

Saturday, 31 January, 1857

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1857.

VOL. III.

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whom, and the dates on which he received it; and the stock remaining at the close of such month.

After some verbal amendments, introduced on the motion of Mr. LeGeyt—

Mr. ALLEN said, it appeared to him that this would be a very vexatious provision. Section XV required that retail-dealers should make entries of the same particulars in their books, and that these books should be open to the inspection of the Revenue officers. That ought to be quite sufficient for the protection of the revenue, without further providing that retail-dealers should make monthly returns, which, after all, could never be looked at. He should, therefore, move that Section XIV be left out.

The question being put, the Council divided:—

AYES—5.
Sir Arthur Buller,
Mr. LeGeyt,
Mr. Peacock,
The Chief Justice,
The Chairman.

NOES—4.
Mr. Currie,
Mr. Allen,
Mr. Elliott,
General Low.

Section XV was passed as it stood.

The remaining Sections of the Bill were passed after amendments.

The Schedule, Preamble, and Title were passed as they stood.

The Council having resumed its sitting, the Bill was reported.

MESSENGER.

MR. CURRIE moved that Mr. Peacock be requested to take the Bill "relating to trespasses by Cattle" to the Governor General for his assent.

Agreed to.

CIVIL REGISTRATION OF BIRTHS.

MR. ELIOTT moved that the Petition of Inhabitants of Bangalore (presented to the Council this day) be printed.

Agreed to.

NOTICE OF MOTION.

MR. LEGEYT gave notice that he would, on Saturday the 31st Instant, move the third reading of the Bill "to amend the law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay."

The Council adjourned.

Saturday, January 31, 1857.

PRESENT :

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

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

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

MESSAGE No. 94.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 10th January, 1857, entitled "A Bill to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal."

By Order of the Right Honorable the Governor General.

R. B. CHAPMAN,

Offg. Secy. to the Govt. of India.

FORT WILLIAM, }
The 17th Jan. 1857. }

The following Message from the Governor General was brought by Mr. Grant and read.

MESSAGE No. 95.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 17th January, 1857, entitled "A Bill to establish and incorporate an University at Calcutta."

By Order of the Right Honorable the Governor General.

CECIL BEADON,

Secy. to the Government of India.

FORT WILLIAM, }
The 24th Jan. 1857. }

POLICE AND CONSERVANCY (SUBURBS OF CALCUTTA AND HOWRAH).

THE CLERK presented a Petition from the British Indian Association containing certain suggestions and remarks relating to the Bill "to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah."

MR. CURRIE said, the Report of the Select Committee on the Bill had already been presented; but he should move that the Petition be printed.

Agreed to.

BOMBAY MUNICIPAL ASSESSMENT.

THE CLERK presented a Petition from Merchants, Bankers, Shroffs, and other European and Native Inhabitants of Bombay and Colaba in support of the levy of town dues or rates on goods in transitu and on the shipping in the harbour, provided for in the Draft Bill (about to be submitted to the Council) "to amend and consolidate the laws relating to the municipal taxes in the Islands of Bombay and Colaba."

MR. LE GEYT moved that the Petition be printed.

Agreed to.

HINDOO POLYGAMY.

THE CLERK presented a Petition from Inhabitants of Furreedpore praying for the abolition of Hindoo Polygamy.

MR. GRANT moved that the Petition be printed.

Agreed to.

IMPRESSMENT OF CARRIAGE AND SUPPLIES FOR TROOPS (BENGAL.)

MR. GRANT moved the first reading of a Bill "to amend the Law regarding the provision of carriage and supplies for troops and travellers, and to punish unlawful impressment."

He said, the title which he proposed for this Bill was a Bill to amend the Law; but the real object of the Bill was wholly to put an end to the interference of the Civil Power in the provision of carriage and supplies for troops, in all except those truly emergent cases where it might be absolutely necessary to the safety of the country for the Executive Government to have a power beyond the general Law. This subject had given rise to more complaints, more correspondence, more Resolutions of Government, and more General Orders than perhaps any other subject with which he was acquainted. It had first come officially before him in the year 1852, when he was Secretary to the Government of Bengal, in consequence of two cases of grievous oppression which were sent up to Government by Mr. Torrens, who

was at that time the Magistrate of the Twenty-four Pergunnahs; and he had then gone over the public records relating to the question from the year 1806 when the first Regulation on the subject was passed, and had prepared a Note upon it, which was laid before the Governor of Bengal. He proposed to append to his Statement of objects and reasons, this Note amongst other papers. It was tedious, but it would shew all that had been done in regard to impressment up to that time. It would be seen that complaints had been constant; that Government had always been aware of the wrongs done under the Law; that they had repeatedly endeavored to remedy the evil by restrictive Rules and Regulations; and that all these restrictive Rules and Regulations had completely failed in their object.

To shew the practical working of the existing Law, and to prove that all the restrictions and orders hitherto passed had wholly failed in remedying the evil, he would read some passages from certain papers that had lately come before Government, which would shew that there was as much oppression at the present day as ever there was.

The first communication from which he would read, was a Memorandum by the Deputy Consulting Engineer to Government dated the 12th of March 1856, reporting a complaint made by Mr. Sibley, a gentleman employed on an extensive section of the Railway. The Deputy Consulting Engineer writes:—

"It would appear that, since the location of Troops in this District, the Police have been and still are in the habit of seizing, for their service, carts employed by the Railway Agents for the carriage of coal, ballast, lime, &c., &c. Mr. Sibley states"—and this was very important—"that this practice not only deprives him of the use of the actual number of carts seized, but of a great many others also which are secreted in villages by their owners who are unwilling to have their carts thus seized; and thus, at one time, the works were nearly stopped. Mr. Sibley further states that he has communicated with the Civil Authorities on the subject, but that the evil complained of has not been remedied. Indeed, laden carts are still constantly seized, and their contents deposited on the road-side."

He (Mr. Grant) would ask Honorable Members to judge what the effect of seizing laden carts, and depositing their contents on the road-side, must be on the traffic of the country. In this case,

the contents were coal, ballast, and lime : in another, the communication relating to which he would presently read to the Council, the contents were rice. But in other cases, the contents might be indigo, or silk ; and, as the Law now stood, those valuable articles of produce might be taken out of carts whilst passing along the road, and left on the road-side to take care of themselves.

The next communication from which he would read a passage, was a Letter from the Bengal Chamber of Commerce, dated the 26th of Dec. 1854. The letter said :—

“The Committee of the Chamber of Commerce has been urged to submit through you to his Honor the Lieutenant Governor the hardship and loss to which Merchants and Traders generally are exposed by the present authorised system of impressing carriage for the public service. A very recent instance of actual severe loss therefrom has been brought to the notice of the Committee by a highly respectable firm of this City, Messrs. Gouger, Jenkins and Co., who allege that a number of carts laden with rice belonging to them were seized by order of the Collector of the 24 Pergunnahs, and the rice taken off the carts in the above officer's catcherry compound. The rice having been secured for immediate shipment, the delay, independent of expense and annoyance in securing other means of conveyance, exposed the Firm to loss in freight ; for, being unable to complete the shipment by the vessel in which the necessary tonnage had been secured, a higher rate was required by other vessels, the difference in excess being pure loss to the Firm.”

That was the view which independent people took of the Law, and the manner in which they felt the oppression. He would now read a Report submitted in July 1854 by Mr. Samuells, showing the view which a most intelligent and experienced officer of Government takes of the subject :—

“My attention has been frequently directed to the vicious system which has long prevailed of compelling cartmen to take service with regiments about to march. It is not many months ago since a requisition was made on the Collector of the 24-Pergunnahs, for carriage on account of a regiment at Barrackpore which had received order to march. The Nazir to whom the execution of the order was entrusted knew well that, if any hint of the order got abroad, his purpose would be defeated, the wheels of the hackeries would every where have been thrown into the tanks, or hid in the jungle. He accordingly kept his instructions secret, and occupied all the bridges leading into Calcutta about an hour before day-

break, by which stratagem alone he was enabled to seize a sufficient number of hackeries, before his proceedings got wind.” “For two days after this, not a hackery was to be seen in the neighbourhood of Calcutta. The assistance of my Police was required to protect the Nazir's peons from the cartmen and their friends : and after all, a number of these cartmen attacked the sepoy guard which was escorting them to Barrackpore ; and” (he, Mr. Grant, was happy to say) “succeeded in effecting their escape.”

He thought he need not say more to shew the practical working of the system which now obtained, and the failure of the measures which had hitherto been taken to palliate its evils. Of the letters which he had read, one was written on behalf of a respectable European Firm, and another on behalf of a great English Company. If this happened to wealthy Companies and respectable European Firms, what was the poor Indian Trader to expect ? It was impossible to imagine that the evil of the existing Law stopped with the hackerymen. Not only did it affect them, but it was a serious impediment to the trade of the country. The evil of the system being ascertained, the only question which remained was, is it necessary ? If he were trying to bolster up a bad case, he might claim the example of Madras, in favor of abolishing the existing Law ; for a Law taken from the Bengal Law of 1806, was once in force in that Presidency, and was repealed by the Madras Government who stated that they proposed to adopt other measures for providing carriage and supplies for troops. He thought it very possible that the system of Regimental Bazaars which obtained in Madras might have done away with objectionable interference in regard to supplies ; but he knew that, practically, this was not the case in regard to carriage. The impressment of carts, and the oppression consequent upon it, existed in practice in Madras as much as in Bengal. But although he had no actual example of the supply of carriage without impressment that he could fairly quote in support of his position that impressment was not necessary in Bengal, he could refer to cases in which impressment was found to be unnecessary in Bengal, so strictly analogous that they were almost identical. First as to the impressment of cattle. The Law said

that, whenever a detachment of troops, or a single corps, was ordered to move, the Commanding Officer must give timely notice to the Collectors and Magistrates of the districts through which the troops were to pass; and that, on receiving such notice, the Collector and Magistrate of each district should proceed to provide carts, bearers, coolies, boatmen, and bullocks. The Civil Authorities had no power to provide, and in fact they did not provide anything in the way of carriage beyond these five things. It was true that carts were used very largely for the service of troops on the march; but camels also were used very largely for the same purpose; and yet there was no Law whatever authorizing Collectors or Magistrates to impress camels when they might be required for the service of troops. Nevertheless, he had it on the best possible authority, that of Colonel Ramsay, the Commissary General, that there was no difficulty whatever in procuring camels when they were wanted for troops, but that, on the contrary, the owners of camels came to him and his Commissariat Officers of their own accord, and begged and prayed to have their cattle employed. If this was the case with camels, why should it not also be the case with carts? Some gentlemen talked a good deal about combinations. He believed that the fear of combinations was a bug-bear; and of all bug-bears, he believed this combination bug-bear had most timid and unsound legislation to answer for. Owners of camels did not combine against the Government, and against their own interests; for if they refused fair work at fair pay, their own interests suffered. Then, why should it be supposed that cartmen would combine against Government, and against their own interests?

Next, as to boats. In one of the papers before him, the Lieutenant Governor of Bengal had very well observed that there was no more reason for impressing carriage for troops ordered to march in the interior of the country, than there was for impressing vessels for troops ordered to cross the sea—as, for instance, when ordered to proceed to Rangoon. But who was there that would say that, when troops are required to be sent to Rangoon, vessels in the

Hooghly must be impressed by Government, at rates of hire fixed by Government, to be loaded down to the gun-wales, and, when taken up only for Rangoon, to be carried on from thence perhaps to China? And yet it is as necessary for the public interest that troops should go across the sea when they are required across the sea, as that they should proceed by river when they are required to do so. If it would be such flagrant and unnecessary injustice, as would make people's hair stand on end, to treat a ship of Mr. Green or Mr. Smith in the manner he had described, he would ask Honorable Members how they could distinguish between such an act, and treating in a precisely similar manner the cart of a poor man who, besides his cart and his bullocks, and the rag round his middle, had probably nothing in the world to his name? If the Government could rely upon the open market for sea transports for their troops, he could not understand why they could not also rely upon the open market for boats for internal navigation when required by their troops. He was sure that there must be in Bengal at least a thousand river-boats available, for one sea-going vessel available.

Again, as to supplies. No doubt, the Government must take care that the Sepoys of a marching corps should get enough of rice and *dholl* when they arrive at each halting-place. The necessity for making such provision is absolute. But so also is the necessity that, when a European corps marches, there should be enough of beef and bread for the soldiers at each halting-place. Yet there was no Law which authorized any Civil Power to provide beef and bread by compulsory means for European troops on the march. In that particular, the Commissariat were left to make their own arrangements. Now, there was no difficulty in any part of India in procuring as much rice and *dholl* as a Native Regiment could require; but there was some difficulty in many parts in procuring large supplies of beef. Nevertheless, as to these articles, as there is nobody else to do the proper work of the Commissariat Department, the Commissariat Department, *ex necessitate rei*, do their own work themselves; and the European soldier finds

his dinner ready for him at the halting-ground, as certainly as a London Alderman finds his dinner ready for him at home, on his return from his counting house. It was for those who object to a change of system, to make a distinction between beef and rice, between river-boats and sea-boats, between bullocks and camels. He could imagine no distinction that would hold water for a moment.

He feared he had already said too much upon the subject; for he believed that the Council would readily agree with him, both with respect to the oppressive nature of the existing system, and to the want of necessity for it. The only persons who might be inclined to object to the abolition of the system, were the Commissariat and Regimental Staff. But even with such objectors, he had an answer that would close the discussion—the thing *must* be done. The Governor General in Council had decided that it shall be done.

The principle upon which he, in this Bill, proposed to carry out the Resolution of Government, was to limit the interference of the Civil Power stringently to exceptional cases, which are specified in the Bill; and when those exceptional cases should arise, he proposed that impressment should be permitted, subject to certain restrictions, which, though they could not wholly avoid the evils of impressment, would, he believed, palliate them in practice to a much greater extent than the rules hitherto in force had done.

Section I of the Bill repealed Sections II and VIII and Clause 7, Section IX of Regulation XI of 1806 of the Bengal Code. Section II of that Regulation required Officers commanding detachments ordered to march, to give early notice to the Collectors and Magistrates of the districts through which the troops were to pass; and Section VIII authorized travellers, whether European or Native, to require the assistance of Police officers in procuring for them means of transport or supplies during their journeys. He believed that this last provision was very much a dead letter—perhaps, it was wholly so; but still he thought that so objectionable a Law ought not to be permitted to stand in the Statute Book.

Section II of the Bill prohibited Collectors, Magistrates, and their subordinate officers, from doing that which they were now compelled by Law to do,—except in the rare cases for which subsequent Sections provided.

Section III was a penal Section. By it, every subordinate Revenue or Police officer will be liable to three months' imprisonment and fine, who impresses or attempts to impress contrary to the provisions of the Act, or otherwise without authority of Law. This Section would go farther than the leading object of the Bill; for it would apply to the unwarranted impressment of laborers for any purpose whatever. He knew that, at Madras, public works were carried on more or less by means of forced labor. Until lately, the same might be said of Scinde; but in that Province Colonel Jacob, to his very great honor, had lately abolished the system, and the public works were now carried on there by voluntary labor quite as well as before. He (Mr. Grant) did not know that the system of forced labor was in operation any where in Bengal; but he knew that it was nowhere in Bengal warranted by Law; and this Section would make the practice penal.

Section IV was his first exception. It empowered the Government of India, the Lieutenant-Governors of Bengal and Agra, and the Chief Civil officers in Provinces under the immediate administration of the Government of India, by an order stating that a case of emergency has arisen, and that it is impossible, even by the offer of double the common rates of hire and prices, to obtain the necessary carriage and supplies, to authorize a Commanding Officer to call upon the Civil Power for assistance; in which case Collectors and Magistrates shall proceed in the manner now required by the Regulation, when called upon under the repealed Sections; and the existing rules will all apply.

Section V was his second exception. It was obvious that emergencies might suddenly arise in distant parts of the country, when there might be no time to obtain an order from the local Government. As a provision for such cases, he proposed to enact that, if it is certified to a Collector or Magistrate by a Commanding Officer, that troops under his command have been ordered sud-

denly to take the field, or to proceed to some place in order to preserve the peace of the country, and that it is impossible, even by the offer of double rates, to provide the necessary carriage and supplies in time; also that there is not time to obtain the order described in Section IV—then the Civil Power shall act as at present, and the existing Regulations shall apply to all concerned.

As to all cases not included in these two exceptions, the present Regulations were wholly abolished.

He had no fear that the first of these exceptions would ever be so abused as to be made the rule. He knew what the feelings of the Governor-General in Council, of the Lieutenant-Governor of Bengal, and of the Lieutenant-Governor of Agra were on the subject; and he had no fear that they would ever issue an order for impressment where they did not see an absolute necessity for it. Nor did he think that there was much danger of the second exception being used so constantly as to become the rule. He was aware, however, that it often happens that, in a Law of this sort, the exception becomes the rule; and he hoped that Honorable Members would look jealously at the Sections which provide for these exceptions, and would, if necessary, so amend them as to avoid this common cause of failure.

The provision upon which he most relied for security against the failure of the Act, in this manner, was a provision for the payment of double rates, whenever the interference of the Civil Power is called for. He thought that by this provision, he should call in the aid of the Military Auditor General to the proper working of the Act: for, of course, the double rate would not fall on the Sepoy; and the Military Auditor General would take care to see that payments at double the prevailing rates were not imposed upon the Government, without an actual necessity.

The Bill provided that, in all disputes, in cases of impressment, the Collector should be the officer to settle the disputes.

He now came to the provisions by which he proposed to check the evils of the present system of impressment when it should be necessary to resort to that measure. The first of these evils was the occasional inadequacy of

the rate of hire fixed. He had mentioned one reason why he proposed that double rates should be paid wherever carts might be impressed under the Act. Another was, that it was only just to the cartmen, that they should be paid extra when employed against their will. The mere fact of a sudden call for carts in a particular district, naturally raised the market rate of hire for carts in that district at the moment. If time can be given for bringing in carts from a distance, there is no necessity for impressing at all. Of course, it would be impossible to expect Government to pay double rates on all occasions of the movement of troops. But under this Bill, the necessity of impressing would occur very rarely; once perhaps in several years; and it mattered as nothing to Government what it paid on such rare occasions. On the other hand, it mattered a great deal to the pressed cartman. His business may require him to go to the East, when he is compelled to march off to the West. The ordinary rate of hire in the district, when no extraordinary demand for carriage exists, would be but poor payment in such a case.

The occasional inadequacy of the fixed rates was but one of the evils of the existing system; and one which was very far from the greatest evil. A very much greater evil was that the whole hire which the Government paid did not reach the hands of the hackerymen. By this Bill, he proposed that, when carts are impressed, instead of the Regiment for whose use they are impressed paying the cartmen, the Civil Officer who impresses them should pay them. It would then be the business of that Officer to obtain repayment from the proper quarter. The Civil Officer could wait; but a poor hackery-man could not wait for his hire, while men in office were tying up innumerable bundles of paper in red tape.

Another evil of the present system was that it was the uniform practice to overload impressed hackeries; in consequence of which, the hackery breaks down, or the bullocks are killed, and the owner is ruined. He had provided by this Bill that the Collector should fix before-hand the maximum weight to be carried by each cart, being the weight usually carried by such cart; and that

if any load in excess should be put upon it in spite of the remonstrance of the cartman, a day's extra rate of hire should be paid to him for every day on which the load was in excess.

Another very great evil of the existing system was that impressed carts are generally taken to a much greater distance than there is any necessity for taking them to. The existing Law provides that persons impressed should be at liberty to return to their district from the first Police station in the next zillah, unless they should have engaged to the contrary; but in practice, constantly, they are carried on from zillah to zillah in the service of troops until the Commanding Officers can provide themselves with others which they like better. On occasions of impressment, it is every Civil Officer's duty to provide conveyance through his own district. He, therefore, had provided that whenever a cart is retained, otherwise than by agreement, beyond the first halting-place without the jurisdiction of the Civil Officer under whose authority it was impressed, a treble instead of a double rate of hire should be paid for the time during which it may be so retained.

The existing Law provides that, in each case of impressment, the Collector of every zillah through which a detachment passes shall depute a respectable native officer to accompany the troops through his jurisdiction for the purpose of aiding in procuring the necessary supplies, and of facilitating the march. In practice, however, this respectable native officer is often represented by a rascally Peon on four Rupees a month. This Bill provides that, when a Collector issues an order for impressment under the Act, he shall be held strictly responsible for the selection of a really respectable native officer to accompany the troops, and that the wages paid to such officer, in addition to the authorized travelling allowance for Revenue officers of his class, shall in no case be at a rate of less than one Rupee a day, leaving it to the Government to give as much more as they like.

He had confined the operation of this Bill to the Presidency of Fort William in Bengal. He would leave it to the Honorable Member for Madras to take into consideration the provisions of this Bill, and to communicate, if he

should think fit, with the Madras Government as to the expediency of extending these or any similar provisions to Madras. He knew that the abuses complained of in Bengal also existed to a great extent in Madras; and it would be for the Honorable Member to determine whether this Bill should be made applicable to that Presidency by amendment in Committee, or whether he should bring in a separate Bill.

He (Mr. Grant) would leave the same course open to the Honorable Member for Bombay. The existing Law for Bombay was very much better than the existing Law for Bengal; for it authorized the Civil Power there to interfere only in emergent cases. He doubted whether that restriction was always observed in practice; and if the Honorable Member for Bombay should be of opinion that the state of things in that Presidency required a more effective Law than it now has on this subject, he (Mr. Grant) was sure that the Honorable Member also would take this Bill into consideration, with a view to doing what may be necessary for the Bombay Presidency.

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

The Bill was read a first time.

BOMBAY TOBACCO DUTIES.

The Order of the Day for the third reading of the Bill "to amend the Law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay" being read—

MR. LEGEYNT moved that the Bill be recommitted.

Agreed to.

A verbal amendment was made in the 10th Section.

Section XIV, as to which there had been a discussion and division at the last Meeting, provided that monthly returns of stock should be made by retail dealers.

MR. LEGEYNT said, he might state, for the information of the Council, that he had communicated with the Government of Bombay respecting this Section during the week, and that they had expressed a strong wish that it should be retained.

An amendment was made in the Interpretation Section.

The Bill, having been reported, was read a third time and passed.

ORIENTAL GAS COMPANY.

MR. CURRIE moved that the Council resolve itself into a Committee on the Bill "for incorporating the Oriental Gas Company;" and that the Committee be instructed to consider it in the amended form in which the Select Committee had recommended it to be passed.

In doing so, he said he thought it necessary to say a few words in explanation of the delay which had taken place in proceeding with the Bill, and of the course which he now proposed taking with respect to it.

It would be in the recollection of the Council that, when the Oriental Gas Company entered into negotiation with the Municipal Commissioners and the Government of Bengal for lighting the town with gas, they stipulated for an Act of Incorporation similar to that of the Assam Company. To give effect to that stipulation, a Draft Act was prepared by the Solicitors of the Company on the model of the Act for the Assam Company, and was revised by the Law Officers of the Government. The Draft Act was forwarded to him by the Government of Bengal, with the opinion of the then Advocate General to the effect that the Bill was unexceptionable in point of Law. He accordingly introduced the Bill in the form in which it was now before the Council; it passed through the first and second stages; and was referred to a Select Committee.

In considering the Bill in Select Committee, it was thought that many of its provisions were scarcely suitable to a Company which was essentially an English Company, and of which the Directors, and for the most part the shareholders also, were resident in England. But as any inconvenience arising from that circumstance would affect the shareholders of the Company rather than the Public, the Select Committee did not think it necessary to propose any material alteration. About the same time, however, the Board of Direction in London discovered that the inconvenience he referred to might arise, and wrote out to their Agent in Cal-

cutta, who, under their instructions, requested that the Bill should not be proceeded with in its present form, but that several Sections relating to the internal management of the Company, to the holding of Meetings, the transfer of shares, &c. should be expunged. Upon this, he (Mr. Currie) communicated with the Advocate General. Mr. Ritchie was of opinion that the provisions of the Bill could not but occasion much confusion. He observed that the omission of the Clauses objected to by the Directors

"Will doubtless remove much of the difficulty that may arise, clashing between the conflicting provisions in this country and at home to which I have referred. But at the same time, if they be omitted, the Company will continue so essentially and exclusively an English one, and will be so utterly unfit for the investment of Indian capital, that I presume the Legislature would scarcely think it advisable to legislate for it at all as an Indian Company, or to do more than to give it the powers, and subject the persons employed by it in this country to the penalties, contained in the latter part of the Bill—that is, from Section XXI to the end."

Mr. Ritchie proceeded to remark in detail on the Sections which the Directors proposed to omit. He thought that some of them might be omitted, but that others must be retained, if the Company were to be incorporated in India.

In consequence of these difficulties, it had been arranged with the Agent in Calcutta that the Company should forego the idea of incorporation in India; but before any further steps were taken in the matter, the Agent asked time to make another reference to the London Board. In the mean time, the Limited Liability Act of the last Session had been passed, and the Company had obtained incorporation as a limited Company under that Act. The Directors were now willing and desirous that all the incorporating clauses should be struck out of this Bill, and that its scope should be restricted to the provisions necessary for giving them such powers and facilities for carrying on their business as are usually given to Gas Companies in England by the General Gas Companies Act. He therefore proposed to move in Committee that the whole of the first part of the Bill should be omitted, and that the Title should be altered

from "A Bill for incorporating the Oriental Gas Company" to "A Bill to confer certain powers on the Oriental Gas Company, Limited."

With these observations, he begged to move a Committee of the whole Council on the Bill as amended by the Select Committee.

Agreed to.

Section I being proposed—

MR. CURRIE said, he had been advised that provisions similar to those of Section XVI should be retained, and he proposed, therefore, to insert a Section containing such provisions at the end of the Bill, and also a Section similar to Section XX. The Sections which he proposed to introduce would be out of place where Sections XVI and XX now stood.

He should therefore move that all the Sections I to XX be left out of the Bill.

Agreed to.

Section XXI was passed after an amendment.

Section XXII was passed as it stood.

Section XXIII was passed after verbal amendments.

Sections XXIV to XXVI were passed as they stood.

Section XXVII was passed after an amendment.

Section XXVIII empowered the Company to enter into contracts for lighting streets, &c.

MR. PEACOCK said, if the Company had not this power by their Deed of Incorporation under the English Limited Liability Act, this Council, in passing the present Section, would be giving them a power which the shareholders had not given them. If they had the power by the Deed, it was not necessary to give it to them by this Act. He should, therefore, suggest that the Section be left out.

The Section was then put and negatived.

Section XXIX empowered the Company to let meters, and exempted meters from distraint "for rent or revenue due on the premises" where they might be used, or under any Civil process, or any proceeding in Insolvency. The first part was omitted for the same reason as the previous Section, and the latter part was passed after an amendment, on the motion of Mr. Currie, by which meters will be protected also from dis-

traint by the Municipal Commissioners "for any rate."

Section XXX was passed as it stood.

Section XXXI was passed after an amendment.

Sections XXXII, XXXIII, and XXXIV were passed as they stood.

Section XXXV was passed after an amendment.

Sections XXXVI to XLII were passed as they stood.

MR. CURRIE moved that the following new Section, which was the original Section XVI modified so as to correspond with the phraseology of the Joint-Stock Companies Act 1856, and of the corresponding Bill recently introduced into this Council, be inserted after Section XLII:—

"A copy of the original Deed of Association of the said Company, and of every other instrument registered under the said Joint-Stock Companies Act 1856 as constituting the Regulations of the said Company, and a copy of every special Resolution of a General Meeting, whereby any change shall have been or at any time shall be made in the Regulations of the said Company, shall be kept at the office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said office, and a copy of such original Deed of Association, and of every other such instrument, and of every special Resolution as aforesaid, shall also be deposited by the said Company, as soon as it can be done after the passing of this Act, or after the making of any such special Resolution hereafter to be made, in the office of the Registrar of Joint-Stock Companies, or, if there be no such Officer, in the office of the Keeper of the Records of the Supreme Court of Judicature at Fort William, and shall there be filed; and an examined copy of any such filed copy as aforesaid, certified by and under the hand of the Registrar of Joint-Stock Companies or of the Keeper of the Records of the said Supreme Court, shall be good and sufficient evidence of each such original Deed, instrument, or special Resolution in all actions, suits, and proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice, or before any Magistrate, or Revenue or other Officer, and whether acting judicially or in any proceeding preliminary to a judicial enquiry throughout the Territories of the East India Company."

Agreed to.

MR. CURRIE moved that the following new Section, which was the original Section XX modified, be inserted after the above:—

"All services of mesne or other process, and all notices whatsoever, which, by Law or by the practice of any Court wherein the said

Company shall sue or be sued, are required to be made, served, or given for any purpose whatsoever to the said Company, shall and may be made, served, and given, in addition to all ways and means by which the same may otherwise be legally made, served, and given, upon or to the Managing Agent for the time being of the said Company resident in Calcutta, or by leaving the same addressed to such Managing Agent at the office in Calcutta of the said Company."

Agreed to.

Section XLIII laid down a procedure for the recovery of penalties and damages. The greater part was omitted on the motion of Mr. Currie, as being unnecessary under the provisions of the new Police Act.

Section XLIV was passed after verbal amendments.

Section XLV was passed after an amendment.

Section XLVI gave power to Justices of Peace or Magistrates to summon witnesses, and provided the penalty for not appearing.

Mr. CURRIE said, it was not necessary to retain this Section, as the new Police Act provided the procedure in such cases.

The Section was put and negatived.

Section XLVII, which related to convictions, was also negatived for the same reason.

Section XLVIII limited the operation of the Act to the 31st of December, 1876.

Mr. CURRIE said, as the incorporation Clauses had been struck out, there was no necessity for limiting the operation of the Act. It appeared to him that the Section should be omitted.

The Section was put and negatived.

Section XLIX was passed after amendments.

On the motion of Mr. Currie, amendments were inserted in the Preamble which made it conform to the Bill in its altered shape.

The Title was passed after the amendment indicated by Mr. Currie.

The Council having resumed, the Bill was reported.

NOTICES OF MOTIONS.

Mr. PEACOCK gave notice that, on Saturday next, he would move the second reading of the Bills to simplify the Civil Code of Procedure in the

several Presidencies and in the North Western Provinces.

BOMBAY TOBACCO DUTIES.

Mr. LEGEYT moved that Mr. Grant be requested to take the Bill "to amend the Law relating to the duties payable on Tobacco, and the retail sale and warehousing thereof in the Town of Bombay" to the Governor-General for his assent.

Agreed to.

NOTICE OF MOTION.

Mr. CURRIE gave notice that, on Saturday next, he would move the third reading of the Bill "to confer certain powers on the Oriental Gas Company, Limited."

The Council adjourned.

Saturday, February 7, 1857.

PRESENT :

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

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

MUNICIPAL ASSESSMENT (BOMBAY.)

THE CLERK presented to the Council a Petition of the Bombay Chamber of Commerce against those Sections of a Bill (about to be laid before the Council) "to amend and consolidate the laws relating to the Municipal Taxes in the Islands of Bombay and Colaba," which propose the levy of Town dues on Merchandize and Shipping.

Mr. LEGEYT moved that the Petition be printed.

Agreed to.

CATTLE TRESPASS.

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

MESSAGE No. 96.

The Governor-General informs the Legislative Council that he has given