

Saturday, 17 October, 1857

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1857.

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first day of January 1858" in the blank reserved for the date on which the Act was to commence.

Section V and the Preamble and Title were passed as they stood.

The Council having resumed its sitting, both Bills were reported.

MUNICIPAL ASSESSMENT (SUBURBS OF CALCUTTA, AND HOWRAH).

MR. CURRIE moved that a communication which he had received from the Government of Bengal be laid upon the table and referred to the Select Committee on the Bill "for raising funds for making and repairing roads in the Suburbs of Calcutta and in the Station of Howrah."

Agreed to.

PORT-DUES (GULF OF CAMBAY).

MR. LEGEYT gave notice that, on Saturday next, he would move the second reading of the Bill "for the levy of Port-dues in certain Ports within the limits of the Gulf of Cambay."

MUNICIPAL ASSESSMENT (SUBURBS OF CALCUTTA, AND HOWRAH).

MR. CURRIE moved that General Low be added to the Select Committee on the Bill "for raising funds for making and repairing roads in the Suburbs of Calcutta, and in the Station of Howrah."

Agreed to.

The Council adjourned.

Saturday, October 17, 1857.

PRESENT :

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

Hon. the Chief Justice,	P. W. LeGeyt, Esq.,
Hon. Major General	E. Currie, Esq.,
J. Low,	and
Hon. B. Peacock,	Hon. Sir A. W. Buller.

THE ESTATE OF THE NUWAUB OF SURAT.

THE CLERK presented a petition from Meer Jafir Ali Khan Behadoor, of Surat, on the part of himself and the widow and grand-daughters of the last Nuwau of Surat.

The Petitioner stated that by Act XVIII of 1848 special provision was made for the administration of the late

Nuwau's estate, and that the Petitioner having appealed to the Privy Council against an order made by the Government of Bombay in the matter of the administration, it was determined by the Privy Council that, upon the true construction of the Act, this order of the Government was not a judicial act and that the appeal could not be entertained. The Petitioner further stated that, for reasons which he alleged, it was not contemplated that the Act would have the operation ascribed to it by this interpretation; and he prayed that an Act might be passed to amend Act XVIII of 1848 so as to allow a right of appeal to the Privy Council.

MR. LEGEYT moved that this Petition be printed.

Agreed to.

PORT-DUES (GULF OF CAMBAY).

The Order of the Day being read for the second reading of the Bill "for the levy of Port-dues in certain Ports within the limits of the Gulf of Cambay"—

MR. LEGEYT said, before moving the second reading of the Bill, he wished to mention that, in the course of this week, he had received a communication from the Government of Bombay respecting these Port-dues; and he would endeavour to explain, in a few words, how the matter now stood.

The Government of Bombay were originally desirous that the Port-dues for all the minor Ports of that Presidency should be provided for in one Bill at a uniform rate. In answer to this suggestion, he had told the Government that he thought that their proposition was opposed to the spirit of Section XLIV of Act XXII of 1855 (which provided that "for every Port at which Port-dues shall be levied under this or any subsequent Act, a distinct Account of the Port-Fund of the Port to which it relates, shall be kept by such Officer as the Local Government may appoint for that purpose"); and he wrote to the Government that, in the face of that Section, and also of the discussion which had taken place on Schedule C. of the Ports Bill in July 1855, he saw no chance of passing such a Bill through the Council, and recommended that a separate Bill should be framed for each Port. Subsequently, the Honorable Member for Bengal brought forward a Bill "for

the levy of Port-dues in certain Ports in the Province of Cuttack," which was a measure framed on the same principle on which the Government of Bombay had been desirous that he should proceed with regard to the minor Ports of that Presidency. He (Mr. LeGeyt) sent up to the Government of Bombay that Bill and its annexures, and recommended that, if they still thought it would be better to legislate for all the Ports by one Bill fixing a uniform rate of dues, he would follow that course, provided they could shew that the circumstances of the Ports were as much alike as were those of the Cuttack Ports, since it would remove the difficulties which were felt at Bombay, particularly with respect to the thirty-eight Konkan Ports, arising from an inability to state what improvements were required at each. The answer to this communication reached him only this week. The Government of Bombay had forwarded to him a letter from Mr. Spooner, the Commissioner of Customs, Salt, and Opium, which said—

"Mr. LeGeyt forwards copy of Mr. Currie's proposal relative to the levy of Port-dues at Cuttack, and suggests that the same plan be adopted in respect to the whole of the Guzerat and Konkan Ports."

This suggestion, Mr. LeGeyt remarked, he had coupled with the further suggestion that the circumstances of the Guzerat and Konkan Ports must be shewn to be similar to the circumstances of the Cuttack Ports.

Mr. Spooner then proceeded to state what he considered the plan proposed for Cuttack to be, and continued thus—

"If Mr. Currie's plan was adopted in respect to our Ports, the only difference would be that the calculation would be in *Bombay* Maunds and *Bombay* Candies, instead of in Bengal maunds—"

and it shewed that the rate would be four annas per $3\frac{1}{2}$ tons.

Mr. Spooner then went on to say—

"Mr. Currie's plan is, I would humbly submit, well adapted to meet the wants of our Ports, and will remove all the difficulties brought to notice in my Report No. 1090 dated the 3rd July last, and in my Letter No. 1464 dated the 29th August last."

Farther on, he said—

"I would respectfully beg to suggest that Mr. LeGeyt should be informed that Mr. Currie's description and remarks relative to the

Cuttack Ports are generally applicable to the Continental Ports, and that an Act, as proposed by him, would meet the wants of our Continental Ports."

Mr. Spooner then entered into detailed Statements shewing what, if the plan recommended for the Cuttack Ports were adopted for the Konkan and Guzerat Ports, the amount of Port-dues realized from them would be. It was considerably less, as to each Port, than that at present realized from anchorage fees and light-dues; but Mr. Spooner suggested that the sums collected at each Port should form a general Fund, and be applied to the purposes of such Port or Ports as the Local Government might think fit.

The Government of Bombay, in their Letter to him, stated that they "concur in the opinion expressed by that Officer, that an Act on the plan proposed by Mr. Currie for the levy of Port-dues at Cuttack will meet the wants of the Continental Ports under this Presidency."

Now, if the Council should approve of the principle adopted in regard to the Cuttack Ports being extended to all the Ports in the Presidency of Bombay, which were fifty in number, exclusive of the Ports of Bombay and Kurrachee, he had no doubt that the wants of all those Ports would be met. If, therefore, they thought that it was compatible with Section XLIV of Act XXII of 1855 that such a Bill should be framed, he should be very glad to withdraw the present Bill, and prepare another on the principle recommended by the Government of Bombay. He did not, however, think that the circumstances of all the Ports were similar to those of the Cuttack Ports. In some points, the requirements were similar to each other: but in respect to proposed improvements, they were different—some consisting of piers and jetties, others of roadways and deepening of creeks, &c.

He should not be willing to press upon the Council the present Bill as it now stood, if they were disposed to accept a Bill such as that which had been proposed by the Bombay Government; but as long as Section XLIV of Act XXII of 1855 stood in its present shape, he did not very well see how that could be done.

Mr. LeGeyt

MR. CURRIE said, before referring to what had just fallen from the Honorable Member for Bombay, he desired to say a few words in explanation of a statement which he had made last Saturday in connection with this Bill. He had stated that it was his intention to bring in a Bill to repeal Regulation VI of 1831, which provided for the collection of Light-duties from vessels entering the Ports situated in the Gulf of Cambay. On further consideration, he had determined not to bring in the Bill, because he thought that such a course was not absolutely necessary, and that it would be better, and more consistent with the consideration due to his Honorable friend and to the Bombay Government, to leave the question to be considered by the Select Committee which might be appointed upon this Bill. He understood from the Honorable Member for Bombay that it was his intention to bring the subject of Light-duties in connection with the proposed Port-dues to the notice of the Government of Bombay. If the Select Committee to be appointed on the Bill, and the Council, should be of opinion that the Light-duties should be abolished, and the expenses of the Light-houses charged to the Port-dues, a Bill might then be brought in for that purpose, and passed at once.

With reference to the remarks made by the Honorable Member for Bombay to-day, the Honorable Member was quite right in saying that the circumstances of the Konkan and Guzerat Ports were not identical with those of the Cuttack Ports, the Bill regarding which had been read a first time on the 22nd of August last. He had determined to treat those Ports, which were all situate in the district of Balasore, as if they were parts of one Port, because they were all under the supervision and control of one Officer, the Master Attendant stationed at Balasore; and the great expense incurred at Balasore, therefore, was not an expense incurred for Balasore alone, but for all the Ports. These so-called Ports were merely small creeks and rivers used exclusively by native craft; and these native craft belonged, he believed, almost entirely to the Port of Balasore.

Although, however, the circumstances of the Guzerat Ports were not identical with those of the Cuttack Ports, still

he thought that there was some degree of similarity between the two cases; and his own opinion was that it would be both unobjectionable and convenient to have a uniform rate for all the Ports of the Gulf. At present, the only expenses incurred in connection with them were on account of the Light-duties, and they were common to all the Ports. Then, he conceived that the trade of the Gulf must be in a great measure an interport trade; and any facilities for which expenses might be incurred in any Port in the Gulf, would benefit all the Ports within it. Vessels belonging to a particular Port would resort to any other Port in which there might be any increase of trade; and they would benefit from its arrangements equally as much as any vessel belonging to the Port itself.

It, therefore, appeared to him that it would be unobjectionable in principle, if the collections from the Ports to which the Bill before the Council referred were thrown into a general Fund, the general expenses of the navigation of the Gulf and the expenses of each Port defrayed from it, and the remainder made applicable for improvements in the several Ports.

On these grounds, he was disposed to think that the suggestion of the Bombay Government was worthy of consideration.

THE CHIEF JUSTICE asked whether the Honorable Member for Bombay intended to move the second reading of the Bill or not?

MR. LEGEYNT said, he had wished to hear the Honorable Member for Bengal on the question whether the circumstances of the Konkan and Guzerat Ports were identical with those of the Cuttack Ports. Looking at the facts just mentioned by the Honorable Member, he thought that the better course would be to proceed with the present Bill, and, when it was referred to a Select Committee, to instruct the Committee to take into consideration the communication from which he had read, with the view of altering the Bill so as to meet the views of the Bombay Government.

THE CHIEF JUSTICE said, he thought that the more convenient course would be that the Bill should be read a second time and referred to a Select

Committee, and that then the Honorable Member for Bombay, if he thought fit, should introduce a Bill raising the question which had been discussed between himself and the Honorable Member for Bengal. If the Council should agree to read that Bill a second time, and the present Bill were thereby rendered unnecessary, the Select Committee appointed upon it might be discharged.

The plan which was suggested by the Government of Bombay, and which he understood the Honorable Member to be willing to adopt, was that there should be one Bill for a cluster of Ports, and that the general Bill should be so modified that the Port-dues collected at each Port, instead of being applied exclusively to the purposes of that particular Port, should be carried to a general Fund to be formed for the requirements of all the Ports. But that would change altogether the principle of the present Bill, which proposed to raise duties for the Ports to which they related on the principle of Act XXII of 1855.

MR. LEGEYT then moved that the Bill be read a second time.

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

PORT-DUES (BOMBAY).

MR. LEGEYT moved that the Bill "for the levy of Port-dues and fees in the Port of Bombay" be now read a third time and passed.

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

PORT-DUES (TUNKARIA AND BROACH).

MR. LEGEYT postponed his Motion (which appeared in the Orders of the Day) for the third reading of the Bill "for the levy of Port-dues in the Ports of Tunkaria and Broach."

MERCHANT SEAMEN.

MR. CURRIE gave notice that he would, on Saturday the 24th instant, move the first reading of a Bill to amend the law relating to Merchant Seamen.

PORT-DUES (BOMBAY).

MR. LEGEYT moved that General Low be requested to take the Bill "for

The Chief Justice

the levy of Port-dues and fees in the Port of Bombay" to the Governor-General for his assent.

Agreed to.

PORT-DUES (CALCUTTA).

MR. CURRIE moved that General Low be requested to take the Bill "for the levy of Port-dues and fees in the Port of Calcutta" to the Governor-General for his assent.

Agreed to.

PORT-DUES (GULF OF CAMBAY).

MR. LEGEYT moved that the Bill "for the levy of Port-dues in certain Ports within the limits of the Gulf of Cambay" be referred to a Select Committee consisting of the Chief Justice, Mr. Currie, and the Mover—with an instruction to take into consideration such communications on the subject as had been received from the Government of Bombay.

Agreed to.

MR. LEGEYT moved that a communication received by him from the Government of Bombay relative to the levy of Port-dues in the Continental Ports under that Presidency, be laid upon the table and referred to the Select Committee on the Bill "for the levy of Port-dues in certain Ports within the limits of the Gulf of Cambay."

Agreed to.

SALE OF GANJA (BOMBAY).

MR. LEGEYT moved that a communication received by him from the Government of Bombay be laid upon the table and referred to the Select Committee on the Bill "relating to the sale of Ganja in the Presidency of Bombay."

Agreed to.

The Council adjourned.

Saturday, October 24, 1857.

PRESENT :

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

Hon. the Chief Justice,	P. W. LeGeyt, Esq.
Hon. Major General	E. Currie, Esq.
J. Low,	and
Hon. B. Peacock,	Hon. Sir A. W. Buller.