

Saturday, 4th August, 1855

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF INDIA

Vol. I

(1854-1855)

sion of them now. At present, he wished merely to express his general assent to the measure, with a reservation as to a few portions of the Bill, of which he did not now approve.

SIR JAMES COLVILLE'S motion was then put and carried, and the Bill was read a second time accordingly.

PATENTS.

MR. PEACOCK moved that the Bill "for granting exclusive privileges to inventors," be read a second time.

Motion carried, and Bill read accordingly.

CATTLE TRESPASS.

MR. CURRIE moved that a communication which he had received from the Lieutenant Governor of Bengal on the subject of Cattle Trespass, be laid upon the table and printed. He said, a Petition on this subject had been presented to the Council some months ago by the Indigo Planters' Association, accompanied by the copy of a Petition which the same body had presented to the Government of Bengal. The Government of Bengal, on the receipt of that Petition, communicated with Mr. Mills, the late Member for this Presidency in the Council, and also with its officers in the Mofussil. The correspondence that had taken place had now been forwarded to him (Mr. Currie), with an expression of the Lieutenant Governor's opinion, and he desired that the papers should be printed. When that was done, he should move for a Select Committee to consider the whole question, and, if it should be deemed expedient, to prepare a Bill.

Agreed to.

LIMITATION OF SUITS.

SIR JAMES COLVILLE moved that the Bill "to provide for the acquirement and extinction of rights by prescription, and for the limitation of suits" be referred to a Select Committee consisting of Sir Lawrence Peel, Mr. Peacock, Mr. Elliott, Mr. LeGeyt, and the Mover.

Agreed to.

NOTICE OF MOTION.

MR. LEGEYT gave notice that, on Saturday next, he would move the second reading of the Bill "to explain and amend Act No. XXXIII of 1852."

The President

PATENTS.

MR. PEACOCK moved that the Bill "to grant exclusive privileges to inventors" be referred to a Select Committee consisting of Mr. Grant, Sir James Colville, and the Mover. Agreed to.

NOTICE OF MOTION.

MR. ALLEN gave notice that, on Saturday next, he would move the first reading of a Bill "to enable Magistrates to take cognizance of offences which affect the public, without requiring a written complaint."

The Council adjourned.

Saturday, August 4, 1855.

PRESENT :

The Honorable Sir Lawrence Peel, *Vice-President*.
 Hon. J. A. Dorin, C. Allen, Esq.,
 Hon. B. Peacock, P. W. LeGeyt, Esq. and
 D. Elliott, Esq., E. Currie, Esq.

COGNIZANCE OF OFFENCES (BENGAL AND FORT ST. GEORGE).

MR. ALLEN moved the first reading of a Bill "to enable Magistrates to take cognizance of certain offences without requiring a written complaint." This Bill, he said, made no alteration in the Criminal Law of the Presidency. It merely referred to procedure. The original Criminal Law for Bengal was chiefly contained in Regulation IX of 1793. In that, it was laid down that Magistrates were to proceed upon written complaints, and upon written complaints only. That included all cases whatever—heinous crimes and misdemeanors. This rule was modified by other Regulations, and more particularly by Regulation IX of 1807. But that Regulation, while, with others, it modified this law as regarded heinous crimes and felonies, re-enacted it as regarded misdemeanors, or what the Regulations termed bailable offences. It had not been the practice of Magistrates in the Mofussil to refuse to take up cases of misdemeanor when they affected the public, and by the punishment of which a public object would be gained. But the question was raised some six years ago, when an energetic Magistrate in the North-West, believing certain ministerial officers of the Criminal Court of Agra to be guilty of corruption and extortion, charged them with the commission of those crimes. In many of the cases, he did not succeed in obtaining a conviction ;

but he did in two or three, and the men convicted were severally sentenced to different terms of imprisonment. In one case at least, the term reached to four years. While under trial, these men, being learned in the law, raised the point that the Magistrate was wrong in instituting proceedings against them of his own motion, and that the proceedings could be instituted only by those who had been aggrieved—that is, by those from whom they were charged to have taken the money. The point was thought one of great importance, and, after the trials were concluded, was maturely considered by the Sudder Court of Agra and the Sudder Court of Calcutta ; when the majority of the Judges of the two Courts decided that a written complaint from the party aggrieved was absolutely necessary ; and the men convicted were, he presumed, thereupon released, though of that point he was not certain. In consequence of the opinion recorded by the Sudder Courts of Agra and Calcutta, Act XXXII of 1852 was passed, by which it was enacted that, in cases of bribery and extortion, it should not be necessary to require a written complaint. After this, the late Lieutenant Governor of Agra (Mr. Thomason) wrote to the Sudder Court of Agra, and asked, as this had been the law in regard to bribery and extortion, was it not the law in regard to other misdemeanors, and could a Magistrate take up cases of misdemeanor when they fell under his own observation, or were reported to him by his own officers ? The question was considered by the Sudder Court of Agra and the Sudder Court of Calcutta, and the majority of the Judges said that, in the existing state of the law, Magistrates could not take up such cases. Mr. Thomason reported the matter to the Supreme Government, and requested them to amend the law. But as the Draft of an Act did not accompany the report, nothing was done till last year, when his communication was, with many others, laid on the table of this Council, and the Committee appointed to classify the papers reported on the project of law in question as follows :—

“ This proposition came from the Lieutenant Governor of Agra, in consequence of a ruling by the Sudder Courts that a Magistrate was debarred from taking cognizance of offences against decency and public morality unless on the petition, on stamped paper, of a person aggrieved by such acts. It is proposed to amend the existing law.”

Two or three months ago, the present Lieutenant Governor of Agra drew his (Mr.

Allen's) attention to the subject, and requested him to prepare a Bill, which he had now done.

The Bill consisted of only three Sections.

The first Section repealed existing Acts on the same subject here and at Madras. It was doubtful whether the existing law did apply to Madras or not ; and therefore, with the consent of the Honorable Member for that Presidency, he had, to remove all doubts, included Madras.

The next Section said that a Magistrate might, on the information of a Police Officer or other person, to be given on oath, or on his own personal knowledge, having first recorded the grounds thereof in his own hand-writing, proceed against any person for any of the said offences in the same manner as if a complaint in writing had been preferred and sworn or duly deposed to.

The third Section merely said that all proceedings under this Act by Magistrates, should be subject to the like appeal as other proceedings of such Magistrates.

There was no doubt that, in Bombay, Magistrates could take up such cases as those contemplated by this Bill without written complaints. That power was expressly given to them by Regulation XII of 1827 of the Bombay Code. All Magistrates in England, he believed, acted similarly on information received ; and as the prohibition of such a mode of procedure was an anomaly in the Bengal Code, the present Bill had been framed with the view of removing it.

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

The Bill was then read a first time.

ENFORCEMENT OF JUDGMENTS.

MR. LEGEYT moved the second reading of the Bill “ to explain and amend Act No. XXXIII of 1852.”

The Motion was carried, and Bill read accordingly.

ORIENTAL GAS COMPANY.

MR. CURRIE moved the second reading of the Bill “ for incorporating the Oriental Gas Company.”

MR. ALLEN said, he thought the second reading of this Bill had better be postponed for three months, until the Council could learn more specifically what the Company meant to do, and whether it would be able to do it. As yet, the papers before the Council told them very little of what the Company stipulated to do in return for their Charter.

Before the Council could consent to give the Company a Charter of Incorporation, it was the part of the Company to stipulate to perform certain conditions. This Bill spoke of a Deed of Association as existing in London. A copy of that Deed was not before the Council; nor did he know what the Company had in it engaged to do. From what he did know, he perceived that they did not intend to light the whole of Calcutta. If they did, he should have had much less objection than he now entertained to the passing of this Bill. But in the 18th paragraph of the letter from the Secretary to the Municipal Commissioners to the Secretary to the Government of Bengal, dated 8th May 1855, the elective Commissioners very properly observed as follows:—

“ It will appear, on reference to the Commissioners' list of streets, a copy of which is herewith submitted, that there are 432 streets in the whole town, of which 251 are in the Northern Division, and 181 in the Southern; the former containing 13,121 premises, and the latter 5,156. Out of this aggregate number of streets, 51 streets only, containing 3,498 premises, are proposed to be lighted, proposing to leave unlit the remaining 381 streets, several of which are important thoroughfares used day and night, while a great many of them, though narrow streets, are of considerable traffic day and night to the thickly-populated native portion of the town.”

The Gas Company, therefore, agreed— at present, at least—to light only 51 streets of this town, and he believed that they could not, with their present capital, light more; for it was stated in the papers before the Council, that their present estimates did not provide more means than was necessary for the lighting of that number of streets.

The streets, too, which it was proposed to light, did not appear to him to be the principal thoroughfares of the town, and the number of lights to be put up in them appeared to be too many, and not to correspond with their utility. It was, of course, for the advantage of the Gas Company that they should put up as many lights as they possibly could for the length of their pipes. The only Engineer who had been consulted as to the streets in which lights should be placed—the only Engineer whose opinion had been taken, was the Engineer of the Gas Company.

Mr. CURRIE, interrupting the Honorable Member, said, these observations did not refer to the present Bill, but to the Bill for the better lighting of the town of Calcutta, which was not now before the Council. That was the Bill in reference to which the

Council would have to determine which street should be lighted with Gas, and which should not. The course of observations upon which the Honorable Member was entering now, hardly bore upon the present Bill.

THE PRESIDENT said, he apprehended, from the observations with which the Honorable Member who had spoken first in the debate had commenced his address, that he intended to propose, not the rejection, but the postponement of the motion for the second reading. With that object, he was directing his arguments so as to show that the Council would be working in the dark if it passed the second reading of this Bill now, because he thought that it had not before it all the necessary information to enable it to see whether the Company was in a position to carry out the plans which it offered to undertake. In referring to another Bill, he did so only for the purpose of supporting that view; and, this being the case, he (the President) saw no irrelevancy in the Honorable Member's observations.

MR. ALLEN said, he wished to show that the Company did not give a *quid pro quo*—that they did not enter sufficiently into stipulations to justify this Council in giving them a charter of incorporation, and, to a certain extent, a monopoly of Gas for the town. He wished to show that the Bill, although in the original letters and tenders of the Company it was intended to light the whole town, provided for the lighting of only parts of the town; and that the parts which it was proposed to light, were not the best parts to choose.

He observed that no Engineer except the Engineer of the Gas Company had been consulted respecting the number of lights which it was advisable to put up; and that it was the interest of the Gas Company to put up as many lights for their pipes as they could persuade the Municipal Commissioners to allow, while the interests of the inhabitants of the town required only such a number as would adequately illuminate the town. As an illustration of the consequence of this mode of proceeding, he would take two streets which it was proposed should be lit with Gas, and which were well known to all—Russell Street and Chowringhee Road. There was no comparison between the amount of traffic which passed along those two streets. Russell Street was not generally used for traffic, while Chowringhee Road was used very extensively for traffic daily. The number of lights which it was proposed to put

up in Chowringhee Road, was about 1 in 105 feet: the number of lights which it was proposed to put in Russell Street was 1 in 50 feet. Therefore, there would be double the number of lights in Russell Street that there would be, for the same length, in Chowringhee Road, although the width of Russell Street was less than the width of Chowringhee Road. The number of lights for Russell Street was most inordinately large: it was in the proportion of 1 light for every 16 yards of length—which, he supposed, was about the length of this room. There now were in Russell Street 14 Oil lights. It was proposed to give it 35 Gas lights, each of which, it was said, would have the brilliancy of four Oil lights; so that Russell Street would have ten times the present amount of light.

These were his grounds for saying that the Council was not now in a position to grant a Charter of incorporation to the Gas Company. But even if it were in such a position, he should object very strongly to the terms of the Charter proposed. It was stated in the Preamble of the Bill that three-fourths of the capital of the Company had been paid up. Now, the Council had no proof of that before it. He did not think that the Council was at all bound to abide by the reports of the Members of the Gas Company; for the Honorable Mover of the Bill, in introducing it into this Council, had said that £40,000 had been laid out by the Company in apparatus. Of course, the Honorable Member spoke upon information derived from the Managing Committee of the Gas Company here; but—

MR. CURRIE remarked that he had said that liabilities to the extent of £40,000 had been incurred by the Company, not that that sum had been expended. At least, he had meant to say so.

MR. ALLEN replied that the Honorable Member's words, as given in the Report of his speech, were these:—

"The Gas Company, though not yet incorporated, had given substantial proofs of its existence. It had expended, he understood, upwards of £40,000 in the purchase of apparatus, a great part of which was now on the way to Calcutta, &c."

MR. CURRIE observed that he had meant to say the Company had incurred liabilities to the extent of more than £40,000.

MR. ALLEN, in continuation, said—but he observed from a Report, published in the *Times* newspaper, of a Meeting of the shareholders of the Gas Company held in

London in the end of May last, that it was stated that £6,000 only had been expended by the Company.

Again, the Report in the *Times* said that the present cost of lighting Division A of the town, which comprised 80 streets, was £36,948-16s. per annum, and Division B, which comprised 51 streets, £29,115-16s. per annum. Now, the absurdity of these sums was clear to us, and the probable explanation would be that gentlemen in London, speaking of operations that were to be carried out in India, had changed rupees into pounds sterling by mistake. But if the shareholders of an important Company allowed a statement to go into the *Times* newspaper, which said pounds sterling when rupees were meant, it proved, at any rate, that we should receive their statements with some degree of caution. It was curious, however, that, supposing pounds sterling to have been written in mistake for rupees, the sum of 16 shillings was added to the amount both as to Division A and Division B. If rupees were changed into pounds, whence came the 16 shillings? There could not have been that number of annas. He could only suppose that the person who changed the currency had a faint idea that one *something* in India was equal to two shillings, and that thus eight annas in the original got changed into 16 shillings.

This Charter, too, or Bill of Incorporation, contrary to what was customary, contained no list of shareholders whatever. It merely said—

"the several persons whose names and seals are already subscribed and affixed to the said deed."

Then, again, the Preamble stated that the Company had been registered at home. If they had been registered completely at home under the Registration Act, they would have full power to sue and be sued by their constituted officers in England: a similar rule would apply to them here: and the two sets of officers might, in many cases, clash. Then, the Board in London and the Board in Calcutta would have the power of making Bye-laws: and books must be kept in both places. Now, how were books which should show all the operations of the Company, to be kept in both places? How were Auditors to examine the accounts here and in London, so as to give the shareholders and those who trusted them an accurate knowledge of the position in which the affairs of the Company stood?

Then Section XVII of the Bill said—

"The said Company shall cause the name of each and every Director of the said Company, and also the name and proper official description of every officer of the said Company, &c., to be entered in a book, to be kept at the said principal offices in Calcutta and in London respectively, &c."

Was the Company to have two principal offices? It appeared to him that, for a corporation, there ought to be but one principal office, making the other branch establishments.

The Bill had also taken a great number of Sections from the London Gas Act, but had stopped at the Section which limited the profits of a Company incorporated under it. By the London Gas Act, the profits of a Company were limited to 10 per cent. When the profits exceeded that per centage, the charges of the Company were proportionately reduced, to the benefit of the consumers.

Again; this Company wished to be allowed to introduce Gas into all the towns of India. But by their own statements, their present capital was not sufficient to light this one town. Why, then, should the Legislature go out of its way to give them a monopoly for the whole of India? They would have the power of letting and sub-letting their contract; and the effect of that would be, that they would be in a position to say to other speculators—"We have got a Charter of incorporation. If you give us something" which would be for nothing at all, "we will sub-let our contract to you."

Until they could show that they were capable of doing what they undertook to do, it appeared to him that they should have no Charter of Incorporation.

For the reasons he had stated, he begged to move that the consideration of this Bill be postponed for three months.

SIR LAWRENCE PEELE said, he was prepared to vote for the second reading of this Bill. The objections which had been made to it seemed to him rather matter for the consideration of a Select Committee than for discussion here. They might, and no doubt would, require proof of the recitals in the Act; and, if they were not satisfied of the truth of those recitals, they would so report to the Council.

If it was thought advisable to limit the powers to Calcutta alone, that also could be done, though he himself was not averse to incorporating them with the powers which they sought as to other places; for due provision might be made in the Act against allowing them to commence operations in other places except under sufficient safeguard.

Mr. Allen

What was it that was feared? There was nothing in the existing law to prevent any private person, if he had funds enough, setting up Gas works in any town in India. The practical difficulty in getting the consent of those in whom the property or care of the public roads and thoroughfares was vested, alone impeded such a thing, supposing the will and means were not wanting, and that arrangements could be made with private proprietors. Why should it be supposed that undertakers of this kind would, without a reasonable ground for expecting a profit, begin a manufactory of Gas in the Mofussil towns, or that the Government would aid them in such undertakings by affording them the facilities without which the scheme must fail? He believed what was sought here, was not without precedent.

As to the objections to the audit, surely effectual means for an audit might be provided, though part of the proprietors and funds were in one place and part in another. As this presented no difficulty practically in private undertakings, why should it in those of a public nature? Any provisions for an audit that were reasonable and proper, might be added by the Select Committee.

Then, as to the objection that the Company did not pledge themselves to light all Calcutta, it appeared to him that it would be unreasonable to insist on any such condition. How could they tell, at first, how far it would be prudent to go? If there was a fair hope of profit in it, it would be done by them or another Company when once the undertaking had been established, and worked with a profit. But what if it proved a loss? Must the Legislature bind them to a ruinous bargain? That would be neither a liberal nor a just course of dealing, and it had not been pursued in other cases. It generally happened that risk attended such undertakings: the first years were often the worst; and the Company felt its way by degrees, and extended its operations as success crowned its undertakings. But to make it a condition that this Company should light all Calcutta if it lighted any part, would be, in his opinion, to defeat the object wholly. If it was a good thing to light a whole city with gas, was it not good, *pro tanto*, to light a part, and be sure they would light all that they could with profit? There was not much prospect of exorbitant profits; but even that might be met without throwing out the Bill.

He considered the postponement of the Bill for three months to be a virtual defeat of the Bill; and, of the two courses, he should

prefer the more direct—a vote to throw it out altogether.

MR. ELIOTT said, he could not support the motion for postponing the consideration of this Bill, because he was satisfied that the undertaking of the Gas Company was a real undertaking, so far as regarded Calcutta, and that measures were actually in progress for carrying it out. But he confessed he agreed with the objections stated to giving the Company a Charter of Incorporation for other parts of India, for carrying on operations in which no preparation had been made by them. He saw no evidence of any such preparation. It was quite unusual anywhere to give to a Company a Charter of Incorporation when the Company had not provided means for immediately entering upon and executing what they offered to undertake. In voting for the second reading of the Bill, he wished to guard himself against being understood as agreeing generally to its provisions upon this point, and to state that, if they were retained by the Select Committee, he should have to move amendments as to them when the Bill should come under the consideration of a Committee of the whole Council.

MR. LEGEYNT said, he thought it would be very unfair to the Gas Company to postpone the consideration of this Bill in its present stage. With the very small amount of information that had been circulated with the Bill, the Council was not in a position to judge how far the measure would be beneficial to the public of the other Presidencies, and it was exceedingly desirable that the Bill should go before those communities, in order that they might have an opportunity of expressing their opinions upon it before it should come to be considered in a Committee of the whole Council. In voting for the second reading, he did not bind himself to a total approval of all its provisions, and particularly of those which would extend the Charter of Incorporation to places other than Calcutta. He could not now say whether the Charter should or should not be so extended, and should wait until he heard on the subject from Bombay.

MR. PEACOCK said, if this Bill had declared that the Oriental Gas Company should have the exclusive privilege of lighting with Gas, he should have thought that there were strong reasons for voting in support of the amendment. But, as such exclusive privilege was not asked for, he did not see the force of the arguments which the Honorable Member opposite (Mr. Allen) had urged to induce the Council to postpone

the consideration of the Bill. He quite agreed with the Honorable and learned Chief Justice that, by allowing the Bill to pass the second reading, the Council would not pledge itself to an approval of all the details. Those would be subjects for the consideration of the Select Committee to whom the Bill would be referred. But he should not like the Bill to pass the second reading without stating that he objected to that part of it which allowed the Company to extend their works to towns and places beyond Calcutta, and to enter into sub-contracts. He found, by the Preamble of the Bill, that the whole amount of the capital of the Company was £50,000, in 50,000 shares of £1 each; and, by Section IV, that the Company would not be allowed to borrow money to a greater amount than one-fifth of the paid-up capital; so that the utmost capital of the Company could not exceed £60,000. The principle adopted in the Houses of Parliament in England required that a certain amount of the capital of a Company should be paid up before a Charter of Incorporation was granted. The same principle ought to prevail here, although, perhaps, not with the same degree of strictness; but when he saw that the chief object of this Company was the lighting of Calcutta with Gas, and that the whole amount of its capital, with the highest amount which it was authorized to raise by loan, was much too small for that object, he felt great objection to give them a Charter of Incorporation which should extend to other towns of India. The Company were bound by their Deed of Settlement, which, he presumed, had been entered into in England. It did not appear that, by that Deed, they could increase their capital beyond £60,000. He observed that, by a proviso in Section III of the Bill, the Company might increase their capital, from time to time, to rupees 30,00,000 by the issue of fresh shares; but they were under no obligation to do so. The Company, however, appeared to have been registered in England under the Act 7 and 8 Vict. c. 110. They were, of course, bound by their Deed of Settlement, and he did not see how any power given to them in this country to increase their capital could affect the terms of that Deed. The Company would be in rather an anomalous position, for they would be a complete corporation here, and only a *quasi* corporation in England by virtue of the registration under the 7 and 8 Vict. c. 110. Before the Legislature incorporated the Company, it was bound to see that the

Company had the means of carrying out the object for which it sought incorporation ; and, from all the means of information which he had before him, he could not say that it appeared that this Company was provided with means for carrying out their undertaking in places beyond Calcutta.

He should also say that it might be necessary, unless the facts had been ascertained by the local Government, for the Select Committee to require some proof of the Preamble of the Bill, and to ascertain that the powers given to the Company by the Bill were not inconsistent with any Deed of Settlement which might have been executed. The recital did not state whether the Company had been provisionally registered or completely registered in England. The Council was left in the dark as to that fact. It ought not to pass a private Bill with a Preamble reciting facts, unless it was assured by some sufficient evidence that the recitals were true.

He also thought that it might be necessary to alter certain provisions of this Bill. According to their Standing Orders, the Houses of Parliament in England would not give to a Gas Company a Charter of Incorporation unless they were satisfied that it had served notices on the inhabitants living within a certain distance of the place in which it proposed to set up its Gas works. The object was, that, as the Act of Incorporation would authorize the Company to erect gasometers and other works, persons residing in the neighbourhood might have an opportunity of objecting to the Bill upon the ground that Gas works might be injurious to their property. This difficulty did not apply to Calcutta, where the Company had already obtained a site from Government ; but the Bill gave power to the Company to purchase or lease lands in any part of India for the purpose of forming, erecting, and making all such establishments, buildings, works, and conveniences as to it might seem fit. He doubted whether such general provisions ought to be inserted in a private Bill of this nature. But all these were matters which would be more properly considered by the Select Committee to which the Bill would be referred, than in its present stage.

He would refer to a Despatch from the Honorable Court of Directors on the subject of the incorporation of this Company. That Despatch had been published with the correspondence circulated in connexion with the Bill for the better lighting of the town of Calcutta. The Honorable Court seemed to

think that the Company ought to be incorporated, provided it were ascertained that it was likely to have the means of carrying out the objects for which it was formed. They observed :—

“ It is to be borne in mind that the Company does not propose to confine its operations to Calcutta, but contemplates the extension of Gas lighting to any or all of the cities of India ; and we apprehend that the power of this or of any other Company to engage in the work on favorable terms, will be greatly promoted by the grant of a Charter at the outset, *the usual precautions being of course taken that the Company receiving it has been bona fide formed with the view of carrying out its professed purposes, and that it is likely to have the means of carrying out those objects with efficiency.*”

This corresponded with the views which he entertained—namely, that, before the Bill was passed, the recitals in the Preamble should be proved to the satisfaction of the Select Committee, and the Company should not have a Charter of Incorporation extending to parts of India other than Calcutta, unless the Council should be satisfied that they had sufficient capital, or the means of raising sufficient capital, for carrying on their operations in such parts.

He had no further observations to make upon this Bill. He had made these remarks in order that it might not be supposed that the Legislative Council was, in the present state of its information, prepared to grant the Company a Charter of Incorporation to enable them to carry on their operations beyond the limits of Calcutta. Looking to the Preamble of the Bill, which was all the information he had upon the subject, he should be disposed to say that the capital of the Company was not sufficient to justify the Council in authorizing them to extend their works beyond those limits.

With these observations, he begged to say, he should support the second reading of the Bill.

Mr. CURRIE said, the observations of the Honorable and learned Chief Justice entirely exonerated him from the necessity of offering any reply to the Honorable Mover of the amendment.

With regard to the ground taken by the Honorable Member opposite (Mr. Elliott) that it would be objectionable to grant so extended a sphere of action as the whole of India to a Company whose paid-up capital was only sufficient for the immediate object of establishing works in Calcutta, and that it was not usual to give Charters of Incorporation to Companies unless they showed that they not only intended, but were provided

with means to carry out all the objects which they offered to undertake—he had to observe that, when this Company entered into negotiations for lighting Calcutta with Gas, they stipulated that they should have a Charter of Incorporation like the Assam Company's, and the Government had promised, as far as they could promise, that they should have such a Charter. He spoke under correction, but he thought that the Assam Company, though their immediate object was to cultivate tea in Assam, might, under their Charter, also cultivate indigo in Tirhoot, or sugar in Ghazee-pore or Benares. He spoke without book, but he was pretty certain that that was the effect of the Act.

With regard to the statement of the Honorable and learned Member opposite (Mr. Peacock) that the Deed of Association of this Company limited the capital to £60,000 whereas the proposed Act of Incorporation authorized it to be extended to rupees 30,00,000, he confessed he was able to say nothing upon it. The Act, which was prepared by the Attorneys of the Company, had been revised by the Law Officers of the Government. He might mention, however, that he had seen with the Draft of the Act, a note in the hand-writing of Mr. Prinsep, the Advocate General, in which he said that it was necessary that he should see the Deed of Association in order that he might be satisfied that there was nothing in it inconsistent with the provisions of the Draft Act. He, therefore, assumed that point had been looked to, and that the provision in this Bill which authorized the Company to increase their capital from time to time to rupees 30,00,000 was not opposed to the Deed of Association. He had received the Bill with the assurance of Mr. Cowie, the Standing Counsel, that its provisions were unobjectionable in point of law.

With regard to the power which the Company would have of committing nuisances in the neighbourhood of valuable property, he thought that that had been sufficiently provided for by Section XLIV of the Bill, which made the Company liable to an indictment for nuisance or any other legal proceedings. If that were not sufficient, it was to be remembered that the Company could not extend their operations to any town without the previous sanction of the local Government; and the local Government, in giving that sanction, would have the power to make such orders as to the position in which the Gas works and Gas holders should be erected as would prevent any nuisance of the kind.

As the opinion of the Council generally appeared to be that the Bill should pass the second reading, he would not trouble the Council with any further observations in reply.

MR. ALLEN'S amendment was put, and negatived.

MR. CURRIE'S motion for the second reading was next put, and carried.

The Bill was read a second time.

LIGHTING OF CALCUTTA.

The Order of the Day for the second reading of the Bill "to provide for the better lighting of the town of Calcutta" being read,—

MR. CURRIE said, in moving the second reading of this Bill, he should wish to make a few observations in regard to the papers which had been recently circulated amongst Honorable Members in connection with the Bill, and also in regard to some doubts which he understood to be entertained as to the desirableness of the measure.

The papers referred to were, no doubt, connected with the subject of the Bill, and though it had not appeared to him necessary that the second reading should be delayed for their circulation, he was glad that Honorable Members had now seen them. It might be thought that he ought to have annexed them to the Bill. The reason why he had not done so was, that the last Report sent in to Government by the Municipal Commissioners upon this subject—which he *had* annexed—seemed to him to contain the whole gist of the matter; and that the previous correspondence was voluminous, and the passages in it bearing on the question raised by the Bill were few and scattered. That question was simply whether it was or was not expedient or necessary to light Calcutta with Gas; and the solution of that question depended on the further question whether Gas lighting was or was not expedient or necessary: for no one who had examined the printed Annual Reports of the Municipal Commissioners would maintain that Gas lighting in this town, on however small a scale, could be paid for out of the existing income at the disposal of the Commissioners, without encroaching, to a degree altogether inadmissible, upon funds devoted to other objects equally, or perhaps even more necessary. Besides, no where—excepting in France, where all municipal expenses were, he believed, paid out of the *octroi*, or Town duties,—had the introduction of Gas lighting into a town ever been heard of without the imposition of a new or an increased tax or rate.

It must, he apprehended, be the same in Calcutta. If we were to have Gas, we must also have a lighting rate here.

With regard, then, to the expediency of Gas lighting, the Honorable and learned Chief Justice had already made some able observations on that point. In addition to those observations, he would only refer to the example of all towns, English, Continental, and Colonial, he would not say of wealth and population equal to Calcutta, but of any considerable degree of wealth and population. That which had been deemed expedient in every civilised part of the world, must be accepted as expedient in India. The Honorable the Court of Directors had fully recognised this expediency, and had intimated that "it would give them great satisfaction if, by any arrangement which this Government was able to make, the great advantage of Gas lighting, so desirable on every account, would be introduced into India."

But the introduction of Gas lighting into Calcutta seemed to him something more than a matter of expediency. Under the existing state of things, however produced, it had become one of necessity. On the faith of an understanding with the Municipal Commissioners—who, by their office and mode of appointment, were the representatives of the town—the Gas Company had spent, or incurred liabilities for, some £45,000 in preparations for lighting the town with Gas. These proceedings could not be ignored. The Company could not be thrown over. If the Council should think proper to throw out this Bill, and refuse a lighting rate (which, however, he was far from apprehending), the Commissioners must still redeem their pledge to the Company, and would be compelled to make use for lighting purposes of funds which, as he had already said, were, and ought to continue to be, appropriated to other objects.

He proposed to examine briefly the nature and extent of the pledge which the Commissioners had given to the Company.

In their last communication to Government on the subject, dated 8th of May 1855, the Commissioners stated as follows:—

"The terms of the contract entered into with the Oriental Gas Company are simply binding on the Conservancy Department to light all the existing public lamps by Gas, wherever the Company may think it worth their while to lay down mains; and there is no necessity, as far as the contract is concerned, to increase the number of street lights from 223 to 1,242; nor will it be practicable, on financial grounds, to incur such a heavy expense at first starting."

Mr. Currie

The Commissioners went on to say:—

"But it is evident that, with such a paucity of public street lamps as those now existing, the introduction of Gas could not effect any material or marked improvement, and for 30 miles of mains, the number is utterly disproportionate: without giving, therefore, any guarantee to the Gas Company to keep up such a number of lights as the Engineer requires, the Board are of opinion that a number equal to the existing public and private gate lamps, namely 926, should be provided for. This number would, in the opinion of the Board, be ample for giving a brilliant illumination in the streets, being upwards of four times greater than what the town now enjoys, with the illuminating power of each lamp also quadrupled; and such a number ought to be, in conjunction with the Esplanade Government lamps, a due and sufficient encouragement for the Oriental Gas Company as a commencement of their undertaking."

The Commissioners here spoke of a contract; but this was perhaps rather a loose way of stating the matter; for he believed that no "contract" had, in point of fact, been entered into—at least, at the time when this report was written;—and the agreement between the parties depended entirely upon the interpretation which each might put on the previous correspondence.

Turning to the correspondence, he found from the Commissioner's Report to Government, dated 7th June 1853, that, in consequence of communications with Captain James, the Commissioners, in January of that year, had advertized for tenders both in Calcutta and London. In their letter to Captain James, and in this report, the compulsory gate lamps were mentioned as a portion of the lights to be replaced with Gas. The Commissioners wrote:—

| | | |
|---------------------------------------|-------|----------------|
| It appears that the public lights now | | actually used |
| Conservancy Roads, | 418 | every night |
| Mydan and Canal Bridges, | 120 | amount to |
| Police Stations, | 34 | 1,165, and |
| Garrison, | 593 | private gate |
| | — | lights (under |
| Total Public, | 1,165 | the provisions |
| Private gates, compulsory | | of Act XII of |
| under Act XII, | 1,277 | 1852) to |
| | — | 2,442, making |
| Total, | 2,442 | a total of |
| | — | 2,442, as de- |
| 2,442 @ 3½ Rs. Rupees 7,936 8 0 | | tailed in the |
| | — | margin. |

The first direct communication from the Oriental Gas Company to the Commissioners was on the 7th September 1853. By an oversight, it had not been printed with the

rest of the correspondence for the Council; but it had been printed in the Commissioners' publication of the correspondence some time since. There was a similar letter, or one nearly to the same effect, from the Company to the Government, which *had* been printed in the papers before the Council. In their letter to the Commissioners, the Board in London said—

"In England, the cost of Gas-lighting depends chiefly on the consumption to a mile of mains, speaking of large towns, the proportion being 80 public lights, 160 in large buildings, places of amusement, manufactories, and other consumers, 320 private lights.

"In India, the contractor must look to public lights alone to secure to him a moderate dividend, and take the riskful chance of increased profit when prejudice shall yield, and the superiority of Gas over other light forces itself into private consumption."

When the Company made this communication to the Commissioners, they stated that they had before them the letter from the Commissioners to the Government, dated the 7th of June 1853; and, therefore, they must have known what the Commissioners had written respecting the lights to be replaced by Gas. On the 14th of December 1853, the Commissioners sent up a Report to the Government, in the 24th paragraph of which they said, with respect to the number of lights, and the means of paying for them:—

"It seems also needful here to remark that, with the very small funds now available, the proper lighting of this town will be almost impossible. For the 418 lamps now in use, the Commissioners pay, at 3-4 per lamp, Company's Rupees 1,358-8 annas *per mensem*. This same number of lamps will cost in the new Company's estimates, Company's Rupees 3,135, and even that sum it will be difficult to pay without curtailing some other really necessary expenditure. But the present number of public lamps, however well lighted, is altogether insufficient. The private gate lamps, lighted under Section L. Act XII. 1852, whilst they cause much dissatisfaction to the individual house-occupiers obliged to maintain them, give very little aid to the general lighting of the town, being at very uneven distances, in one place 4 or 5 closely clustered, in another having hundreds of yards intervening between two. The only remedy for this evil appears to be a distinct rate for the lighting of the town, which its present and daily increasing importance and population demand. The Commissioners therefore respectfully solicit the attention of the Most Noble the Governor to this point. Whether the rate, if decided upon, shall be laid on the owners or the occupiers of the houses, may require serious consideration."

On the 17th February 1854, the Commissioners addressed the Calcutta Committee of the Company, intimating their readiness

to engage with the Company for lighting the town with Gas, on the terms and conditions specified in their letter to Government of the 14th December.

The next document bearing on the subject was the copy of a Resolution passed by the Commissioners on the 17th of January, 1855, and communicated by their Secretary to the local Committee of the Gas Company. The Resolution was as follows:—

"*Resolution.*—Messrs. Gordon and Danré, on the part of the Oriental Gas Company, attended the Meeting of the Board, with a view of consulting with reference to the part of the town to be first lighted with Gas. A plan of the town showing this information, having been prepared by the Surveyor, was delivered to the Engineer of the Gas Company.

Resolved that the above plan comprises the streets which, the Board are of opinion, absolutely demand Gas lighting, and will best remunerate the Gas Company by the number of private and public lamps now existing in them."

On the 20th January 1855, the Committee of the Gas Company, before adopting the plan and estimate of their Engineer, applied expressly for "full information as to the number of lights that were to be lit in the first instance." The following were the 9th and 10th paragraphs of this letter:—

"On reference to our former correspondence, it will be found that the number of streets now pointed out, greatly exceeds that which the Company offered to light at once, and will involve an outlay of nearly double the amount which the Company calculated upon for the first experiment. We think, therefore, that before undertaking to lay down mains through so large a portion of the town, the Directors at home will call upon the Commissioners to guarantee a consumption of Gas sufficient to pay a fair return for the additional mains laid down."

"Mr. Danré is desirous of impressing on the Commissioners the fact that the number of lights now in the streets is totally inadequate to the proper lighting of any portion of the town, even where the lamps at the gates of private houses are included, and that a majority of those gate lamps, being placed within or between the pillars of the gateways, are of no use whatever in lighting the streets, in fact that they do more harm than good, throwing a strong light across the street for a few feet, and making the darkness in other parts appear greater from the strong shadow. As regards the Gas Company too, no calculation can be made with reference to these gate lights, as it appears to us that, even if the Commissioners have the power to compel parties to burn a light equal to a good Gas light at their gates, they have no power to compel them to go to the expense of laying down service pipes from the mains to their gate lamps, and it cannot be expected that the Commissioners will incur this expense when the lights are of so little use to the streets, although, if really placed in the most advantageous positions, it would be different."

In answer to this, the Commissioners said, in their letter of the 5th February 1855, paras. 4 and 5, p. 59 :—

“The inadequacy of the existing number of lights in the streets adverted to in your 10th para., is well known, and has been acknowledged by the Commissioners throughout this correspondence. They are most anxious to be placed in a position to make the city of Calcutta at least equal in respect of lighting to the first class cities of Europe, and they will leave no steps untaken to effect this desirable object. There can be no doubt of the very ineffectual light now given to the public streets by the partial erection of private gate lamps scattered here and there, and frequently placed, as your Committee truly observe, in the most disadvantageous positions between the pillars and within the recesses of large gateways.

“To organise a properly lighted town, the Commissioners feel that extended power and means must be granted them by the Legislature. In no town in the world can the inestimable advantage of perfect lighting with lamps at stated and equal distances apart, and of a brilliancy equal to 12 wax lights, be secured, according to their apprehension, without some effort or pecuniary contribution from the inhabitants, for whose special benefit, comfort, and safety such an improvement is intended.”

This was all that he found bearing on the subject of lights. Certainly, there was nothing in it at all like a distinct agreement, which could be made the basis of legal proceedings; but the inference which he drew from the whole was, that the Municipal Commissioners, by the general tenor of their communications, and by encouraging and stimulating the Company to a prosecution of the enterprise after reiterated statements that the prospect of an adequate return for their outlay depended entirely on the number of public lights, were morally pledged to light efficiently those parts of the town in which mains might be laid down by mutual consent; and further, that the Gas Company, in making their estimate and incurring their outlay, had had reason to think that the number of Gas lights would be not less than the aggregate number of the public and the compulsory gate lamps. This was, in fact, the principle upon which the Commissioners had formed their estimate of the required number of lights. From what had been said to-day, and what he had heard elsewhere, he believed it was thought in some quarters that this estimate was excessive, and the number of lights extravagant. He himself did not feel competent to speak confidently on the question. The extent of the illuminating power of the Gas or any other light, was a matter, he fancied, of scientific calculation. But, judging from such

information as he had been able to obtain of the lighting of other towns, he did not suppose that the estimate made by the Municipal Commissioners would be found to be beyond the mark. However, he did not mean to say that their estimate was to be absolutely adopted. If this Bill should pass the second reading, it would, of course, be the duty of the Select Committee to examine that estimate. But, after all, a matter of this kind could be considered only in a general way. The Select Committee, or the Council when sitting in Committee upon the Bill, might perhaps think it right to reduce the rates proposed in the Bill. But the particular streets to be lighted, and the number of lights to be put up in each, was a matter of detail which was exclusively the province of the Municipal Commissioners, and in which the Legislature could not with propriety or profit interfere.

He also wished to refer briefly to another motion that had been made for papers—a motion by the Honorable and learned Member opposite (Mr. Peacock) for a project of drainage by the late General Forbes, and the Report of the Fever Hospital Committee. He did not know whether the Honorable and learned Member was aware of the magnitude of the boon he was soliciting when he asked that the Bengal Government should be applied to for these papers; but he must express a hope that the subject of Gas lighting would not be postponed until Honorable Members should have digested the bulky volumes which contained the proceedings of the Fever Hospital Committee. With regard to the project of the late General Forbes, he was not acquainted with the particulars of its proposal and rejection, if indeed it ever had been formally proposed. It had probably been laid aside for its great costliness; but he believed there were other grave objections to it. Science had not been standing still during the last twenty years, and he might venture to say that there was no intention of reviving that particular scheme. All this, however, was beside the present question. Drainage was, no doubt, a most important matter, and he believed that both the Municipal Commissioners and the Bengal Government were fully alive to its importance; but no specific plan of drainage, so far as he knew, was at present under consideration, and it surely was not the province of the Legislative Council to suggest one. When the Commissioners and the Executive Government had matured a plan, if they required

the aid of the Legislature to carry it out, they would doubtless apply to the Council, and the merits of the plan would then legitimately come under discussion. But with Gas lighting, the case was altogether different. A specific plan for lighting the town had been proposed by the Municipal Commissioners; that plan had received the sanction of the Bengal Government, and, as he had shown, proceedings connected with it had gone so far, that it must of necessity be carried on to completion. It certainly would not advance the cause of drainage to refuse a lighting rate, and oblige the Commissioners to expend on Gas sums which would otherwise be available for drainage.

In these remarks, he had confined himself entirely to the main question raised by the Bill—namely, the introduction of Gas, and the imposition of a lighting rate. There were several other important points to which he might refer—such as the better lighting with Oil those parts of the town in which Gas would not be available in the first instance; the principle of a single and a double rate; and the levying such rates on occupiers rather than on owners; but as he had adverted to them in moving the first reading of the Bill, he would not detain the Council by any further remarks on them at present. He would only add that some of the details of the Bill might be—doubtless were—very defective; but if the Bill were allowed to pass the second reading, the greater knowledge and experience of those Honorable Members who would be appointed as a Select Committee upon it, would remedy all such defects.

With these observations, he begged to move the second reading.

★ Mr. PEACOCK said, when, at a former Meeting of the Council, the Honorable Member (Mr. Grant,) who was absent to-day, moved for the letter of the 8th November 1854, referred to in the communication from the Municipal Commissioners to the Government of Bengal of the 8th May last, together with certain other papers, and when he (Mr. Peacock) moved for the project of the late General Forbes for the drainage of Calcutta and the Report of the Fever Hospital Committee before whom that project was laid,—he certainly did think, and he still continued to think, that the question of improving the ventilation and drainage of this town was one of much greater importance than that of improving the lighting of it. Referring to the bulk of the volumes which contained the Report of the Fever

Hospital Committee, the Honorable Mover of the Bill had remarked that he (Mr. Peacock), when applying for that Report, was probably not aware of the magnitude of the boon for which he was asking. As a *boon*, it appeared to him (Mr. Peacock) to be very much like *the boon* which, to use the words of the Municipal Commissioners, they proposed to confer upon the inhabitants of Calcutta. The boon in each case was great, but in each it was attended with great expense. The lighting of the town was to be conferred at the cost of nearly a lac and a half of rupees a year, to be raised by taxes. The boon conferred upon himself had cost him considerable labour. After going through that Report, he could not entertain a doubt that, before considering the question of lighting the town, it was the duty of the Council to consider what means there were for providing it with better drainage, better ventilation, and a better supply of water. He believed that the question to be decided to-day was, in effect, whether the inhabitants should have the luxury of Gas, or whether they should be provided with that which was necessary for the preservation of life and health. If we imposed upon the occupiers of houses, for the purpose of lighting, a rate of 4 per cent. in parts which were to be lighted with Gas, and of 2 per cent. in parts which were to be lighted with Oil, in addition to the present Municipal Tax of 6½ per cent. levied upon the owners of that class of property, he thought we must lay aside the hope, which he at present entertained, of seeing this city supplied with proper drainage, ventilation, and water—an object which, he believed, might be obtained by levying the tax which the Honorable Mover of this Bill proposed to expend in lighting.

He was unwilling to occupy the Council at any great length; but he wished to call their attention to certain paragraphs in the Report of the Fever Hospital Committee, which showed the necessity of improved ventilation and drainage.

Mr. Phipps who attended before the Committee, remarked:—

“ In many parts of this City, and more especially in the most densely-populated parts of it, not intersected by streets which can be traversed by the scavenger's carts, the drains, many of them merely irregular furrows in the soil, without any brickwork, are continually left in a most filthy, uncleaned state, emitting the most noisome effluvia, doubtless highly pernicious to the health of the inhabitants dwelling in such situations. Perhaps, persons long

inured to such nuisances, become less susceptible of their pernicious effects than others would be. Such sinks of filth and consequent malaria are, I believe, little, if at all, known to any scarcely but to those who occasionally pass by; *but lying for the most part in obscure parts of the City, are not seen by the higher classes.* I speak from experience in my perambulations to the abodes of many of the poor, as a visiting Member of the District Charitable Society."

Again, he found the following statement recorded in the same Report:—

"MODOOSOODUN GOOPTO KOBERUTTAN, who had practised medicine in Calcutta for twelve years among the Native population, and was educated in the Sanskrit and English college for six years, and was afterwards Professor of Sanskrit medicine there, having been assistant to Dr. Tytler and Dr. Grant for the last two years, during which he attended the Lectures upon Anatomy and the Theory and Practice of Medicine and Surgery,—stated that his practice had been among the respectable, the middle, and the poorer classes of Natives, mostly among the middle classes—that he had seen a great deal of the diseases of the lower classes—that he thought he could give the Committee a pretty accurate and full account of the diseases among the Natives in Calcutta—that fevers are the most prevalent diseases, bilious, remittent, and intermittent—that enlargement of the spleen is the general termination of the two last descriptions of fever—that diarrhoea, dysentery, dyspepsia, rheumatism are the most prevalent diseases in the Town, among the Native population—that there are very few inflammatory diseases—that the fevers, except the intermittent, are dangerous to life, and certain to be fatal if not attended to medically—that the intermittent fever, unless it produces diarrhoea, does not produce an enlargement of the spleen; but if it is attended with diarrhoea, it almost always produces an enlargement of the spleen—that the diarrhoea following intermittent fever, is generally fatal, if not medically attended to—that the enlargement of the spleen is not generally fatal of itself; but if not cured, produces dyspepsia, oedematous swellings of the legs, and hands, and loins, and anasarca, which are fatal—that dysentery is always dangerous, and if not medically attended to in time, is fatal—that *nearly two-thirds of the Native population in the town have dyspepsia*—that it is not of itself fatal, but produces debility, which predisposes to other diseases, diarrhoea and dysentery—that rheumatism is very frequent—that it often arrives at a height among the labouring classes to prevent their obtaining their bread—that the children of the Hindu inhabitants of Bengal are generally weakly, and that they are subject to several diseases, whooping cough (which he considers in this country not an infectious disease), dyspepsia, diarrhoea, dysentery, and all the fevers before mentioned—that he does not see in *the town of Calcutta any children that are in perfect health.* Being asked generally, upon a subsequent examination, to what he attributed the prevalence of the diseases he had mentioned, he replied—to the narrowness of the streets, and the canals being full of putrified vegetable and animal matter—that the drains are generally

offensive in Calcutta, particularly in Burra Bazar, Mutchooa Bazar, Colootolah, and Jorasanko—that he observes a very great difference in the health of the inhabitants in different parts of the town—that the places above mentioned are the most unhealthy—that he reckons Baug Bazar, Bar Simlah, and Sham Bazar the most healthy parts of the town for Native inhabitants—that he attributes the greater degree of salubrity of these places to their being very thinly inhabited, the roads being broad and the tanks good. Being asked whether he would attribute the prevalence of the diseases he had mentioned, more to the water, to the want of ventilation, or the want of drainage, he said that all were injurious, the water most so, the want of ventilation next, then the drainage—that the Natives are accustomed to live crowded, and therefore do not suffer so much from want of air—that the houses of the Natives are generally in damp situations—that he attributes much of their diseases to that cause, intermittent fever, and rheumatism—that, from his observation of the state of health in the most healthy parts of Calcutta, he had no doubt that, if proper ventilation, proper drainage, and a supply of wholesome water were provided, Calcutta might be rendered a healthy place—that he thought that the circumstances he had mentioned contributed to produce cholera—that there are many small private tanks which contain bad water and produce miasmata, and many old tanks filled up with filth, which cause a bad smell for four and five months, and are injurious to the health of the neighbourhood."

Again, in the same Report—

"Mr. J. R. Martin, Surgeon to the Native Hospital, said that he had perused the evidence of MODOOSOODUN, the last witness—that he concurred in his opinion as to the nature and extent of the diseases—that he believed, however, he had under-rated the prevalence of fever, and its sequelæ spleen and diarrhoea, which carry off more Natives than any other diseases—that the dyspeptic complaints of which he spoke, he (Mr. Martin) knew to be very general."

In another part of the Report of the Committee, Mr. Martin said:—

"It is surprising how much the condition of the Native portion of the Town has been neglected in this great city and its suburbs, in which are to be found *all the faults of all the cities in India.*"

Dr. Graham said:—

"It is impossible for the drains to be in a worse situation than they are at present, rudely constructed, without any knowledge of the principle of draining, the centre of the conduit being in very many places below the level of the extremities—that, even at the Chitpore Road, the drains are so useless after a heavy fall of rain as to render a canoe the preferable mode of transit—that he has observed the road impassable after a fall of rain of less than an hour's duration. *He considers these drains the hot-beds of disease*—that the consequence of their state and the want of ventilation is, of course, disease, often to an alarming extent—that the suburbs—nay, indeed, the entire native

Mr. Peacock

town—must be considered unhealthy from inefficient or rather no drainage, tainted tanks, and an external mass of animal and vegetable matter in a state of decomposition surrounding them.”

He spoke of them as the element in perpetual operation for the destruction of animal life in all parts of the native town and suburbs. He said,

“tainted tanks, want of water, and poisonous drains and imperfect ventilation were the circumstances presenting themselves in the state of the town, and the situation of the inhabitants as in his opinion affecting injuriously the general health and comforts of the population. *Improve these, he says, widen and water the roads, and Calcutta will be as healthy as any city in the world.*”

He (Mr. Peacock) could produce innumerable paragraphs from the Report to the same effect; but it was unnecessary to occupy the time of the Council by doing so. He had the evidence both of the Municipal Commissioners and of the Honorable Mover of this Bill as to the necessity for extensive improvements in the ventilation and drainage in the town.

In the letter of the 8th November 1854, from the Secretary to the Municipal Commissioners to the Government of Bengal, which had been printed and circulated in consequence of the motion of the Honorable Member (Mr. Grant), the Commissioners spoke of an extended or general scheme for the better drainage of the town as a “most desirable object, every day becoming of more pressing and vital importance.”

In para. 4, they said:—

“The crying want of Calcutta has been some amelioration of the state of its drains and sewers; but the income at present at the disposal of the Conservancy Board has never been more than barely sufficient for the current necessities of scavenging, lighting, watering and road-making of this increasing and populous town.”

The Honorable Mover of the Bill, in his Statement of Objects and Reasons, observed:—

“*There are no means available for the extensive improvements in ventilation and drainage which the state of the town so urgently requires.*”

Now, though the Commissioners for the Conservancy of the town told us that, with the funds raised by the present Municipal rate of 6½ per cent., they could do nothing towards the amelioration of the drainage, and though the Honorable Member who proposed this Bill informed us that there were no funds available for the extensive improvements in ventilation and drainage: so

urgently required, he asked the Legislative Council for powers to levy a tax of nearly a lakh and a half a year, for lighting some parts of the town with Gas, and for improving the Oil lighting in others! He (Mr. Peacock) thought that, if he voted for a Bill to levy such a tax for such a purpose, when the ventilation and the drainage and the supply of water were in the state described, he should be supporting a cruel and uncalled for act of legislation.

Having shown the present state of the drainage, he would now refer to certain Resolutions of the Fever Hospital Committee, in order to show that a complete and thorough drainage of the town might be effected. The following were the three Resolutions:—

“1. That there is no natural impediment, nor any difficulty which a due application of science and capital cannot readily overcome, to the thoroughly draining, cleansing, and ventilating, and supplying with wholesome water, the whole city and suburbs of Calcutta.

“2. That the parts of the city inhabited by the Natives, forming a great population, to whose numbers the British inhabitants bear a very small proportion, and the whole of the suburbs are, in all these respects, in a condition of such total neglect, as to render them necessarily the seats of disease destructive of individual happiness, and of life, and inconsistent with moral improvement, and political prosperity; and that the still imperfect, though improved, condition, in these respects, of those parts of the city inhabited by the British, and the noxious exhalation produced all round them by the state of the Native town, and the suburbs, and the marshes called the Salt Water Lake, produce in these parts effects inconsistent with sobriety.

“3. That the removal of the causes, which now generate the pestilential seeds of disease to so frightful a degree, would be effected by the thoroughly draining, cleansing, and ventilating the city and suburbs, and draining the Salt Water Lake—and that an ample supply of water for watering the roads, and for all purposes of cleanliness, and of good and wholesome water for drinking, and preparing food, would be afforded to every part of the city by the formation of a sufficient head of water within it, and the excavating a sufficient number of tanks—and thus the city would be rendered a healthy residence for the Natives of the climate, and not otherwise injurious to European constitutions than through the operation, during the greater parts of the year, of tropical heat in a climate no doubt naturally damp, but unassisted by unwholesome exhalations from the soil, or miasmata.”

If, by a proper system of taxation, and a proper application of the tax when levied, the dreadful and destructive diseases which arose from imperfect drainage and ventilation, and from an insufficient supply of wholesome water to the poorer classes, would be averted

or mitigated, he would ask whether we were justified in raising by taxation and spending upon lighting nearly one lakh and a half of rupees a year, when we were told that there were no means available for improving the ventilation and drainage? It appeared to him that, before we determined to light the town with Gas, we ought to consider whether we could not apply the money to a better, and more urgent, and more humane purpose. The Fever Hospital Committee referred to the scheme of drainage for Calcutta submitted to them by the late General (then Captain) Forbes. The Conservancy Commissioners referred to it as the most approved of the various plans and estimates which had been given in. It was not necessary to consider whether the scheme of General Forbes was the best, or whether it could be carried out. All that it was necessary for him to show was, that a lakh and a half a year could be spent in a manner better calculated to promote the happiness and well-being of the majority of the people around us than by lighting the city with Gas. He would read what the Fever Hospital Committee said of General Forbes' project:—

"Your Committee think themselves warranted by the evidence before them, in considering the plan proposed by Captain Forbes, united to the formation of the new streets and tanks laid down by Lieutenant Abercrombie, the streets in the precise lines so laid down, and the tanks of the size and shape proposed, or of a smaller size or different shape, as shall appear best upon accurate calculation, and either in the spots laid down, or in others near the same localities, if, upon further consideration, any improvement in the places selected should occur,—as a plan which would, as far as can be judged without an actual and accurate survey, effect all the first and most material objects presenting themselves for the improvement of the salubrity of the town; namely, the thoroughly draining, cleansing, and ventilating the city, and the furnishing it with a good supply of wholesome water for drinking and preparing food with, and of water for purposes of domestic cleanliness, and for cleansing and watering the streets, and extinguishing fires, and the thoroughly draining and cleaning the suburbs."

In one part of the Report, the Committee, after speaking of a plan proposed by Captain Thomson, said:

"Captain Forbes' plan is, in the opinion of Captain Thomson himself, and of Lieutenant Abercrombie, a cheaper plan. His estimate for draining and sewerage, including a reservoir or canal with four considerable basins or harbours, and a steam engine and aqueducts for supplying the town with water for watering the roads, extinguishing fires, scouring the drains, and the purposes of cleanliness, amounts to Company's Rupees 9,41,560. This estimate

does not include the formation of roads and open drains, and the general levelling and filling up of holes necessary for the drainage, which are included in Captain Thomson's estimate. Your Committee, therefore, applied to Lieutenant Abercrombie for an estimate of the cost of these works as subsidiary to Captain Forbes' plan; in answer to which application, Lieutenant Abercrombie, in a letter to the Chairman, dated the 1st of February 1838, states that the new streets marked on the map sent by him to the Committee are eleven miles in length—that the expense of forming new roads will amount to about 20,000 Rupees per mile; the whole expense of construction will consequently amount to Rupees 2,20,000 including the preparation of ground for the reception of metal, after it has been cleared of all obstructions, but exclusive of the expense of ramming, rolling, and superintendence, which will be provided by the regular establishment. He states the expense of surface drains to be about 5,000 Rupees per mile; but to provide for entrance bridges to houses in populous districts, he would increase the estimate to one rupee four annas per running foot on each side of the road; and that eleven miles of surface drainage will therefore cost Rupees 72,600—that he estimates the expense consequent on the excavation of the canal, being the cartage and spreading of the earth excavated, at Rupees 2,39,580—making the total of Lieutenant Abercrombie's estimate for roads, surface drains, and levelling, Rupees 5,32,180; which sum, added to Captain Forbes' estimate of Rupees 9,41,560, amounts to Rupees 14,73,740, or say Rupees 15,00,000."

Now, let the Council see what amount it was that the Municipal Commissioners levied at present, and how that money was expended. It appeared from the Commissioners' Report for the year 1854, that the total amount of receipts during that year was rupees 4,68,332. This amount did not consist entirely of taxes, but of other items also. The amount realised in that year by the house tax was rupees 3,47,067, or, what the Commissioners stated the aggregate to be in round numbers, nearly three lakhs and a half. Among the disbursements for the year, were—rupees 12,000 for the Commissioners' allowances; rupees 10,736 for office establishment; rupees 28,420 for house tax establishment, commission on the collection of house and establishment; rupees 9,665 for Surveyor's establishment; rupees 61,768 for road making and repairing; rupees 7,668 for landing stone ballast; rupees 1,03,520 for cleansing streets and drains; rupees 18,859 for repairing drains and bridges, and he would ask the Council to bear this item in mind; rupees 5,775 for the repairs of public tanks; rupees 16,486 for lighting; rupees 23,678 for watering the streets; and rupees 6,137 for

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working the engine at the Chandpaul Ghaut. Now, he did not intend to find fault with the mode of expenditure. It was not necessary now to enter into that question. For his present argument, he would give the Commissioners credit for having administered the funds at their disposal in the best way they could; but having so administered them, they had, out of an aggregate collection for house tax of three lakhs and a half, expended only rupees 18,859 for repairing the drains and bridges. For making and repairing roads, they had spent rupees 61,768; but for repairing and improving the drains of the town, they had not expended more than rupees 18,859, which was nearly rupees 5,000 less than what they had spent in watering the streets. For lighting the town, they had not spent more than rupees 16,486; but they said that the sum was insufficient for the purpose, and the Council was asked to give up the rupees 16,486 for the general purposes of Conservancy, and to raise nearly a lakh and a half by a new tax exclusively for the purpose of lighting. But if these 16,486 rupees were given up and expended in improving the drainage in addition to the 18,859 rupees already expended for that purpose, we should not have more than rupees 35,345 a year, for repairing and improving the drainage, whilst we should be spending nearly a lakh and a half per annum for lighting. It seemed to him that it was perfectly monstrous to talk of such an arrangement!

Supposing that this Bill should be thrown out, as he hoped it would be, and that the Council found, what this Bill assumed, that a tax of a lakh and a half per annum could be levied without being oppressive on the inhabitants,—if the Honorable Member opposite (Mr. Currie) would then come forward and propose that that lakh and a half should be applied in carrying out a good system of drainage and ventilation for the town, he (Mr. Peacock) would be ready to give his cordial support. Looking at the estimates of the late General Forbes and Lieutenant Abercrombie, to which he had before alluded, he believed that great improvements might be effected in the drainage and ventilation of the town for the sum of fifteen lakhs; and he had no doubt that that sum might be borrowed on the security of the proposed tax. The tax would produce an annual income of nearly a lakh and a half, of which one half, or rupees 75,000, would be sufficient to pay the interest upon the fifteen lakhs at five per cent., and the other half would pay off the capital in twenty years.

In addition to which, there would be a saving every year of the interest of the capital paid off, which might be applied to improving the lighting, or other purposes. This was supposing it would be necessary to borrow the whole of the fifteen lakhs at once. But it would not be necessary to do so; and in this respect, there would also be a considerable saving, added to which also there would probably be a saving, as soon as the drainage was completed, of a great part of the sum now necessarily expended in cleaning the drains. He therefore thought that it would be far better to borrow fifteen lakhs, or more if necessary, and apply it in improving the drainage and ventilation of the town and supplying it with pure and wholesome water, and to appropriate the new tax of a lakh and a half a year in paying the interest, and liquidating the principal, than to spend that money in improving the lighting. If they would forego the luxury of having their streets lighted with Gas for a few years, he thought they might have the town properly drained, and afterwards sufficiently lighted. The Honorable Mover of the Bill had referred to European cities, and said they were all Gas lighted. But did he know what the state of the drainage was in those cities? He (Mr. Peacock) thought the wise course would be to endeavor to obtain that which was necessary for life and health before we expended our means in procuring that which was comparatively a luxury.

The amount now expended for lighting was rupees 16,486; that was in addition to the gate lamps, which inhabitants occupying houses at a monthly rental of rupees 70 or upwards were bound to keep up, under Section L of Act XII of 1852. That tax, however, was a very unequal one, for it fell more heavily in proportion upon those who occupied small houses than upon those who occupied larger ones. For instance, if the keeping up of each gate lamp cost rupees 3 per month, the tax to a person occupying a house rated at 300 per month, was one per cent. upon his rental, while to a person occupying a house rated at rupees 70 per month, it was nearly five per cent. The Honorable Mover of the Bill had, on a former occasion, said that this was not fair on occupiers of the smaller class of houses, and that lights so placed had been found of little public benefit. He had also said that a rate of one per cent. upon the whole number of houses that were bound to keep up the gate lamps would pay the tax. If this were so, and if one per cent.

all round would give us better light than we now have, he should have no objection to distribute this tax of rupees 3 per month fairly amongst all occupiers who were at present bound to keep up gate lamps. They now paid it in kind : he should be quite willing that they should pay it in money.

MR. CURRIE remarked that what he really had said on the occasion alluded to, was, that the compulsory gate lamps constituted an average tax of one per cent., not upon the rental of the houses which were bound to keep them up, but upon the whole rental of the town.

MR. PEACOCK, in continuation, said— however that might be, he should not object to see the whole amount now expended in keeping up gate lamps raised by a tax fairly distributed over that class of property by which they were now kept up, and the distribution of the lamps to be substituted for gate lamps left to the Commissioners. This, according to the statement of the Commissioners in paragraph 6 of their letter of the 8th May 1855, would give three-fourths of the number necessary to light the street with system and effect.

The present Bill proposed to levy a single lighting rate not exceeding two per cent., and a double lighting rate not exceeding four per cent., not upon all houses paying a rental of upwards of rupees 70 per month, but upon all houses paying a rental of upwards of rupees 5 per month. The Honorable Member had been very liberal in this matter. The Municipal Commissioners asked for an assessment upon houses rated at rupees 10 per month and upwards; but the Honorable Member proposed a rate upon houses assessed at rupees 5 a month and upwards. The Commissioners asked for a double rate of three and a half per cent., and a single rate of one and three quarter per cent.; but the Honorable Member, in his liberality, proposed to give them a double rate of four per cent., and a single rate of two per cent. The rate, he had said, speaking in round numbers, would produce nearly a lakh and a half a year. It had been estimated that a rate at $3\frac{1}{2}$ and $1\frac{1}{2}$ per cent. upon houses assessed at rupees 10 a month and upwards, would produce rupees 1,30,352. The Honorable Member, in his Statement of Objects and Reasons, stated that rupees 1,20,000 was a minimum charge, which would very probably be exceeded. He therefore proposed to substitute a tax of four and two per cent., which was one-seventh more, and would increase the rate to upwards of rupees 1,38,000 a year; in

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addition to which he proposed to assess it upon houses rated at rupees 5 per month and upwards. For these rates, it was proposed to light some parts of Calcutta on the scientific principles of Mr. Danré, based upon the calculation of equi-distances and direct and diagonal rays across the streets in the ratio of their width, the length of the diagonal distance varying from 26 to 50 yards, and the distance apart on the same side of the street varying from 30 to 93 yards. But if Calcutta continued to be lighted as it now was, or if the lighting were improved by substituting a fair tax for the gate lamps, he had shown that fifteen lakhs might be borrowed and applied to the improvement of the drainage of the town; and there would be a prospect of yearly improvement even in the lighting: for, as soon as the drainage came to be placed in a proper condition, the sewers would probably be constructed so that they might be cleansed by flushing, and the Commissioners might get rid of a great portion of the heavy amount which was now laid out in cleansing the drains, and might probably, unless the rates should again be reduced, apply the saving in providing the town with Gas, or an increased number of Oil lights. But his wish was to postpone the luxury of lighting the city with Gas upon scientific principles, until it was properly drained and ventilated, and sufficiently supplied with water. Then, upon whom were the proposed rates to be levied? Upon the occupiers of all houses assessed at rupees 5 a month and upwards. Upon all such houses, the rate would be four per cent. if they had the advantage of being in streets which were lighted with Gas upon scientific principles; or two per cent if they were in streets which were lighted with Oil. The Commissioners, in paragraph 9 of their Secretary's letter, stated that the number of lamps which they proposed to light with Gas "*would be ample for giving a brilliant illumination in the streets.*" It was admitted that the rate proposed to be levied upon those who lived in the Oil-lighted streets would be more than sufficient to cover the expenses of Oil lighting. The Honorable Member who proposed the Bill had stated in his Objects and Reasons, that the increased expense of Gas as compared with Oil was in a larger proportion than two to one: yet he proposed to levy a single rate in Oil-lighted streets and a double rate in Gas-lighted streets. He said—

"It is to be remembered that Gas on its first introduction will be applied for the most part to the principal thoroughfares, and that the rest of

the town and the public in general, who use those thoroughfares, will enjoy almost as much benefit and convenience from the Gas lights as the occupiers of houses in them. It does not seem equitable that the whole expenses of this public benefit should be charged to the occupiers of houses in the Gas-lit streets, which would of course be the case if the rates were so adjusted as to make the Gas-lit streets pay the expense of the Gas, and the Oil-lit streets the expense of the Oil."

Thus, a poor native who lived in a wretched hovel or hut upon the brink of an open drain, far removed, perhaps, from the Gas-lighted portions of the town, was to be compelled to pay a rate of two per cent, not because so much would be expended upon the lighting of the lane or gully in which he might happen to live, but because he would have the benefit of going forth and gazing upon the "brilliant illumination" in the streets which were to be lighted with Gas upon Mr. Danré's scientific principle of equi-distances and direct and diagonal rays! That would be the benefit for which he would have to pay. But it would be rather hard that this poor man should be made to pay for that benefit, when gentlemen living at Garden Reach or at Allipore, who would probably derive much more benefit from the Gas lights in their drives through Chowringhee, might enjoy all the same pleasure and all the same benefit for nothing. He would read the 8th paragraph of the Statement of Objects and Reasons. The Honorable Member said—

"It has seemed to me that the proportionate rates to be levied on occupiers to meet this charge," (that is the total charge of lighting the town with Gas and with Oil) "should be a single rate upon streets lighted with Oil, and a double rate upon streets lighted with Gas. It is true that the increased expense of Gas as compared with Oil is in yet larger proportion."

Now, that was a strong fact—that the expense of lighting with Gas was more than double that of lighting with Oil.

MR. CURRIE said, the increased expense would not be in yet greater proportion for an equal quantity of light.

MR. PEACOCK said, he presumed the Oil-lighted streets were to have a sufficient quantity of light. Were they to have a sufficient quantity or not?

MR. CURRIE.—They would not have so much as was desirable.

MR. PEACOCK.—But they ought to have enough before any part of the tax of two per cent. which was to be levied upon them, was expended upon the more favored streets. If a rate of two per cent. would provide for a sufficiency of light

in some streets, he saw no reason why it should not provide ample light in other streets? The Honorable Member might wish to have more light; but the public did not want an illumination, and it would not be just to have a "brilliant illumination" for some streets, and to make the inhabitants of other streets, which had not as much light as was desirable, contribute towards that illumination.

Referring to the concluding part of the paragraph he had quoted from the Statement of Objects and Reasons, he must say that it was exceedingly unreasonable that a poor man who lived in a hut in some remote street or bazaar which was lighted with Oil, should have to pay a rate of two per cent, when two per cent. was more than sufficient to pay for the light which he had, and that the excess should be applied in illuminating other streets with Gas. He did not believe that the natives who lived in the Oil-lighted streets would derive much benefit from the Gas lighting of others.

Then, again, the streets which were to be lighted with Oil on the first introduction of Gas, and would pay two per cent while so lighted, would have to pay four per cent, whenever the Gas Company or the Municipal Commissioners should think fit to confer upon them "the boon" of Gas lights. But even then, though they were to pay four per cent., the same as others, the "second class" or "subordinate" streets, as they were called, were not to have as much light for their four per cent. as "the important and chief thoroughfares, bazaars, and places of general resort." The more favored parts of the town were to be lighted on scientific principles: but the small or subordinate streets, though they might have the boon of Gas light with a rate of four per cent. conferred upon them, were to be satisfied with a Gas light or two at their crossings or angles. The rate throughout the whole of the Gas-lighted streets was to be the same, but they were not all to have the same expense incurred upon them. That was, as he understood, the project; but, lest he should have misunderstood it, he would read the 8th, 15th, and 16th paragraphs of the letter of the 8th May 1855 from the Municipal Commissioners to the Government of Bengal, which was printed as an annexure to the Honorable Member's Statement of Objects and Reasons:—

"But in carefully considering and going over the estimate of Mr. Danré, the Board remark that, although his scheme is, doubtless,

very perfect and desirable, and such as an enterprising Engineer like himself would wish to see carried out, in many of the second class streets, which are not so much used as thoroughfares, a considerable diminution of the number of lights may with safety be made, and they think that, until a larger portion of the town can be brought within the projected improvement, it would be a waste of money to employ such a profusion of lights in many of the subordinate streets contained in the list B, as Mr. Danré proposed.

"If the whole town is assessed for a lighting rate, and the introduction of Gas can only be effected in the first instance in the principal and most generally used and traversed portion, the present Oil-light, which will no longer be required in Division B, might be distributed, wherever really necessary, in the less favored parts of the town. This would give additional light to the blocks, in which it is of course not practicable all at once to confer the advantages of Gas; whilst the inhabitants of these parts would enjoy the benefit to be derived from the improved and increased lighting when they have occasion to pass through any of the important thoroughfares and chief bazaars which fall within Division B."

"The extension of Gas throughout the whole town will not be in the same ratio as regards expense. The important and chief thoroughfares, bazaars, and places of general resort, demand, naturally, more lights than the *outskirts and small intermediate streets*, which are scarcely used after dark. *The erection of lamps at the several crossings and angles will go far towards illuminating a portion of the adjoining streets when further mains can be laid down.* The first introduction must be paid for commensurately with the magnitude of the undertaking, and the very large capital employed; but the use of the improved light, which it is hoped must become universal in the course of a short time, will reduce the price of Gas considerably from that which the contract entails for its first introduction."

Whether the inhabitants of the streets which were to be "*illuminated*" by a Gas-light at their crossings or angles were to pay a rate of four per cent, he could not say; but, at all events, they would have to pay two per cent. upon their rental if it amounted to five rupees a month or upwards. The outskirts and small intermediate streets were to have Gas-light from crossings and angles, while the more important thoroughfares were to be lighted on scientific principles, both classes paying the same amount of rate.

MR. CURRIE observed that this was not in the Bill.

MR. PEACOCK said, it was the project of the Commissioners, annexed to the Honorable Member's Statement of Objects and Reasons, and the Bill, as he understood it, would enable them to carry that project into execution. It was the project to meet the charge of which rupees 1,30,352 a year

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was estimated as the minimum charge, and for which the proposed tax was to be raised.

The 4th Section of the Bill was in these words :—

"An assessment, to be called a lighting rate, shall be made, except as hereinafter otherwise provided, on the occupiers of all houses, buildings, and grounds in the said Town, the gross monthly rental whereof shall exceed the sum of 5 rupees. The assessment shall be at such rates as shall be sufficient to pay all the expenses of lighting the public roads, streets, and lanes of the said town with Gas and with Oil, and no more; and shall not exceed four per centum on the gross monthly rental in roads, streets, and lanes lighted with Gas, and two per centum on the gross monthly rental in roads, streets and lanes lighted with Oil."

Immediately a street or lane was lighted with Gas, a rate not exceeding four per cent. might be levied. So long as a street or lane was lighted with Oil, the rate could not exceed two per cent. It did appear to him to be extremely unjust to tax those streets which were lighted with Oil more than the expense of Oil lights would cost, and to tax the inhabitants of those streets which might be imperfectly lighted with Gas at the same rate as those who inhabited the streets which were brilliantly illuminated; and that was what the Bill would enable the Commissioners to do.

The Commissioners proposed that the rates should be levied, not upon owners, but upon occupiers—

"Calcutta" they said "had been too long without Gas in her streets and mansions; its *immediate introduction is therefore, in every possible point of view, desirable and emergent*; and it appears to the Commissioners that the best and most feasible way of conferring on the inhabitants a *boon which they will doubtless be ready hereafter to acknowledge*, is by levying an equitable and moderate lighting rate on the occupiers of houses, by which class of persons the expense ought to be borne. Gas being a consumable article intended for the residents of a town, and unlike those other permanent conservancy improvements (such as good drainage and sewerage) which more properly is the province of the owners of landed and household property, the expense of public works of this description should be met out of a duo assessment on the houses."

Now, he found that the elective Commissioners objected to this altogether. In the Municipal Report for the year 1853, appeared the following statement :—

"The additional thirty public lamps mentioned in our last Report, have been brought into use, and have added much to the convenience of the public. For some months past the private lamps have been much better attended to than formerly, but they are of necessity very irregularly placed, and therefore not so gene-

rally useful as those which are under the regulation of the Conservancy.

"Owing to the economy which we are compelled to observe in our expenditure under the several heads, the cost for lighting is not in such proportion to other charges as we could desire. For the period under review, the 375 public lights have cost rupees 16,573-15-3.

"There can be no doubt that a well-lighted town is a great blessing, both in a social and moral point of view; but Calcutta has long been lamentably deficient in its public lights; and we trust that, when the arrangements for the introduction of Gas light, which have been so actively discussed during the past year, are brought into play, the improvement and benefit to the town will be manifest.

"But with what funds and to what extent the lighting of the town is to be effected, is a point on which the Members of the Board are divided."

Messrs. Elliott and Thuillier proposed the following passage:—

"In almost all other towns, a separate rate is levied for lighting, and we are of opinion that this subject deserves the attention of the Legislature when the provisions of the Municipal Act may be again considered."

But Baboos Tariny Churn Banerjee and Dinmoundoo Dey objected, thus:—

"I think that a separate rate for lighting would be very burdensome and oppressive, considering that the recent increase of 1½ per cent. of the house assessment is already severely felt by the house-owners upon whom it is levied. On the other hand, it is necessary to urge on the particular notice of Government the absolute necessity for an improved system of drainage, without which the town cannot be properly cleansed, and to solicit His Lordship's orders for placing in our hands some special funds for carrying it into execution; when this important object, so essential to the health and comfort of the community, is secured, it would curtail much of the present manual labour in the department of cleansing, and thereby cause a considerable decrease of the large annual expenditure, which in the year 1853 amounted to upwards of a lac of rupees. The saving thus effected might be usefully applied to other Municipal purposes."

"(Signed) T. C. BANERJIE."

"I imagine that when the Legislature abolished the wheel-tax, and in lieu of it increased the house assessment from 5 to 6½ per cent, it was considered as the highest the people could bear. Any additional tax therefore would doubtless be very burdensome and oppressive."

"(Signed) D. B. DEY."

If the increase from 5 to 6½ per cent. was burthensome and oppressive already, would not the tax be felt to be much more so by occupiers of the houses in question if it were increased by 4 per cent. where the Company thought fit to give them Gas, and by 2 per cent. where they continued Oil-lighting. If the tax was to be increased, it appeared to him that it ought to be increased for some

more important object than that of lighting. It was proposed all at once to increase the expenditure for that purpose alone from 16,000 Rupees a year to about 1,38,000 a year.

It had not yet been determined which parts of the town were to have the boon conferred upon them. The Municipal Commissioners had certainly been very liberal to the Gas Company; because, instead of themselves deciding which streets should be lighted with Gas, they had left that question to the decision of the London Board of the Gas Light Company. The Council had not been informed, and he did not know, of whom the London Board consisted; but he thought he should not be doing them any very great injustice if he said that they would, no doubt, look more to the interests of their shareholders than to the wants or convenience of the inhabitants of Calcutta. The Commissioners said:—

"After considerable discussion with the Committee of the Oriental Gas Company, two divisions or sections of the town were marked off as the most eligible and convenient for a commencement of the introduction of Gas lighting; the larger area, called Division A, consisting of 80 streets measuring 27 miles in length, and the smaller area, Division B, comprising 51 streets measuring 20 miles nearly, as per annexed plan. Both these plans have been transmitted to England for the consideration and approval of the London Board of the Gas Company, in order that they may determine on sending out the mains for either one or the other. The former, or plan A, will require 32 miles of main pipes for the streets only. The latter, or plan B, will require 23 miles. But, as the lowest estimated outlay for Division B, together with the main pipes required for the lighting of the maidan and fort, amounts to £50,000 sterling, and the length of mains required

| | |
|-------------------|---------------|
| For Streets, | 40,631 yards. |
| Maidan and forts, | 8,227 |

| | |
|--------|--------|
| Total, | 48,858 |
|--------|--------|

or 28 miles nearly, is about one-third more than the extent of the enterprize originally contemplated by the Gas Company, and according to the limit by which the Chief Engineer has received his instructions, it is most probable this area will be adopted."

Therefore the inhabitants of Calcutta were, to a certain extent, handed over to the London Board. He did not think that that was the course which he would have adopted.

But it might be that the Commissioners could not get the Gas Company to undertake the lighting of Calcutta on any other terms; and that, rather than not have the benefit of Gas, they had agreed to give the London Board the choise of the streets into which it was to be introduced.

The Honorable Mover of the Bill had told the Council, in his Statement of Objects and Reasons, that "Legislation on the subject could not be delayed;" that the Gas Company had entered upon the undertaking with the encouragement of Government and of the Municipal Commissioners, and with the understanding that, wherever they laid down mains with the concurrence of the Commissioners, the public lamps, in which they were led to suppose that the compulsory gate lamps were included, would be lighted with Gas; that the Company now looked for a guarantee, but that it was clear that the Commissioners were not in a position to give such a guarantee, and that the sanction of the Legislature to increased taxation in some form or another was immediately necessary. In his opening speech to-day, the Honorable Member had told them that it was something more than a question of expediency—it was one of necessity, because the Gas Company had acted upon the faith of an understanding with the Company. In other words, that the Legislative Council was not now to enter into the question of the expediency of the measure, because the Municipal Commissioners had entered into certain engagements with the Gas Company—that the Council was bound by their act.

Mr. CURRIE observed, he had not said that the Legislative Council was bound by the act of the Commissioners.

Mr. PEACOCK replied, the Honorable Member had said that legislation on this subject had now become something more than a matter of expediency, and that it had become necessary, in consequence of the Gas Company having spent £45,000, in preparations for lighting this town with Gas on the faith of an understanding with the Municipal Commissioners. What was that, in effect, but saying that the Legislative Council was bound by the acts of the Municipal Commissioners? All he could say was, that he, for one, protested against being bound by any act or by any engagement of the Municipal Commissioners. The Municipal Commissioners had no right whatever to bind this Council. No act of the Commissioners should preclude him from discussing the expediency of imposing a new tax upon the people. If a tax of 6½ per cent was not sufficient to enable the Commissioners to lay out more than rupees 16,000 a year for the lighting of the town, he protested against being told that he was bound to support a Bill to levy a new tax in order to raise a lakh and a

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half a year for the purpose. But as the Honorable Member appeared to lay much stress upon an engagement supposed to have been entered into by the Commissioners, he would enter into the question of this supposed necessity for legislation. Judging from all the information before him, he maintained that the Commissioners had entered into no engagement with the Gas Company which rendered such a tax necessary, and that there would not be any breach of faith with the Gas Company if this Bill were rejected. Had the Commissioners really bound either this Council or themselves? He did not believe that they had been so imprudent as to bind themselves to the extent of a lakh and a half per annum without having any means of payment at their disposal. The Honorable Member had produced certain letters to show that they were bound. He had introduced the name of Captain James, and had referred to paragraph 15 of the letter of the 7th June 1853, from the Municipal Commissioners to the Government of Bengal. But he (Mr. Peacock) did not know that Captain James had the power to bind the Legislature or the Municipal Commissioners in 1853, any more than he had in 1855. He did not believe, however, that Captain James had intended to bind any one. Captain James had published a very able pamphlet on the subject of introducing Gas into India, and, no doubt, he, like many other gentlemen, would have been glad to serve the inhabitants of this city by bringing within their reach any improvements which would add to their social comfort, and improve the condition of the people; but he (Mr. Peacock) did not believe that Captain James had any notion whatever of binding the Municipal Commissioners or any one else.

Mr. CURRIE remarked that all he had said was, that, in a communication to Captain James, the Municipal Commissioners, referring to a plan by Mr. Edge, had mentioned compulsory gate lamps. His sole object in mentioning this was to show that, in their communications, whether with the Gas Company or with any other party, the Municipal Commissioners had treated the compulsory gate lamps as public lamps, and that therefore the Gas Company had good reason for believing them to be such.

Mr. PEACOCK replied, the Honorable Member had cited the letter for the purpose of showing the nature and extent of the pledge which the Municipal Commissioners had given to the Gas Company. Those were the Honorable Member's own words.

If he did not mean to use the letter as an argument in support of the supposed pledge, he (Mr. Peacock) did not wish to refer to it.

Mr. CURRIE rejoined, he withdrew nothing that he had said.

Mr. PEACOCK said, if the Honorable Member did not withdraw that part of his argument, he (Mr. Peacock) would answer it. Paragraph 15 of the letter of the 7th June 1853, from the Municipal Commissioners to the Government of Bengal, was as follows:—

“In his address to the Government, Mr. Edge mentions having seen the communication made to Captain James in January last, and being still inclined to believe that he will be able to carry out the lighting of the town with Gas in a satisfactory manner and without loss of time, provided he be favored with an early reply to his letter. The Commissioners’ communication to Captain James detailed specifically the present outlay from the Municipal Funds on account of lighting the town, together with all other expenditure on the part of the Government as well as private individuals for gate lamps. It is anticipated that such an outlay as is there shown, will warrant the commencement of so large an undertaking, and the Commissioners, relying on the countenance and support of the Government, strongly desire to effect so great an improvement to the town, as the introduction of Gas undoubtedly would be.”

What was there in this paragraph to say that the Municipal Commissioners or any one else had bound themselves to the Gas Company that the compulsory gate lamps should be lighted with Gas? The Act of Parliament did not give the Municipal Commissioners power to light any individual’s gate and charge the cost to him as a tax. Then, who was to bind him to pay such a tax? He might choose to light his gate with Oil, or he might choose to light it with Gas; but that was a question on which the Oriental Gas Company, like any other Company, must take their own risk. As far as he could see, this paragraph, with the subsequent one, merely said:—“There are so many lamps on the Conservancy Roads, so many on the Mydan and Canal Bridges, so many at the Police Stations, so many in the Garrison, and so many at private gates. If you choose to embark in the speculation of lighting Calcutta with Gas, you may probably get the lighting of these lamps.”

To him, there seemed nothing in the paragraph to bind either the Municipal Commissioners or the Government—nothing to pledge the faith of any one that the lamps, either public or private, should be lighted with Gas.

The next passage in the correspondence which the Honorable Member had quoted, was paragraph 24 in the letter of the 14th De-

ember 1853, to be found at page 31 of the printed correspondence. (The Honorable Member here read the paragraph quoted by Mr. Currie.) But that was a letter from the Municipal Commissioners to the Government of Bengal. It was no undertaking on the part of the Municipal Commissioners with the Oriental Gas Company. They had never intended by that letter to bind themselves to the Oriental Gas Company for any thing.

The Honorable Member, in support of his argument, had next read a passage from a letter of the 7th February 1854, from the Municipal Commissioners to the Calcutta Committee of the Oriental Gas Company, at page 40 of the printed correspondence. That passage stated that the Commissioners were ready to engage with the Gas Company for lighting the town with Gas—

“on the terms and conditions specified in their letter to Government No. 1188, and dated December 14th 1853, of which a copy was furnished to the Oriental Gas Company on the 14th December last, and with the concessions and privileges made through the liberality of the Government.”

That letter was to be found at page 25 of the correspondence, and specified the concessions which had been made by Government. It said—

“His Lordship was further pleased to concede, in encouragement of the undertaking, the following advantages:—

“1. The grant of a site for the erection of the necessary works in such a position as the Government might deem fitting.”

No one would object to that. Every body was most anxious to encourage this Company. But the question to-day was, whether the Legislature ought to impose a tax of a lakh and a half per annum for the purpose of lighting, when it had before it a far more important undertaking—namely, the drainage of the city.

“2. The exemption from all import duties of the materials employed in the construction of the works, pipes, and drains.”

No one would object to the concession of this privilege.

“3. An exclusive privilege of supply for a limited period of years.”

The Company had not asked for an exclusive privilege for supplying Calcutta with Gas in the Bill for their incorporation, and therefore it would not be the fault of the Council if they did not get it.

“4. The use of Gas for all public lights in Calcutta required by, or under the control of, Government, provided that the quality and price of the Gas should be such as to make it the interest

of the Government to employ it, instead of the present mode of lighting."

That, he apprehended, was no undertaking to give the Company a contract for the town. The concession amounted to this—

"We will give you privileges Nos. 1 and 2; we will give you an exclusive privilege of supplying Calcutta with Gas for a limited period of years; and then, if we find that you can supply Gas on better terms than those on which we can light the town with Oil, we shall use your Gas for our public lights." There was nothing to bind the Government to increase the number of their public lights, or to convert the private gate lamps into public lights, or even to use Gas at all, unless the quality and price of it should make it their interest to do so. Had the Honorable member shown that the Company could supply Gas on better terms? He had shown that the Gas would cost double as much as Oil: otherwise, why double the rate of assessment when Gas was introduced into the Oil-lighted streets.

Then, as far as he had hitherto examined the correspondence, there had been no contract with the Company.

The Honorable Member had read two Resolutions passed by the Municipal Commissioners on the 17th January 1855, and copies of which were forwarded to the local Committee of the Company. But surely he did not mean to contend that those Resolutions bound persons to light their private lamps with Gas.

The Honorable Member had also read paragraphs 9 and 10 of a letter of the 20th January 1855, from the local Committee of the Company to the Municipal Commissioners. But he was at a loss to conceive how they were to be converted into a contract. In paragraph 9, the Committee of Management of the Gas Company said—

"We think, therefore, that, before undertaking to lay down mains through so large a portion of the town, the Directors at home will call upon the Commissioners to guarantee a consumption of Gas sufficient to pay a fair return for the additional mains laid down."

But why call for a guarantee if they had got a contract? Then, with regard to the gate lamps, they said—

"As regards the Gas Company, too, no calculation can be made with reference to these gate lights, as it appears to us that, even if the Commissioners have the power to compel parties to burn a light equal to a good Gas light at their gates, they have no power to compel them to go to the expense of laying down service pipes from the mains to their gate lamps, and it cannot be expected that the Commissioners

will incur this expense when the lights are of so little use to the streets, although, if really placed to the best advantage, it would be different."

Did not this show beyond all doubt that, as to the gate lamps, the existence of a contract binding on the Commissioners that they should be lighted with Gas, had never entered into the imagination of any one?

In paragraph 10 the Committee observed—

"Mr. Danré is desirous of impressing on the Commissioners the fact that the number of lights now in the streets is totally inadequate to the proper lighting of any portion of the town, even where the lamps at the gates of private houses are included; and that a majority of those gate lamps, being placed within or between the pillars of the gateways, are of no use whatever in lighting the streets; in fact, that they do more harm than good, throwing a strong light across the street for a few feet, and making the darkness in other parts appear greater from the strong shadow."

No doubt, that was Mr. Danré's opinion; but then it must be remembered that he saw through the scientific eyes of an Engineer of a Gas Company. It might be that the private gate lamps did more harm than good; but persons who had not studied the science of Gas lighting upon the principle of equidistance and direct and diagonal rays—and he (Mr. Peacock) must admit himself to be one among that number—would be very apt to look upon this statement as one of those loose expressions to which the Honorable Member had referred in his opening speech. At any rate, it proved that Mr. Danré did not consider that the Commissioners were bound by a contract to keep up any additional number of lights: otherwise, he would not have been desirous of impressing upon the Commissioners the fact that the existing lights were wholly inadequate to the proper lighting of the town.

Having examined all the correspondence, he was unable to find that any contract whatever had been entered into between the Municipal Commissioners and the Gas Company, and he was glad to find that the Commissioners themselves were of opinion that there was no contract binding upon them to light with Gas any lamps beyond the public lamps which then existed. In paragraph 9 of their letter of the 8th May 1855, to the Government of Bengal, they said—

"The terms of the contract entered into with the Oriental Gas Company are simply binding on the Conservancy Department to light all the existing public lamps by Gas wherever the Company may think it worth their while to lay down mains."

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Even supposing that they had gone to the extent of making a contract, all that they had bound themselves to do was to light the existing public lamps with Gas in the streets in which the Company might lay down mains. They themselves said in the same paragraph—

“There is no necessity, as far as the contract is concerned, to increase the number of street lights from 223 to 1,242; nor will it be practicable, on financial grounds, to incur such a heavy expense at first starting.”

That was their own view of the case. They went on to say :

“But it is evident that, with such a paucity of public street lamps as those now existing, the introduction of Gas could not effect any material or marked improvement, and for thirty miles of mains, the number is utterly disproportionate. Without giving, therefore, any guarantee to the Gas Company to keep up such a number of lights as the Engineer requires—”

so that here they expressly stated that they had not given a guarantee to the Company—

“the Board are of opinion that a number equal to the existing public and private gas lamps, namely 926, should be provided for.”

If it was supposed that the Commissioners had really gone so far as to enter into a contract with the Company for lighting the existing public lamps with Gas, he should not object to that contract being carried out. It was true that it would cost a great deal more to light 223 lamps with Gas instead of Oil; but rather than let it be said or thought that there was a breach of faith with the Company on the part of the Commissioners, he for one would not object to that number of lamps being lighted with Gas.

The Commissioners said—

“the contract entered into with the Company is at the rate of 5 rupees per 1,000 cubic feet of Gas; therefore, at this rate, each lamp will cost 7-8 per mensem.”

223 lamps, at that rate, would cost rupees 1,672 per mensem, or rupees 20,064 per annum. At present, they paid rupees 16,000 per annum for lighting. To fulfil the contract which they said they had entered into, let them take that sum of rupees 16,000, and a further sum of rupees 4,000. But what the Honorable Member asked for them was, that they should set aside the rupees 16,000 altogether for another purpose, and raise a lakh and a half in addition for lighting with Gas. He repeated that there was no contract whatever, either in Law or in Equity, nor did he see anything to lead him to suppose that the Commission-

ers were bound in honor or good faith further than that, by some understanding, the Commissioners had engaged to light with Gas all the existing public lamps numbering 223; and that understanding he had no objection to ratify.

He feared he had occupied the attention of the Council at too great a length; but he felt a deep interest in this subject. He thought that, if this Bill should pass, we must lay aside the prospect of an improved drainage for Calcutta altogether. If it should not pass, we might raise a sum of at least fifteen lakhs for a system of drainage, and, by raising the additional sum of a lakh and a half per annum as proposed, we might have an income which would be quite sufficient to pay annually the whole interest on the loan, and to reduce the principal in twenty years. We might be able to do more; for, he had not taken into account the diminution of interest by payment of portions of principal every year. Calculating at the outside, however, we might provide ourselves with the means of giving to this town an improved drainage and ventilation, and a sufficient supply of pure water which, he apprehended, was a far better and more important object than that of lighting it with Gas.

The Honorable Member had given no reason to show that the improvement in lighting was an act of necessity. He had not stated that an increase of light was necessary for Police purposes. Neither did the Municipal Commissioners make any statement to that effect, notwithstanding the Chief Magistrate of the town was one of the body. He did not think that Gas was necessary in Calcutta for Police purposes. We did not hear of murders or robberies being committed for want of lights in the streets. Gas would be a great improvement, no doubt; but the question was whether, in the present state of the city, we should not be paying too dearly for it. He held in his hand a petition which had been presented to this Council not very long ago, and of which he begged to remind the Honorable Member who had moved this Bill. It was a Petition signed by 3,600 inhabitants of this city, and represented—

“that the drainage of the town of Calcutta is so bad as to occasion great sickness and mortality, and many parts of the town are not drained at all.

“That, for want of proper tanks and reservoirs of water, the great part of the inhabitants of the town, especially of the poorer classes, seldom or never taste pure water, and such as

they drink has a tendency to produce many and grievous diseases.

"That your Memorialists are unable to remedy these evils, and they can only be remedied under Legislative enactment, providing how the necessary means shall be raised and expended, and by whom the work shall be planned and executed.

"Your Memorialists, therefore, humbly pray your Lordship in Council to pass such Legislative enactment as may be sufficient to provide for the drainage of the town of Calcutta, and the ample supply of good water to its inhabitants."

He could not throw that petition aside, and give his vote for raising a tax of a lakh and a half for the purpose of lighting the streets with Gas. He asked the Honorable Member to point out how a tax was to be raised for ventilation and drainage if this Bill should pass? It was incumbent upon the Honorable Member to satisfy the Council that some means for this purpose would be forthcoming when he asked for a lakh and a half for lighting. The Municipal Commissioners suggested a number of new taxes, which, it must be apparent to every Honorable Member, could not be raised. For instance, they suggested that the surplus income of the Small Cause Court should be appropriated, when the Small Cause Court did not pay its own expenses. It was said that Calcutta had been too long without Gas in her streets and in her mansions! He (Mr. Peacock) said, that Calcutta had been too long without drainage and ventilation in her lanes and in her huts. If her mansions had been too long without Gas, so had her hovels been too long the seats of disease and death. The Honorable Member was the last man in the world to recommend any one to squander his means on luxuries when he had not enough for the common necessities of life. What was true with regard to individuals, was, in this respect, equally true with regard to communities. Should we, then, collectively compel the inhabitants of this city to do that which individually we should advise a brother, or a friend, or a fellowman not to do? When malaria and pestilential vapors were sowing broad-cast around us the seeds of disease and death, was it a time to be talking of spending a lakh and a half a year for the purpose of Gas lighting? If fever and cholera should rage throughout the city and carry off its inhabitants by hundreds and thousands as their victims, would it be any consolation to us to know that, instead of endeavoring to avert these evils from them, we had compelled them to contribute to the splendor and magnificence of the city, and to

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add something to her title to be called "the City of Palaces"? He entreated every Honorable Member, and, in particular, the Honorable Mover of the Bill, to ask himself this question before he pronounced his vote, and to answer it in the spirit of candor and of truth.

SIR LAWRENCE PEEL said, the subject which had been discussed to-day was one of deep interest, and he regretted that it had been discussed in so thin a Council. The Council had lost to-day, he was sorry to say from sickness, the valuable assistance of three of its Members. He would state as shortly as he could, for the late hour invited brevity, his reasons for voting now for the second reading of the Bill. The Honorable Member who had opposed the second reading (Mr. Peacock) had spoken with great fervor, had argued with his accustomed force of reasoning, and had, in his conclusion, appealed with great eloquence to their feelings. He said that we were legislating in an inverted order; that it was our first duty to provide for the health, for the very life of the inhabitants; and that to pass this Bill would be to postpone indefinitely the more important measure of drainage to one of minor obligation. Now, he (Sir Lawrence Peel) wished for information: inquiry would give it; and he would vote for the second reading, that he might obtain through the Select Committee the information which he needed. If the proposition were simply that which the Honorable Gentleman declared it to be—whether they would provide for the inhabitants of Calcutta a luxury or a comfort, and postpone a necessary of life, one essential to the preservation of health and life itself, why then he should not hesitate for a moment to vote against the second reading of the Bill. As a Christian man who felt a sense of his duty to his God and his fellow-creatures, he could not hesitate for an instant, with such a choice before him. But here, a Bill was introduced for the establishment of a most useful object, which he could not deem one of mere luxury or comfort, but which had much higher aims; and he was strongly in favor of its promotion. Was he, then, to rest satisfied without further inquiry that these two most important objects could not be simultaneously promoted? If a Select Committee were appointed, it would be its duty to probe the matter to the bottom. In part of the evidence on which the Honorable Member had relied, namely, the Report by two native gentlemen, elected Members of the Municipal

Commission, it was stated, or it was at least to be implied from what was stated, that taxation for Municipal purposes was exhausted; that we had gone to the limits of productiveness of such taxation. If so, then neither drainage nor lighting could be effected; for it was not suggested that either could be completed without some augmentation of rates. But was that really so? Could nothing more be raised by any mode? Was there no possible shifting of the incidence of taxation? Could nothing be gained by the economization of existing charges? Was there no possible re-distribution of the moneys that the taxes produced? Into all these matters, the Select Committee could inquire; and if the result of their investigation should be, that nothing could be effected by economy as to the income already raised, which was a very large income, and that there were no means of raising additional funds unless by taxes raised on the poorer classes, who might appear to be capable of bearing no heavier weight of charge, then, indeed, we must reluctantly consent to the abandonment of this Bill, though of so beneficial a nature, on the simple ground that we were too poor to light the town with Gas, and effectually to drain it. But he was somewhat hard of belief on this subject; for Calcutta was not inferior in numbers, wealth, or importance to many towns in England which possessed both advantages; and without more evidence, his doubts would not vanish. The Honorable Member treated Gas as a luxury. He asked was the town ill watched, and were the lives or properties of the subjects within it insecure? He (Sir Lawrence Peel) could not say so. On the contrary, he was glad to bear his testimony to the merits of its Magistracy and Police and population. He spoke now from a long experience, and he could not in truth describe it as a town in which, compared with others either in Europe or in the East, crimes, either as to numerical amount or the gravity of their nature, bore a high proportion to the population. But might not the same have been said of London in former days, and of many other towns in England? He was old enough to recollect the introduction of Gas lights into London, and of having gazed at the new light in boyish wonder. Might not one of those who like to let things alone—his Honorable friend was not of that school, though he had used their arguments to-day—have said here, why these new lights? why this overpowering brilliancy? why this

change? why not let well alone? and might he not have brought a strong muster roll of statistical tables and figures to show the comparative state of crime, at different periods, and in different places, all tending to prove, as no doubt the fact was, that the state of crime in the ill-lighted town was not of the highest degree? The simple answer to all such reasoning at all times was—we are comparatively well off. Conceded: but let us be better off. And this argument of let us alone might equally be applied to the sanatory branch of the subject. The Honorable Member had read sad extracts, revealing a frightful state, arising not from climate alone, but from the want of sanatory regulations. Unhappily, the statistics of our home country could afford also the same sort of mournful records. Experience showed how very difficult a thing it was to wash and cleanse a town and its inhabitants, if it involved the necessity of taking from the pockets of men the means of improving their health, perhaps of prolonging their lives. But sad as these things were, the argument of comparative health and a comparatively fair bill of mortality might be presented by the opponents of progress. London was comparatively not an unhealthy town: yet, was that a reason why the dens where fever and pestilence brooded, should not be subjected to purgation? Even here in Calcutta, living as we did under a bad climate and in an ill-drained, neglected city, he doubted whether its average mortality was higher than that of some large cities in the Eastern or Western World. But whilst we can improve the health or prolong the lives of our fellow-creatures, if we stop short in the work, we do not fulfil our duty either to God or men. If he were forced to elect between these two useful objects, he should not for a moment hesitate to say that drainage was by far the more pressing need. But if one of two things were offered him, both of which were good, would he be wise in rejecting the lesser good because it had an undue precedence given to it? If he rejected this, could he be sure that he should obtain the other? If the evidence referred to were correct, neither could he had, because neither could be obtained without new rates, and the power of rating could go no further. These gentlemen indeed suggested that it should be done from the general revenue. But the Government were not likely to consent to this; for though, in some sense, the promotion of the health and prolongation of the lives of sections of the people could

not be deemed a purpose foreign to the true ends of Government, still there were those not in populous cities that would exclaim against such an imposition; and all such things were done by local and not by general taxation. To return to the case of election which the Honorable Member had raised, might not money be raised on the security of the rates for the first cost of the works of drainage, the interest to be paid annually, with a portion of the principal: and might not the money now spent for scavenging, &c., suffice for keeping the city well-drained after the first outlay? Were there not purposes to which the large income of the Municipal Commissioners was now applied, which were of a less imperious necessity than Gas-lighting and drainage, and might not some of these objects be attained by other imposts, not falling on the poorest class, but falling with a more just incidence on those who used most the things on which they were expended? The rate proposed by this Act was a maximum: it might not all be needed. He admitted that the Legislative Council should impose no new rate without proof that it was for a necessary object; that no economy of existing means could furnish the money required; that the tax could be levied, and would not press with undue severity on the classes on whom it would fall; and that, in fixing any rate, it should endeavour to make it reach all property that ought to contribute to the desired purpose. But all these matters might, in his opinion, be taken into consideration by the Committee. By voting for the second reading now, they pledged themselves to no future course of legislation if inquiry confirmed the reasoning of the Honorable Member; whilst by rejecting the Bill now, they would give a great check to progress, and tell the world that the City of Palaces not only was, but must probably remain, in darkness for ever.

Mr. DORIN said, he must confess he agreed entirely with the Honorable and learned Member opposite (Mr. Peacock). He saw nothing stated to prove either that the inhabitants of this city had been consulted in any way in regard to the enormous tax that it was proposed to levy on them, or, supposing that they were to have no option in the matter, that there was any necessity for raising a tax for the purpose of lighting the city with Gas. No petition had been presented to this Council for Gas-lighting in Calcutta, as there had been for drainage in Calcutta; nor was it said that Gas-

lighting was necessary for Police purposes. It was not shown that there were so many accidents in consequence of the town not being lighted with Gas as to make it necessary that it should be so lighted; or that there were so many offences against person and property as to make it necessary that it should be so lighted. For his own part, he certainly never had been in a town in which, lighted as the streets now were, so few offences were committed. It was not the custom of the people here to be out late at night at all. This was certainly the case in the southern division of the town, and he believed that it was also the case in the northern division, except as to a few great thoroughfares.

The proposition made was, that a certain number of streets should be lighted with Gas, and a certain number with Oil; and that the streets lighted with Gas, should pay double the amount of rate paid by the streets lighted with Oil. Now, it struck him that the tax proposed to be levied was very much too high, considering the circumstances of the town generally. He found that the total amount of tax now collected annually was, as stated by the Municipal Commissioners, about rupees 3,57,000. But of this amount, the Council was told, in the Statement of the Objects and Reasons of this Bill, the Commissioners had hitherto been able to devote only rupees 16,000 for lighting. They had considered lighting of so little comparative importance that, until this moment, they had only applied to that purpose something less than the twentieth part of what they realised. All of a sudden, however, their views had expanded so largely that they proposed that a tax should be raised to the extent of a lakh and a half, that they might be enabled to light the town with Gas. But certainly, beyond the reason that because a Gas Company had been formed, therefore it was necessary to have Gas, no reason whatever had been shown for the necessity of Gas, nor had the inhabitants come forward to ask for it. No Municipal Commissioner could say that drainage was not of much greater importance than lighting. That was shown to be a matter of absolute necessity. It did not require any voluminous Reports to convince us that this was a dirty town. In driving through its streets, our own senses of smell told us that it was one of the filthiest of towns. We knew very little of the extent of mortality which prevailed in it from the want of a proper system of drainage. We

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knew little of the number of the inhabitants, and little of the ratio which mortality amongst them bore to that number; but that it was very great, there was no doubt. Gas, though a great improvement and luxury, was not a matter of necessity, as drainage must be admitted to be. He was, and should be, perfectly prepared to assent to increased taxation for certain purposes that were important; but drainage was, in his opinion, one of infinitely greater importance than lighting; and, looking to the certainty that the inhabitants of Calcutta would, sooner or later, be called upon for much heavier contributions towards the drainage and cleansing of the town, he was not satisfied to vote for the heavy tax now proposed to be levied for the comparatively unnecessary purpose of Gas-lighting the streets.

With regard to what the Honorable Member of the Bill had said about a contract, he (Mr. Dorin) knew nothing of any contract which could bind the Legislative Council in any degree to allow the provisions of this Bill. He was surprised to hear the Honorable Member say that the Municipal Commissioners had bound themselves, and that, if this Bill were thrown out, they would be compelled to apply to lighting purposes funds which were and ought to be appropriated to other more useful and necessary objects. He could only say that if they had entered into any contract which so bound them, they had done so on their own responsibility, and could not look to this Council to bear them out in the consequences of their error.

Mr. LEGGITT said, it appeared to him that, to reject the motion for the second reading, and to throw out the Bill for the reasons urged by the Honorable and learned Member to his right (Mr. Peacock), would be to assume a fact which, as yet, was not established—namely, that the city of Calcutta could not bear taxation sufficient for the improvement of its lighting, as well as of its drainage. He found that, so late as the 8th of November 1854, the Municipal Commissioners, who must be taken to represent the interests of the town, and to be acquainted with the wants and means of the inhabitants, and having full information on the subject of the measure now before the Council, requested that the Government of Bengal would advance fifteen lakhs for purposes connected with the improvement and having reference to the drainage of the city. The interest of this, which they calculated at rupees 60,000 per annum, they proposed to pay by the in-

position of new taxes. They would not have recommended any tax which they knew was oppressive. He found among the taxes which were proposed, some which existed in other places, yielded a large revenue, and were not oppressive, being of a voluntary nature. He alluded particularly to the wheel tax, in regard to which the Commissioners said—

“Perhaps in no other town are hackery carriages and horses unlicensed or untaxed. The Commissioners believe that a systematic registration of all conveyances and horses kept and let out on hire with a view to their paying a license fee, would be attended with great advantage in every point of view. The bullock carts especially, which swarm the town, are under no control: they are most destructive to the roads, and obstructive to passengers. Either the owners of the carts, or the merchants who load thousands of them daily in this great seaport, ought to be made to add something to the Municipal Funds. Palanquins, and boats on the river, should be similarly registered, and an annual fee paid for renewing the license.”

He could bear testimony, from his long experience in Municipal matters in Bombay, that, in that Presidency, of all the taxes that were levied on the inhabitants, the wheel tax was the easiest levied and least complained of. It had amounted to from rupees 88,000 to rupees 1,00,000 per annum, and might have been more if it were rigidly collected, which it was not. He now had a proposition before him made by the Justices of the Peace of that place in Sessions assembled—and the resident Justices of the Peace in Bombay comprised a body of seventy of the leading inhabitants, European and Native, of the place—by which the tax was proposed to be raised to rupees 1,20,000 per annum. If Bombay could bear a wheel tax to that amount, why could not Calcutta? He found from a return in the Bombay Almanac for the present year, that the number of two-wheeled carriages assessed there in 1853-4 was 790; of four-wheeled carriages 820; of hackery carts 2,500; of pleasure hackeries 650; and of riding horses 110; that the tax, by Regulation XXXII of 1827, upon a two-wheeled carriage was rupees 3 per mensem; on a four-wheeled carriage rupees 4; on some hackeries rupees 2, on others rupees 1-8, and on a labour cart with broad wheels 4 annas, and with narrow wheels 12 annas per mensem; and on a riding horse, rupee 1-8; and that the aggregate amount of the tax was rupees 88,000 per annum. Looking at the number of carriages used in the streets of

this city, and the wealth of the inhabitants, he could see no good reason why persons who could afford the luxury of a conveyance should not be called on to contribute to what made that luxury of any use—good roads. He would therefore ask why should not the item of repairing and constructing roads be taken out of the Assessment Bills, and be paid for by a tax raised directly and only from those who benefited by those roads? This would leave, he believed, about a lakh of rupees per annum from the present assessment fund at the disposal of the Commissioners, which, added to the sum now paid for lights by the Commissioners and by private individuals, would certainly go a considerable way to pay at least for the interest of any money which might be advanced by Government, and for the improved lighting. Until these subjects had been fully discussed and the opinions of the public obtained on them, he thought that the present measure should not be thrown overboard, and he should therefore vote for the second reading of the Bill.

MR. CURRIE said at this late hour he did not intend to detain the Council with any lengthened remarks in reply; indeed it would be quite impossible for him to follow the Honorable and learned Member opposite (Mr. Peacock) through his long disquisition. It had been said that no necessity had been shown for the measure. On this point, the Honorable and learned Chief Justice's observations made it quite unnecessary for him (Mr. Currie) to say anything. He would only refer to a subsequent remark of the Honorable Member to his left (Mr. Dorin), who had said that Gas-lighting was less necessary in this town, because there were very few people who passed through the streets at night. He (Mr. Currie) had had frequent occasions to pass through the town at night, and his impression was that the principal bazaars and thoroughfares were very much frequented up to midnight and even later; and so far as the habits of the people were concerned, Gas-lighting in this town was, he believed, as necessary as in any town in Europe.

The Honorable and learned Member opposite had challenged him to bring forward a scheme for drainage, and to show how a lakh and a half of rupees might be raised for that purpose. He (Mr. Currie) did not think that he was bound to accept a challenge of that kind. He had brought in this Bill as he thought it his duty to do, on its own merits, and without any reference to

drainage. But if the Bill should pass the second reading, he should be prepared to make some suggestions on the subject in the Select Committee. He should rather say he should have been so prepared, for the Honorable Member for Bombay had anticipated him in the mention of a wheel tax. He was of opinion that all the expenses connected with the repair of roads might be charged to a separate fund and defrayed out of the proceeds of the wheel tax.

The Honorable and learned Member had said that he would assess in a fair proportion the sum that was now paid for the compulsory gate lamps on those who at present paid the tax; and he had rather taunted him (Mr. Currie) with extreme generosity in reducing the extent of the limit for the proposed assessment from a rental of 10 rupees, as proposed by the Commissioners, to one of 5 rupees. It seemed to him, however, that the correct principle was to fix the limit there where the amount of the rate ceased to be worth the expense of collecting, Gas-lighting was a benefit to all, and there was no reason why a house yielding a rental of 5 rupees per month should not pay in proportion for the enjoyment of that benefit as well as a house yielding a rental of 300 rupees per month.

Then, the Honorable and learned Member had said that it would be very unjust if any portion of the additional expense for Gas-lighting were to be paid by the poor occupiers of houses yielding a rental of 5 rupees and upwards per month in the Oil-lit streets. The Honorable and learned Member had said, that the return which such persons would get from their money would be the opportunity of going into Chowringhee and gazing at the grand illumination. But the poor occupiers of the northern portion of the town need not go to Chowringhee. They could turn out of their lane into Clive Street, or Chitpore Road or Colootollah Street, and see the illumination there. He had not brought the map with him, but Honorable Members had seen it, and must be aware that by the proposed scheme the Gas lighting would be very equally divided between the northern and southern divisions of the town. Then, he must say he did not think that the Honorable and learned Member had treated him fairly in regard to the extracts which he had read from the Report of the Municipal Commissioners. The Honorable and learned Member had quoted from the Report as if he (Mr. Currie) were pledged to everything it contained. He had annex-

ed that Report to the Bill because it showed how the case stood between the Municipal Commissioners and the Gas Company. But he himself was bound only by his Statement of Objects and Reasons, and by the provisions of the Bill; and certainly, there was nothing in them to lead to the inference that streets to which Gas might be extended hereafter would be less efficiently lighted than those to be lighted in the first instance with Gas. The Bill provided that all streets should be lighted efficiently.

The Honorable and learned Member had protested against the Legislative Council being bound by any thing that the Municipal Commissioners had done. He (Mr. Currie) had said nothing of this kind, nor had he said that there had been anything like a contract which would bind the Commissioners to light any specific number of lamps. All he had said was that, from the whole tenor of the correspondence, from the expectations held out and the encouragements given to the Gas Company, the Commissioners were morally pledged to light efficiently those portions of the town in which mains should be laid down. And if the streets were lighted at all, they ought to be lighted efficiently. The Honorable and learned Member was willing to allow the present number of public lights (223) for 23 miles of mains, or less than 10 lights a mile. Such a number would be ridiculously inadequate; and to light on such a scale would ruin the Company, unless indeed Gas should find favor to an unexpected extent with private individuals.

The Honorable Member to his left (Mr. Dorin) seemed to impute to him the statement that the Commissioners had bound themselves to surrender the whole funds now at their disposal for the purpose of lighting, to the neglect of other more useful objects. This was a strange misapprehension. What he (Mr. Currie) had really said was, that the Commissioners would be obliged to apply to purposes of lighting a portion of the funds at their disposal which could ill be spared from other purposes. And this was unquestionably the fact. Even the scale of lighting, which the Honorable and learned Member was willing to allow, would cost much more than the sum at present appropriated to lighting purposes, and that although the Oil lights should be put out in the rest of the town. He did not see that it was necessary to detain the Council with any further observations. He trusted that the Bill would pass the second reading. If it should

pass that stage, of course the Select Committee appointed to consider its provisions would be assisted in their deliberations by the remarks which had been suggested by the Honorable Members who had spoken this day upon the Bill.

The motion for the second reading was then put.

The Council divided:—

| | | |
|----------------|--|--------------|
| <i>Ayes.</i> | | <i>Noes.</i> |
| Mr. Currie, | | Mr. Allen. |
| Mr. LeGeyt, | | Mr. Peacock. |
| Mr. Elliott, | | Mr. Dorin. |
| The President. | | |
| — | | — |
| 4 | | 3 |

Majority for the Motion—1.

The Bill was read a second time accordingly.

ORIENTAL GAS COMPANY.

MR. CURRIE moved that the Bill "for incorporating the Oriental Gas Company" be referred to a Select Committee consisting of Mr. Elliott, Mr. LeGeyt, and the Mover.

Agreed to.

LIGHTING OF CALCUTTA.

MR. CURRIE made the same motion in regard to the Bill "to provide for the better lighting of the town of Calcutta."

Agreed to.

ENFORCEMENT OF JUDGMENTS.

MR. LEGEYT moved that the Bill "to explain and amend Act No. XXXIII of 1852," be referred to a Select Committee consisting of Mr. Peacock, Sir James Colville, and the Mover.

Agreed to.

NOTICES OF MOTION.

MR. LEGEYT gave notice that, on Saturday next, he would move the first reading of a Bill to amend and consolidate the laws relating to the Municipal Taxes in the Islands of Bombay and Colaba.

MR. CURRIE gave notice that, on Saturday next, he would move the first reading of a Bill to explain and amend Regulation X of 1793 and Regulation LII of 1803.

Also of a Bill for making better provision for the care of the persons and property of minors, lunatics, and other disqualified persons in the Presidency of Fort William in Bengal.

MR. PEACOCK gave notice that, on Saturday next, he would move that the

Council resolve itself into a Committee upon the Bill "to facilitate the payment of small deposits in Government Savings Banks to the representatives of deceased depositors."

MR. PEACOCK gave the same notice in regard to the Bill "to enable the Banks of Bengal, Madras, and Bombay to transact certain business in respect of Government securities and shares in the said Banks."

Also in regard to the Bill "for the repeal of the Usury Laws."

The Council adjourned.

Saturday, August 11, 1855.

PRESENT :

The Honorable J. A. Dorin, Senior Member of the Council of India, *Presiding.*

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

AFFRAYS (BENGAL).

THE CLERK brought under the consideration of the Council a Petition from the Secretary of the British Indian Association on the Bill "to repeal Act IV. of 1840, and to amend the Law for giving relief in cases of forcible dispossession within the Presidency of Fort William in Bengal."

LANDS FOR PUBLIC WORKS (BOMBAY).

Also a Petition from the Secretaries to the Bombay Association on the Bill "to facilitate the acquisition of land needed for public purposes in the Presidency of Bombay."

MR. LEGEYT moved that this Petition be printed, and referred to the Select Committee on the Bill.

Agreed to.

AFFRAYS (BENGAL).

MR. CURRIE moved that the Petition from the British Indian Association on the amended Affrays Bill be printed and referred to the Select Committee on the Bill "for the better prevention of offences against the public tranquillity, and to amend the Law regarding the taking of bouds for keeping the peace."

Agreed to.

MERCHANT SHIPPING ACT.

THE CLERK reported that he had received, by transfer from the Home Depart-

ment, a printed copy of the Merchant Shipping Act, and of the instructions issued to public officers in pursuance of the Act.

MUNICIPAL TAXES (BOMBAY AND COLABA).

MR. LEGEYT postponed moving the first reading of the Bill to amend and consolidate the Laws relating to the Municipal Taxes in the Islands of Bombay and Colaba.

COURT OF WARDS AND GUARDIANSHIP OF MINORS (BENGAL).

MR. CURRIE said, the two Bills which he had the honor of bringing before the Council to-day—namely, a Bill "to explain and amend Regulation X of 1793, and Regulation LII of 1803"—the Regulations by which the Courts of Wards were constituted—and a Bill "for making better provision for the care of the persons and property of minors, lunatics, and other disqualified persons in the Presidency of Fort William"—had both a common origin. The subject matter of them also was closely connected; and he therefore proposed to speak of them together.

Some little explanation would be necessary to make the mode in which the subject was treated, intelligible.

Some years ago, the Sudder Court at Calcutta took objections to the course which the Board of Revenue proposed to adopt in regard to certain descriptions of property belonging to wards of the Court of Wards. By Law, the Court of Wards exercised jurisdiction only in the case of a disqualified proprietor of an entire estate paying revenue direct to Government, or of any two or more proprietors of such an estate, both or all of whom were disqualified. The Civil Courts, on sufficient cause being shown, might appoint a guardian to take charge of the person and property of the disqualified proprietor of a share in a joint undivided estate. The Revenue Board contended that, when the Court of Wards took the disqualified proprietor of an entire estate under its protection, the whole property belonging to that proprietor, of whatever description, became subject to the jurisdiction of the Court of Wards. They maintained that this was clearly the intention of the Law, and in accordance with its express provisions. The Sudder Court, on the other hand, held that the Law gave an exclusive jurisdiction to the Civil Court in the case of the disqua-