: the question was, the quantity of light to be obtained. The Section said nothing about that; but it said that, if any street were lighted with gas, the occupiers must pay two-thirds of the expense of such lighting. The Council might as well say that, if any street were swept with birch brooms, the occupiers must pay two-thirds of the expense; but that if a street were swept with the ordinary brooms of the country, the charge must be borne by the Municipal Fund!

It might be said that the very term "gas-lighting" implied increased lighting. He denied that. The quantity of light given by a gas-lamp depended upon the size of the burner used. A very small burner in a gas-lamp might be used, and it might be called gas-lighting; but it would not be efficient lighting. Why was the rate to be divided into two parts—one-third to be paid by the Municipal body, and two-thirds by occupiers in particular streets? If the reason was that the Municipal body or the Public was interested only to the extent of one-third of the light intended to be provided,

there was no reason why the Council should enable the Commissioners to impose upon occupiers in particular streets, without their consent, two-thirds more lighting than the Public required. Whatever was necessary for the Public, ought to be paid for by the Public. For any thing more than was necessary for the Public, a rate ought not to be imposed upon occupiers in particular sections of the town without their consent. Let the Council look at the last clause of this Section. It completely tested the principle of the Section. It shewed the principle to be that the rate should depend, not upon the quantity of light afforded, but upon the means by which that light was to be provided. It said—

"Streets efficiently lighted by gas lamps, placed at their corners, shall be liable to the rate, although the gas-pipes be not carried along such streets."

He asked, why should the occupiers of a street which was efficiently lighted with a gas lamp at each end, pay the expense of such lighting, when the occupiers of streets which might be more efficiently lighted with oil lamps through their entire length were to pay nothing? It appeared to him that it would be very unjust to give the Commissioners the power of throwing a tax upon some persons rather than upon others by determining to light certain streets with gas and others with oil. He thought that the Commissioners ought to light the whole town efficiently, at the cheapest rate; and if efficient lighting with gas would be more expensive than efficient lighting with oil, he could see no reason why gas should be preferred.

He should, therefore, propose to omit so much of the Section as allowed the Commissioners to levy a rate upon occupiers. It was either necessary to impose a lighting rate in addition to the house rate of 7½ per cent, or it was not. If it was necessary, let it be imposed. But the Council had not the means of knowing what the rate necessary for lighting this town ought to be. It had no data before it. The Government Municipal Commissioners in 1855, in the Memorandum which they furnished in December of that year to the Select Committee on the Bill to provide for the better lighting of the Town, said:—

"To light the entire Town with gas, therefore, according to the above method, the very small and tortuous unfrequented and unimportant lanes only being represented by oil-lights, would cost Rs. 1,76,418 per annum."

So that a sum of Rs. 1,76,000 a year was to be expended for the single purpose of lighting the town, whereas the amount to be set apart for the drainage of the town—a substantial benefit to the inhabitants—was to be only Rupees 1,50,000!

The Commissioners proceeded in their Memorandum to say:—

"This extent of lighting would, we conceive, leave no just ground for complaint or dissatisfaction on the part of any of the inhabitants."

He concurred fully in this remark if it alluded to the quantity of light to be afforded, but not if it referred to the rates necessary to provide it.

They proceeded—

"The total annual rental of the whole Town amounts to Rupees 57,79,920; 3 per cent on this sum, amounting to Rupees 1,73,397, would therefore nearly cover the cost, or, if the premises at Rupees 5 per month and upwards alone be called on to pay, then, the total annual rental for such houses being Rupees 53,89,320, 3½ per cent on this amount, yielding Rupees 1,88,526, would be required to cover the total annual expense of Rupees 1,76,418."

So that, if the Commissioners chose to light with gas all the streets mentioned in their list, which they could do under this Section, they might expend Rupees 1,76,000 per annum for that purpose, whereas for the effectual drainage of the Town, they would expend only Rs. 1,50,000. That, in his opinion, would be a very great waste of public money. The total amount which the Commissioners now expended for the lighting of the town was about 16,000 Rs. per year. That sum they were to be empowered to raise to Rs. 1,73,000 or 1,76,000 a year! He thought that this Council ought not to vest them with the power of increasing the expense for lighting to that amount. If any increase was necessary, let the Council fix a limit beyond which the Commissioners should not be allowed to expend the public money for such a purpose. It appeared to him that one lakh a year would be amply sufficient; and he therefore proposed to fix that limit, leaving it to the Commissioners to take steps for lighting the town efficiently by whatever means appeared best—whether with gas or with oil. But inasmuch as no portion of the expense ought to be paid by occupiers of particular streets beyond that which was required for the general good, no further expense ought to be imposed upon them without their consent. If they wanted gas-lighting in their streets in excess of what the public interests required, well and good: let them agree to pay for it; but the Com-

missioners should not be vested with the power of compelling them to do so. In providing for a system of drainage, the Council did not say that occupiers in streets which had large drains should pay a higher rate than occupiers in streets which had smaller drains; but it looked to the entire drainage of the Town, and proposed to provide for it by an equal rate upon all the inhabitants. Whatever expense was necessary for the efficient drainage of the town, ought to be borne by the inhabitants at large; and, in the same way, whatever expense was necessary for the efficient lighting of the town, ought to fall upon the Inhabitants generally.

As he had said before, he would limit the amount to be expended for lighting to Rupees 1,00,000 a year. His Honorable friend opposite (Mr. LeGeyt) shook his head; but he should remember that Rs. 1,00,000 a year was more than six times the sum that was now expended for lighting.

MR. LE GEYT remarked that, including the private lamps, the amount now expended for lighting was 70,000 rupees a year.

MR. PEACOCK replied that 1,00,000 would at least give one-third more than was now expended inclusive of private gate lamps. If necessary, he would give 1,15,000; but he would not give the Commissioners power to impose a rate upon occupiers in particular streets to the extent of two-thirds of Rupees 1,76,000 without their consent. According to the estimate of the Commissioners themselves, 1,33,000 rupees would efficiently, very efficiently, light the town with oil. He should say that Rs. 1,00,000 or 1,15,000 would be amply sufficient for the lighting of this town, when we were giving only Rs. 1,50,000 for the much more important objects of drainage. But, in the first instance, he would limit the amount to Rs. 1,00,000. The proper principle upon which to impose a lighting rate was that the town should be lighted efficiently, whether it was lighted with gas or with oil. If efficient gas-lighting could be provided at the same expense as efficient oil-lighting, let the Commissioners introduce gas; but he could not consent to give them the power of compelling occupiers to pay for gas-lighting if it cost more than the same quantity of oil-lighting. He could not consent to give a bounty to gas either for fostering gas-lighting or to benefit a Gas Company.

He should, therefore, move an amendment in the Section.

MR. CURRIE said he would ask his Honorable and learned friend how he proposed to provide a general lighting rate—whether he intended to move a new Section making such a provision.

MR. PEACOCK said, the house rate had already been raised from $6\frac{1}{2}$ to $7\frac{1}{2}$ per cent; and besides this, the horse and carriage tax had been re-introduced. He therefore thought that there was no necessity for a separate lighting rate. At least, the Council had at present no means of judging whether there was any such necessity or not. It knew the amount which the house and land tax produced; but it did not know what the horse and carriage tax would produce. If the Honorable Mover of the Bill would satisfy him hereafter that the proceeds of these two taxes would not be sufficient to enable the Commissioners to provide for lighting the town properly, but not extravagantly, he would agree to the introduction of a new Clause imposing a separate rate. But he thought that the taxes already introduced would yield sufficient to leave Rupees 1,00,000 a year for lighting; and it was the bounden duty of every one who asked to impose a tax, to show that it was necessary.

MR. CURRIE said, he had no objection whatever to the principle for which the Honorable and learned Member contended. He believed it to be a correct principle. If the Commissioners were now in a position to light efficiently the whole Town—if they had means and appliances for so doing—then there could be no question that the whole Town should be lighted from the general funds, and that there should be no partial rate. But this was not the case. Gas-lighting, if introduced into Calcutta at all, must be introduced gradually; and the gas-lighted streets would have an advantage over the portions of the Town which were not so lighted. The Honorable and learned Member had said a great deal about the comparative cost of efficient lighting with oil and efficient lighting with gas; but the fact was, that no one had ever yet seen any town or any street lighted with oil in which the light could at all compare with the light of a town or street in which gas was used. If Calcutta was to have gas-lighting at all, it was absolutely necessary that the improvement should be provided for by additional taxation. The Honorable and learned Member had said that the addition to the house-rate and the re-introduction of the horse-and-carriage tax ought to be sufficient without any additional taxation. The increase of $1\frac{1}{2}$ per

cent. proposed to be made to the house-rate would produce about Rupees 70,000; and the proceeds of the horse-and-carriage tax might, he believed, amount to Rupees 70,000 or Rupees 80,000 at the utmost. But a subsequent Section of the Bill appropriated to drainage a minimum sum of Rupees 1,50,000 a year, which, he believed, would be the full amount of the additional taxation. Then, could the Commissioners light the Town efficiently out of their present income? Most assuredly, they could not. To say, therefore, that they might spend a lakh of Rupees, and not to give them the lakh to spend, would simply be to tantalize them by telling them that they were at liberty to do what they had no means of doing. The plan proposed in the Bill did not profess to be founded on any very accurate principle, but had been proposed as a practicable plan, and one which appeared suited to the actual position of the Town. There was a Gas Company which had already laid down mains in parts of the Town, and it was advisable that the Commissioners should take advantage of the operations of that Company. The plan proposed in the Bill would enable the Commissioners at once to light those streets with gas in which gas could conveniently be introduced in the first instance, and hereafter to extend the improvement to other parts. The Honorable and learned Member had said that, by passing this Section, the Council would enable the Commissioners to expend Rupees 1,76,000 upon lighting; but the Drainage Committee's scheme would absorb both the present surplus and the proceeds of the new taxes; and consequently the means of the Commissioners for introducing gas lighting would depend entirely upon the produce of the special lighting rate now proposed, with such small sums as they could afford in aid of the lighting rate from the general Municipal Fund.

MR. GRANT said, the Honorable Mover of the Bill had observed, and justly observed, that it would be of no avail for the Council to empower the Commissioners to spend a lakh if it did not give them the lakh to spend; and if the Honorable Member would propose a Clause for the introduction of a lighting rate, to be paid by the whole town, the whole town deriving the benefit of the improved lighting, he (Mr. Grant) would be most happy to support it. But the Honorable and learned Member opposite (Mr. Peacock) had distinctly proved that the principle upon which the Section in question was based, was fallacious,

unsound, and unjust. The Honorable Member who had the conduct of the Bill had himself admitted as much. He had admitted that he was not prepared to stand by the principle of the Section. He (Mr. Grant) recommended him to abandon the Section itself. The Section was nothing more than an embodiment of the principle; and, consequently, since he gave up the principle, he ought also to give up the Section.

Since this question had been first agitated, his (Mr. Grant's) own opinion regarding it had been changed in some respects. If a particular section of the town were thoroughly lighted, no matter by what means, then he should agree to a Clause which would impose a rate upon the inhabitants of that section. If, for example, the European portion of the town were to be thoroughly lighted, let it be with gas or let it be with oil, and the remaining portion were to be left in its present disgraceful state of darkness, he quite agreed that the occupiers of houses in the European portion of the town ought to pay for such local lighting. But the proposal made by this Section was that, whenever any street should be lighted with gas, the inhabitants of that street must pay a lighting rate. Now, if the Commissioners did their duty, they would light best those streets which were great thoroughfares. They, therefore, would run their mains through the great thoroughfares, and light them with gas. He asked, why, because his house happened to stand on a great thoroughfare, he should pay for lighting those who pass through it? He would recommend the Honorable Mover of the Bill to give up this Section, and to introduce another which would enable the Commissioners to light the whole town efficiently—that was to say, to light great thoroughfares, great streets not being great thoroughfares, and lanes, as such places respectively ought to be lighted, and to tax the whole town equally for such lighting. That would be proceeding upon a correct principle; and he (Mr. Grant) was satisfied that, unpopular as the measure might be under any phase, if it were found to rest upon a principle which was sound, and which did justice between man and man, it would lose much of its unpopularity.

SIR JAMES COLVILLE said, that there was a further ground for having some general lighting rate. People were now bound to pay a tax for lighting in a particular mode; namely, by having private lamps at their gates.

The amount so raised appeared by the returns to be about Ra. 50,000. And he did not see why, if the community was relieved, as by this Bill it would be relieved, from that impost, it should not pay a lighting rate in another shape. He was one of those who thought that it was desirable to have the town better lighted than it was. He did not suppose that there was any town in the world of equal size and opulence in such a disgraceful state of darkness. He had never seen any other town in the world in which a lamp was placed on one side only of a road; so that, if there was no moon-light, it must depend entirely upon a man's knowledge of the geography of the street whether he went to the right side of the lamp post or the wrong side.

MR. CURRIE said, he had not meant to go so far in his admission as to allow that the principle of the Section was unsound and unjust. He had said that the plan had been proposed as one suited to the circumstances of the town, inasmuch as, at present, it would not be practicable to introduce gas into all the thoroughfares of the town; and as gas-lighting must, under all circumstances, be more efficient than oil-lighting, the occupiers of those streets which would be lighted with gas would have to pay more than the occupiers of streets which would be lighted with oil. At the same time, if the Council were of opinion that means ought at once to be provided for lighting sufficiently the whole town, the more important thoroughfares with gas, and the rest with oil, he should make no objection, and should withdraw Section XXIV, until the next Meeting of the Council, when he would bring it forward in an amended form. If this were agreed to, he would also withdraw for the present Sections XXV, XXVI, XXVII, and XXVIII.

MR. PEACOCK said, upon this understanding, he should withdraw his own motion.

THE CHAIRMAN said, it appeared to him that the tendency of Section XXIV, as it stood, was to impose a lighting tax of 2 per cent. on the whole Community, since it put no limit to the number of streets to be taxed.

The question was then put that the further consideration of the Section be postponed.

Agreed to.

The consideration of Sections XXV to XXVIII was also postponed.

Sections XXIX to XXXIII were passed.

Section XXXIV provided that the Act should take effect from the 1st of January next.

MR. PEACOCK said, as it might be necessary to re-publish the Bill, he should move that the consideration of this Section be postponed.

Agreed to.

The Schedule was agreed to.

The Council resumed its sitting.

MUNICIPAL ASSESSMENT (MADRAS.)

MR. ELIOTT moved that the Council resolve itself into a Committee on the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Madras"; 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.

Sections I to IV were passed.

Section V provided that one of the Commissioners should be an Officer of Government, and that the other two should be persons not holding office under Government, and should receive salaries.

MR. GRANT asked if it would not be better to alter this Section, so as to make it correspond with Section V of the Calcutta Bill.

MR. ELIOTT said, the intention in providing that two of the three Commissioners should be persons not holding office under Government was that they should be the executive Commissioners, and give their whole time and attention to the Municipal affairs of the town, in consideration of which they would receive salaries. The Municipal funds at Madras were so small that they would not admit of all the Commissioners being paid.

MR. GRANT said, the only effect of substituting for this Section, a Section similar to that which had been introduced into the Calcutta Bill would be to leave the hands of the Madras Government free. The Section would not fetter them at all, but they might still appoint men holding office under Government to be Commissioners. He did not, however, at all mean to object to the principle of the Section.

MR. ELIOTT said, the *modus operandi* contemplated was, as he understood, that the executive Commissioners should do a good deal of the office work, by which some expense would be saved.

After some conversation, Section V was put and negatived.

MR. ELIOTT then moved that the following new Section be inserted before Section VI:—

"The Governor-in-Council shall also appoint one of the said Commissioners to be President of the Board of Commissioners."

Agreed to.

MR. ELIOTT moved that, after the above Section, the following new Section be introduced:—

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

The Section was agreed to.

Sections VI and VII were passed.

Section VIII was negatived.

Sections IX and X were severally passed.

Section XI was passed after an amendment.

Sections XII to XIV were severally passed.

Section XV was passed, after an amendment.

Sections XVI to XVIII were severally passed.

Section XIX was passed after an amendment.

Sections XX to XXVI were severally passed.

Section XXVII, which provided for the commencement of the Act, was passed after the insertion of the words and figures "1st of January 1857" after the words "take effect from and after the."

The Schedule, Preamble, and Title were severally agreed to.

The Council resumed its sitting.

MUNICIPAL ASSESSMENT (STRAITS.)

MR. ALLEN moved that the Council resolve itself into a Committee on 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 that the Committee be instructed to consider the Bill in the amended form in which it had been recommended by the Select Committee to be passed.

Agreed to.

Sections I to XXIV were severally passed.

Section XXV was passed after amendments.

Sections XXVI to XXIX were severally passed.

Section XXX was passed after the insertion of the words and figures "the 1st of January 1857" after the words "take effect from and after."

The Preamble and Title were severally passed.

The Council resumed its sitting.

BENGAL MARINERS' FUND SOCIETY.

MR. PEACOCK moved that the Council resolve itself into a Committee on the Bill "to provide for the dissolution of the Bengal Mariners' and General Widows' Fund Society, and the distribution of the funds belonging thereto"; 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.

THE CHAIRMAN reported the Bills which had been settled in Committee.

PORTRAIT OF THE MARQUIS OF DALHOUSIE.

THE VICE PRESIDENT said, although very little progress had hitherto been made in the construction of the new Chamber for the Legislative Council, he understood that, when the Chamber was ready, the intention was to make it over to the Council, not with bare walls, but decorated with such an amount and description of ornaments as should be suitable to the purposes for which it was intended; and that, amongst other things, a vacant space would be reserved for one or two portraits. It had been suggested to him, and he thought the idea an excellent one, that no portrait could be more appropriately put up in such a place than that of the Noble Lord who was the first President of the Council; who had devoted so much pains and so much of his invaluable time to the organization of its proceedings; who had presided so frequently at its first sittings; and who, to the day of his departure from this country, had taken the deepest interest in its utility and its progress. Honorable

Members would remember how, when taking his leave of the Council, His Lordship had said that he had sat by its cradle, and watched its growth; and he (the Vice President) was sure that, though the Noble Lord was now far away from us, he continued to take quite as great an interest as before in all that concerned India and this Council in particular.

He begged to mention that, at the suggestion of the Government of India, the Court of Directors had undertaken to send out the Portraits of all the Governors General, which were wanting to complete a full historical series of the eminent men who had held that distinguished office from the time of Warren Hastings downwards, to be placed in the Government House in Calcutta; and he had reason to believe that, if such should be the wish of the Legislative Council, the Executive Government would readily take the opportunity of applying for a second Portrait of the Marquis of Dalhousie, to be placed in the Legislative Council Chamber. He thought that it would be gratifying to every present Member of the Council if such a painting were placed there, and he was sure it ought to be of interest to all succeeding Members to have prominently before them the portrait of the great statesman who had directed the energies of this country for so many years, and under whose auspices the order and system of this Council were first inaugurated. Being in this belief, he had taken the liberty of bringing the present motion as set down in the Orders of the Day before them, and he begged now to submit for the consideration of the Council

"That a Message be sent to the Governor General in Council, conveying the request of the Legislative Council that application be made to the Honorable the Court of Directors for a Portrait of the Marquis of Dalhousie to be placed in the new Chamber of the Council."

The motion was agreed to.

JOINT-STOCK COMPANIES.

MR. PEACOCK moved that the Bill "for the incorporation and regulation of Joint-Stock Companies and other Associations, either with or without limited liability of the members thereof" be referred to a Select Committee consisting of the Vice President, Sir James Colville, Mr. Elliott, Mr. Allen, and Mr. Peacock.

Agreed to.

NOTICES OF MOTIONS.

MR. ELIOTT gave notice that he would, on Saturday next the 13th instant, move the third 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."

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

MR. ALLEN gave notice that he would, on the same day, move the third reading of 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."

LAND CUSTOMS (BOMBAY.)

MR. LEGEYT moved that a communication received by him from the Government of Bombay be laid upon the table and referred to the Select Committee on the Bill "to make better provision for the collection of Land Customs in certain Foreign Frontiers of the Presidency of Bombay."

Agreed to.

NOTICE OF MOTION.

MR. PEACOCK gave notice that he would, on Saturday the 20th instant, move the first reading of a Bill to give effect to the Penal Code of India.

The Council adjourned.

Saturday, December 13th, 1856.

PRESENT :

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

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

HINDOO POLYGAMY.

THE CLERK presented the following Petitions praying for the abolition of Hindoo Polygamy :—

A Petition of Hindoo Inhabitants of Reshira and its neighborhood.

Two Petitions of Hindoo Inhabitants of Calcutta.

A Petition of Hindoo Inhabitants of Bancoorah.

SIR JAMES COLVILE moved that these Petitions be printed.

Agreed to.

PORT-DUES.

THE CLERK reported that he had received from the Governor of the Straits Settlement a communication forwarding a letter from the Chamber of Commerce of Singapore on the proposed levy of harbour dues at that port.

MR. ALLEN moved that these papers be printed.

Agreed to.

POLICE (PRESIDENCY TOWNS, &c.)

THE CLERK also reported that he had received from the Governor of the Straits Settlement two communications relative to Act XIII of 1856 (the new Police Act.)

Agreed to.

ABKAREE REVENUE (BENGAL.)

The following Message from the Governor General was brought by Mr. Peacock and read :—

MESSAGE No. 87.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 15th November 1856, entitled, "A Bill to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal."

By order of the Right Honorable the Governor General.

CECIL BEADON,

Secretary to the Govt. of India.

FORT WILLIAM,
The 9th December, 1856.

SONTHAL DISTRICTS.

MR. CURRIE moved the first reading of a Bill "to amend Act XXXVII of 1855 (to remove from the operation of the general laws and Regulations certain districts