PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

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It appeared to him that, even without this Section, the Bill would not affect any prerogative of the Crown; but that, with it, it certainly could not have that effect. He wished, however, before moving for the third reading, to take the opinion of Honorable Members upon the question. If Honorable Members should determine that the Bill would interfere with the prerogative of the Crown, it would be necessary to send it home for the assent of the Crown previously to its being passed.

The Council adjourned.

Saturday, February 23, 1856.

PRESENT :

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

Hon. Sir J. W. Colvile,	D. Eliott, Esq.,
H. E. the Commander-in-Chief,	C. Allen, Esq.,
	P. W. LeGeyt, Esq.,
Hon. Major Genl. J. Low,	E. Currie, Esq.
Hon. J. P. Grant,	and
Hon. B. Peacock,	Hon. Sir Arthur Buller.

OUTRAGES IN MALABAR.

The following Message from the Most Noble the Governor General was brought by Mr. Grant, and read :—

MESSAGE No. 69.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 16th February 1856, entitled "a Bill to give effect to Act XXIII of 1854 from the time of its promulgation in the District of Malabar, and to extend the application thereof in future."

By Order of the Most Noble the Governor General,

CECIL BEADON,
Secretary to the Govt. of India.

FORT WILLIAM,
The 22nd February 1856.

MARRIAGE OF HINDOO WIDOWS.

The CLERK presented a Petition from certain Hindoo residents of Moorshedabad, in favor of the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows."

Also a Petition from certain Native Inhabitants of Dhoolia, in the Bombay Presidency, in favor of the same Bill.

MR. GRANT moved that the above Petitions be referred to the Select Committee on the Bill.

Agreed to.

CLAIMS IN PRE-EMPTION.

SIR JAMES COLVILE presented the Report of the Select Committee on Mr. Lautour's Petition concerning a proposed law to secure title against persons claiming rights of pre-emption.

INSPECTOR OF PRISONS (BOMBAY).

MR. LEGEYT presented the Report of the Select Committee on the Bill "to relieve the Court of Sudder Fouzdary Adawlut at Bombay from the supervision of the Jails in that Presidency."

INSPECTOR OF PRISONS (FORT ST. GEORGE).

MR. ELIOTT moved the first reading of a Bill "for the better control of the Jails within the Presidency of Fort St. George." He said, occasion had arisen for this Bill by the appointment of an Inspector General of Prisons at Madras. The existing laws in that Presidency placed the general control and management of the local prisons in the Sudder Fouzdary Adawlut; and the appointment of an Inspector General of Prisons made it necessary that those portions of the law, which entrusted to that Court the supervision of prisons, should be repealed. The Bill was like the Bill for Bombay, which was read a second time in October last, and the Report of the Select Committee on which had been presented this day. He thought it would have been very desirable that, as there was no difference between the two Bills, except in the enumeration of the existing laws to be repealed, Madras should be included in the Bill for Bombay. But the Standing Orders were against this course; and he had therefore brought in a separate Bill, of which he now begged to move the first reading. After the second reading, a motion might perhaps be made for the suspension of the Standing Order which required a publication for three months before any further step was taken, in order to its being considered in a Committee of the whole Council at the same time with the Bombay Bill, with which it might then be amalgamated.

The Bill was read a first time.

PATENTS FOR INVENTIONS.

MR. PEACOCK moved that the Bill "for granting exclusive privileges to Inventors" be re-committed to a Committee of the whole Council, for the purpose of considering certain amendments therein.

Agreed to.

MR. ALLEN said, the Honorable and learned Member informed him that he had no amendments to propose before the 16th Section; and he should therefore now move the amendment in that Section, notice of which he had put upon the Order Paper. He felt that, perhaps, some apology was due from him to the Council, for moving so important an amendment at so late a stage of the Bill; but he thought it so objectionable to give to the mere Importer of an invention from a country where that invention might be as old as the hills, the same privilege that was given to an actual Inventor, that he had ventured to ask the Council to re-consider the question. He had not taken this upon himself without some thought—some doubt; but when he found that the very same Committee who now recommended the adoption of the Bill in its present state, proposed a provision which went further than his amendment when they introduced the measure, he felt justified in doubting whether their second thoughts were better than their first. On the first presentation of the Bill, the Select Committee said:—

"We think that all actual Inventors or their Assigns, whether foreigners or not, ought to be entitled to avail themselves of the provisions of the Bill; but we see no reason for extending the same privileges to the mere Importers of Inventions."

They also said:—

"In cases in which the invention may have been known in England or elsewhere under Letters Patent, or other like privilege, we think that the privilege in India should not continue beyond the period of the exclusive privilege so obtained elsewhere. This is the principle adopted in the late Patent Law in England, and it seems to be a sound one. It appears to us that, when once an invention has been made public, in consideration of an exclusive privilege granted in England or elsewhere, no exclusive privilege should be obtained in India, by which the public should be restrained from using the invention there, beyond the period during which they are restrained in England or elsewhere: otherwise, the public might be restrained from using in India an old invention made known to the public in England long after the expiration of the Patent granted in England."

This was the opinion of the Committee, who had now introduced the new provision giving to a mere Importer the same privilege that was to be allowed to an actual Inventor. The reasons which they assigned for doing so, were to be found in the second paragraph of their last Report. They there said:—

"After considering the remarks made by Mr. Monckton and by Baboo Rajendrolal Mittra, we are of opinion that the first Importer into India of an invention which has not been publicly known or used there, should be allowed an exclusive privilege. A person who employs his time and capital in bringing a foreign invention into use in India, may be, in many cases, deserving of as much consideration as an actual Inventor. But we think that, in such case, the Importer ought to be bound to bring his invention into practice within a reasonable time, and either to continue to use it himself, or to grant licenses to the Public upon reasonable terms to enable them to use it. We have therefore altered Section XVI to that effect, and have fixed two years as the period.",

Mr. Monckton and Baboo Rajendrolal Mittra were the only two gentlemen who had suggested this alteration in the Bill. The Governments of the North-Western Provinces and of Bombay, on the other hand, had written about the original Bill, and expressed their approval of the provisions as they then stood. The communications from Mr. Monckton and Baboo Rajendrolal Mittra seemed to him to go no farther than to ask *some* privilege for an Importer—some privilege inferior to that which it was proposed to give to an actual Inventor. They did not expressly say so; but their arguments did not go beyond that extent. In the year 1851, the Patent Laws were considered by a Select Committee of the British Parliament, and very able men were put on that Committee. They reported that they thought it better that, to entitle a person to an exclusive privilege for an invention, the invention should be new all over the world. Lord Grenville, in introducing the Bill into the Upper House, referred to this particular provision in these words:—

"The 14th Clause provided that the use of an invention abroad should have the like effect on Letters Patent as the use and publication in the United Kingdom. Our present law was unlike that of any other country. The absolute novelty of the invention was required to be proved in other countries: in this country, all that was required was that it should be an invention novel in the United Kingdom. This might have been a useful provision in former times, when travelling to foreign countries was difficult, and the means of publishing what was known there were small; but now, when distance was annihilated by steam vessels and rail roads, it was a monstrous case that a person like himself, who was almost ignorant of chemistry or mechanics, should be allowed to

go to Belgium, make himself acquainted with some valuable chemical or mechanical invention publicly used there, and then come back to this country, and take out a patent for it, and claim a monopoly for it in the United Kingdom against the whole world."

The Bill, with the provision to which these observations referred, passed the House of Lords. It was then brought down to the House of Commons; and the Attorney General, who introduced it, drew attention to this particular provision. He (Mr. Allen) believed the Attorney-General was an officer who had a great deal to do with Patents; and whose opinion was entitled to great weight. Well, he upon that occasion, said—

"There was another clause with respect to which he had some doubt, namely, one which provided, when an invention had been practised in a foreign country, that that circumstance should be fatal to any Patent right with regard to it in this country. As the Law now stood, it did seem inconsistent that a man who discovered that in some foreign country a particular invention had been brought into use, by bringing that invention to England, should acquire the same rights as if he had been the original Inventor; and that, if the latter should come to this country to obtain a Patent, his right should be defeated by the fact that some person had come here before him, and taken out a Patent in respect to it. The provision to which he had referred, would remedy that injustice. For his part, he should have preferred that a man who brought to this country an invention which had been practised abroad, should acquire some right, but not a right equal to that which ought to be given to the original Inventor."

The Bill, with this alteration in the Patent Law of England, passed the House of Commons. But some amendments were introduced into it there to which the House of Lords would not agree; and, in consequence of this, and of the lateness of the Session, the Bill was thrown out. It was introduced again in 1852 with the provision above referred to, but it was afterwards dropped, and the Bill passed without the clause. He could not discover exactly the reasons for leaving out the Section, but he believed it arose chiefly because it was deemed objectionable to alter the substantive law of Patents, and the amendments which passed were confined to the giving greater facility to the acquisition of Patents by reducing the fees and simplifying the procedure. Now, if men in England had thought it objectionable to give to an Importer the same privilege that was given to an Inventor, the objection must exist in a greater degree in this country. It could rarely happen that a good invention known abroad, would not also be known in England. Manufactories, and machinery for manufactories, were at their height in that country; and any one who discovered or knew of a good invention; would naturally take it there as the best market. This country was not a manufacturing country: it was chiefly the producer of raw material; and it appeared to him monstrous that a man who saw in England a piece of machinery used in the manufacture of sugar, for example, which contained some slight improvements upon machinery that was in use here, should be able to bring out the invention to this country, and obtain a Patent for its use to the exclusion of those who worked the old machinery. One argument urged in the House of Commons against a provision for not allowing to Importers an exclusive privilege, was, that an objector might set aside the Patent of a *bonâ fide* Inventor on the pretext that the invention had been in use in some distant part of the world, and might bring forward evidence in support of his allegation which it would be difficult for the *bonâ fide* Inventor to impugn. That objection might be a good one; but it would also apply to the proviso in the very Section in question, which did discriminate between an Importer and an Inventor, and required that the Importer or his representatives should bring the invention into practice within two years from the date of the Petition. When the Bill was last before the Council, he had contended that the exclusive privilege to an Importer should cease when the Patent in the country where the Invention was first made known, expired. It was urged in reply that, if the object was to prevent an Importer from having an exclusive privilege in this country, while all persons were free to use the invention elsewhere, the amendment which he proposed would not secure that object, inasmuch as it would not prevent the Importer of a foreign invention from obtaining an exclusive privilege for it here, when the actual Inventor had taken out no Patent in his own country, and that thus the people of this country might be restrained from using an Invention which the Inventor had left free in his own country. He could only say to that argument that, in the case supposed, he would give an exclusive privilege neither to the Importer nor to the Inventor who declined to take out a Patent in his own country. If he could, he would, as was the case in all other countries but England, give the Importer of an invention known abroad, and publicly used there, no

privilege. The ground upon which an exclusive privilege was given to an Inventor, was, he believed, that the invention was the product of his own brain, and that, therefore, he was as well entitled to an exclusive privilege for its use for fourteen years as an author was to the copyright of his work. But suppose a book was published in France, and a person not the author reprinted it in England; that person would be entitled to no copyright in England or any where else.

On the whole, he thought that a mere Importer was entitled to no exclusive privilege whatever; but, as he feared that the Council would not concur with him to that extent, he should move that the following amendment be added to Section XVI:—

"Provided also, that the terms of the exclusive privilege to be obtained by an Importer into India of a new invention under this Act, shall be five years from the time of filing the specification and no more, unless a Patent or like privilege for the exclusive use of the invention has, before the date of his petition, been obtained in any other part of Her Majesty's dominions, or in any foreign country; in which case, the exclusive privilege obtained in India shall further continue in force until the expiration or other determination of the terms of the Patent or like privilege obtained elsewhere; or where more than one such Patent or privilege has been so obtained, until the expiration or other determination of the term which shall first expire or be determined of such several Patents or privileges."

Mr. PEACOCK said, the Honorable Member had made an apology for introducing his motion. He did not think that any apology was necessary, because he believed that the Council was most anxious that this and every other measure that was brought before it, should be fully and maturely discussed, and that every Member should propose even at the last moment any alteration which he considered an improvement.

The question raised by the Honorable Member to-day, had, to a certain extent, been disposed of at a former Meeting of the Council, when the Honorable Member contended that the term of an exclusive privilege to the Importer of a British or foreign patented invention, should be limited to the unexpired period of the English or foreign Patent. To effect that object, the Honorable Member had moved that Section XXI of the original Bill, which had been omitted from the amended Bill, should be restored. The question was discussed on that occasion, and the Council voted against it. The motion which the Honorable Member had made to-day, depended upon almost the same principle. Instead of saying that the exclusive privilege in India to an Importer should cease on the expiration of the English or foreign Patent, the Honorable Member would give to an Importer an exclusive privilege for only five years, and, where a Patent had been obtained for the invention in England or elsewhere, a further privilege until the term of the foreign Patent should expire. The Honorable Member had, however, given no valid reason why the amendment should be made. He had referred to a Report made to the House of Commons, in which it was recommended that a Patent in England should not be valid unless the invention for which it was granted was new all over the world. But he had not adverted to the fact that the Section which had been introduced into the Bill in pursuance of the recommendation, was struck out in the House of Commons, and formed no part of the Act which was afterwards passed. It must, therefore, be admitted that the principle had been adopted in England that an Importer ought to be allowed an exclusive privilege. If the principle, that the grant of an exclusive privilege for an invention should be void if the invention were known in any part of the world, were adopted, an Inventor would have to meet every kind of evidence that might be brought forward from any part of the world, however distant, for the purpose of showing that the invention, although new in India, had been known in some other country before the exclusive privilege in India was obtained; and he need not remind the Council how impossible it would be to rebut such evidence here.

As to the proposed limit of five years for exclusive privileges to Importers, he would call the attention of the Council to Section IV of the Bill, which, it would be seen, did not absolutely bind the Governor General to grant an exclusive privilege to an Importer for the term of fourteen years, but only enabled him to do so in those cases in which he should think fit.

The Honorable Member had said that there was a special reason for not allowing exclusive privileges to Importers under this Act, because this was not a manufacturing country, but only a country that produced raw material. If that was a sound argument for refusing exclusive privileges to Importers, it would be an equally good argument for withholding the principle of the Patent Laws from this country altogether. But, because India was not a great manufacturing country now, he saw no reason why it should never become so.

The Honorable Member had used one of the most extraordinary arguments that he had ever heard urged against the grant of an exclusive privilege—namely, that persons who had used old machinery in India would be placed at a disadvantage if encouragement should be given to the importation of improved machinery from England or elsewhere. Upon the same principle, there ought to be no inducement for a person to bring out to this country a plough which furrowed deeper, and worked upon a better principle than the rude implement that was used at present by the native cultivators.

The question to be considered was, whether the exclusive privilege of an Importer should be limited to five years, and to the further time during which a patent obtained elsewhere might continue in force. He saw no reason for such limitation. An Importer of a new invention from America might obtain a patent in England, though the invention might be known in America, and might be in public use there; and if there was no patent in America, he might obtain an exclusive privilege in England for fourteen years absolutely, although people in America were free to use the invention just as they pleased. The principle upon which the privilege was granted in such a case, had been admitted in England: the Honorable Mover of the amendment now before the Council, admitted it;—but he contended that the privilege should not extend beyond five years. He had not, however, shown any reason why it should be limited to five years, instead of to six, or seven years, or to fourteen years as proposed by the present Bill, and allowed in England.

SIR JAMES COLVILE observed that the Honorable and learned Member was not quite accurate in the construction he had put upon Section IV of the Bill. As the Section was worded, the right to an exclusive privilege for fourteen years followed the filing of a specification within six months from the date of the order to file it: it was the *extension* of that term that was left to the discretion of the Governor General in Council.

MR. PEACOCK said, that was the correct reading of the Section; but still, the Section would be no argument why an Importer should have an exclusive privilege for five years, and not for fourteen. The object in granting an exclusive privilege to an Importer, was to hold out an inducement to persons to apply their labor and capital in discovering and introducing into this country inventions which were unknown here; and, by bringing them into practice here, to show the people that they could be worked to advantage. That being so, why should the exclusive privilege be limited to five years? He (Mr Peacock) confessed he could see no reason why it should be so limited, or why, if a patent had been already taken out for the invention in England or elsewhere, the exclusive privilege here should be limited to the term of such Patent or other like privilege. It appeared to him (Mr. Peacock) that the Honorable Member's amendment rested upon no sufficient principle.

The Honorable Member had twitted the Select Committee on the Bill with inconsistency in having, in their first Report, recommended that exclusive privileges should be limited to actual Inventors, and having, in their second Report, recommended that they should be extended to Importers also. But he (Mr. Peacock) had always considered that the object of publishing a Bill before it was passed was to enable the Select Committee to avail themselves of any suggestions from the Public. For his own part he must say that he always entered upon his duties as a Member of a Select Committee with his mind perfectly free to adopt any suggestions from the Public, by which a Bill as originally framed could be improved. The publication of this Bill had called forth many suggestions, and amongst others, from Mr. Monckton and Baboo Rajendrolal Mittra. Mr. Monckton objected to Sections XIV, XVI, and XVII of the Bill, and said:—

"An invention may be an English, French, or American one, and its adaptation to something Indian may be new; whereas, under the above wording, the new adaptation would be lost. When strictly analysed, few inventions are entirely new; they are but new combinations of old and established principles, or of machinery of some sort already in existence. The damage to India by being very strict, would be far greater than to individuals whose inventions might be used in India to their exclusion. Indeed, by allowing a reasonable period, before granting the Patent, for the original Inventor to come forward and establish his claim, in the event of his not doing so, justice to him would be sufficiently guaranteed; and the invention, though not original, ought to be patented for the benefit of the capitalist who was willing at his own risk to introduce it, and for the benefit of the country who would otherwise lose it, perhaps for ages, or for ever."

That suggestion had great weight with him. Upon consideration, he thought that it would be very beneficial to a country like this, if the right to obtain an exclusive privilege were held out as an inducement to per-

sons to devote their time and capital to importing, bringing into practice, and showing the advantage of useful inventions that were known and adopted in England, or in our colonies, or in any foreign country. The Select Committee had inserted a proviso which made the continuance of the exclusive privilege of an Importer subject to the condition of his bringing the invention into practice within two years from the date of his petition, and of his either continuing to use it, or granting licenses upon reasonable terms to others to enable them to use it. The Council would recollect that an exclusive privilege under this Act would be obtained at a very small expense—only one hundred Rupees for the stamp, and the cost of preparing and copying the specification to be filed in the several Presidencies and Lieutenant-Governorships. It might happen that a person, after learning from the specification in England the secret of a useful and valuable invention patented there, for which the Patentee had taken out no exclusive privilege in India, might say—"Very good; I will go over to India, obtain an exclusive privilege there by paying only £10, and the expense of copying the specification; and then I shall abstain from incurring any expense in bringing the invention into use, and I will run the risk of the invention becoming profitable; in which case I will assert my exclusive right."

The Section in question would prevent this, because it provided that an Importer must bring into practice the invention for which he claimed an exclusive privilege within two years from the date of his petition, and must continue to use it, or must grant licenses to enable others to do so, otherwise his exclusive privilege would cease.

He thought, therefore, that this Bill, in allowing exclusive privileges to Importers, would inflict no real injury upon the Public; inasmuch as it would protect them from persons bringing over useful inventions merely to take their chance as to whether they might become useful in India or not; and there would be no injustice to actual Inventors who might take out patents elsewhere, inasmuch as the Act would give them a prior right to obtain an exclusive privilege, provided they filed their petitions within twelve months from the passing of the Act, or within six months from the date of their Patents.

SIR JAMES COLVILE said, he had not had the advantage of being present during the former discussions of this Bill in Committees of the Council; and he, therefore, thought it right to make some observations on the Motion proposed, seeing that he was a Member of the Select Committee to which the subject of the Bill had been originally referred, and was, consequently, more or less responsible for the Bill as it was first submitted, and for the alterations which the Select Committee had introduced into it since. He freely admitted that the Honorable Mover of the amendment had convicted the Select Committee of an inconsistency in having proposed the Bill in the first instance without a provision for protection to Importers, and in recommending it at this subsequent stage with a Clause giving such protection: but he did not see that this proved any thing more than that the Select Committee had been open to conviction; and if that was a crime, it was one to which he was ready to plead guilty. The question was, certainly, one on which much might be said on both sides. When the Bill was first introduced, he was pressed by the consideration that, if Importers were protected, persons without any great merit on their own part, and at the expense of the Indian Public, might obtain exclusive privileges for inventions which were *publici juris* in other countries, or were protected by Patents in other countries; but in the Committee, he had yielded to the argument that, in a country like this, in which neither enterprise nor capital was so rife as elsewhere, it was peculiarly desirable to encourage persons to introdnce, possibly at considerable risk and expense, useful inventions that had been discovered and made known elsewhere.

The Honorable Mover of the amendment had founded an argument on the supposed analogy between the case of the Importer of a manufacture and that of the Importer of a book. But he (Sir James Colvile) did not think that the analogy would quite hold. No doubt, as far as the principle of rewarding the inventive faculty was concerned, it was common both to the Law for granting patents for useful inventions, and to the Law for protecting literary property. But the protection of literary property rested solely on that principle. It was very fit that those who conferred such eminent benefits upon society, as great authors did, should be entitled to the copy-right of their own productions; but there was no sufficient reason why persons who merely reprinted the productions of foreign authors, and published them in another country, should enjoy such a privilege. But the importation of useful inventions from abroad might involve con-

siderable risk, labor, and expenditure of capital, which it might be for the real interests of the community to remunerate and encourage. He would not go into particulars. It was obvious that many useful inventions were of the class referred to. Again, it was well-known that it was part of the Patent Law, that the continuance of the exclusive privilege should depend on the fact of the invention being novel. Now, if the Council did not admit the principle that an Importer was entitled to an exclusive privilege, then any person might question and perhaps destroy an exclusive privilege in this country, by showing that the invention was already known in other parts of the world. The two inventions which had caused the greatest revolution in society, were those of gunpowder and the art of printing. There were plausible grounds for believing that both were, in some measure, known and used in China before they were known in Europe. Yet, those who had brought out the principles of those inventions, and made them known to the Western world, were not the less entitled to the gratitude of posterity for their great results; nor, if a Patent Law had then been in existence, ought they to have had their rights under that Law endangered, because the inventions were in fact known and used in another quarter of the globe.

The general principle, however, of protecting the Importer of a useful invention, seemed to have been already admitted by the Council; and the only question raised by the amendment now before it was, whether he ought to have a lesser amount of protection than that which would be allowed to an actual Inventor. The Clause in question contained, as it stood, a restriction upon the protection in favor of an Importer. It made it absolutely necessary for him to bring the invention into use within two years from the date of his petition, and to continue to use it, or grant licenses to others, upon reasonable terms to use it.

Upon the whole, although he admitted that the question was one which well deserved discussion, and on which he had not a very clear conviction, he thought it less likely to cause confusion, and in every way more expedient to allow the Section to remain as it stood, than to limit the exclusive privilege to five years.

It was to be observed that the Honorable Member was not perfectly consistent in his amendment. He did not say broadly that an Importer would be sufficiently rewarded by an exclusive privilege for five years only; but he said—"I will give him not only an exclusive privilege for five years, but if, before the date of his petition, a patent or like privilege has been obtained for the invention in England or elsewhere, I will give him a further privilege until the term of the foreign patent shall expire." Now, if he went on the principle of measuring the merit of the Importer, there was no reason why he should allow this extended privilege. Under the Bill as it now stood, if a patent was granted in another country for a new invention, any person might introduce it into this country, and either obtain an exclusive privilege for a term not exceeding fourteen years, subject to the rights of the Inventor, or, if he were so minded, might make it *publici juris*. If the Honorable Member was of opinion that an Importer would be sufficiently rewarded by an exclusive privilege for five years, he (Sir James Colvile) did not see why he should go beyond that, and say that the Importer might take a further privilege during the period that the right to protection in another country existed in somebody else.

On the whole, therefore, and on the best consideration which he could give to the subject, he had determined to vote against the amendment, and for the Clause as it stood.

MR. ELIOTT said, he thought there was good reason for giving to an Importer a certain privilege to compensate him for the time and capital he must expend in bringing over an invention from abroad; but he could not but agree with the Honorable Member for the North-Western Provinces in thinking that a distinction should be made between the case of a mere Importer, and the case of an actual Inventor,—following the principle that the object in the latter case was to give a reward for the invention as well as compensation for the time, labor, and capital employed in bringing it to a state in which it could be made of use: whereas in the case of the Importer, there was reason only to afford compensation for the cost of introducing the invention, and for the time and labor, as well as money, which might have been laid out in doing so. It, therefore, seemed to him (Mr. Eliott) that the privilege to Importers should be limited. He thought, however, that five years would be too short a period, the period allowed to Inventors being fourteen. He conceived that half the latter period would be a fair term for the privilege to Importers; and if the Honorable Member for the North-Western Provinces would alter his amendment to that effect, he (Mr. Eliott) should be inclined to

give him his support. He also thought that it would be advisable to limit the privilege simply to seven years, without the extension under certain circumstances, which the Honorable Mover of the amendment proposed. If the Honorable Member agreed with him, he would perhaps alter his amendment: if not, he (Mr. Eliott) was prepared to move an amendment upon his amendment.

MR. ALLEN said, he desired to explain why he had referred to the different opinions which the Select Committee had recorded in their several Reports respecting the claim of Importers to exclusive privileges. He had referred to them with no intention whatever of "twitting" the Committee with inconsistency:—nothing was farther from his mind. His object had been merely to apologise in some way, for proposing to introduce into the Bill a principle which was opposed to that which a very able Committee had recommended, and by going back to what they had first suggested, to show that they themselves had not always been of the opinion which they now advanced, and that, therefore, the question might naturally have raised a doubt in his mind.

He had been asked, why he proposed to limit the exclusive privilege to Importers to five years, rather than to six or seven. All he could say in reply was, that he had no love for five years. For his own part, he wished to give the mere Importer of an invention no privilege whatever, any more than he wished to give the mere Importer of a book a privilege. He did not exactly see how the Honorable and learned Chief Justice's objection to his analogy between the two cases applied; for there would be an outlay of capital in both.

Then, as to his "*most extraordinary*" argument about old machinery and new. Perhaps it might have appeared extraordinary from the mode in which he had expressed himself. He would now endeavor to illustrate what he had meant. There was a Company here with valuable machinery, which made cotton thread, named the Fort Gloster Mills Company. Suppose that its spinning jennies were not on the latest principle, and that a person brought over from England some new machinery with jennies containing some trifling improvements: under the Bill as it now stood, the Importer of this slightly improved machinery might obtain an exclusive privilege for fourteen years, and restrain the Fort Gloster Company from applying that improvement to its old machinery during all that period, although they might themselves have sent for those very improvements from England, but not brought them into use: nor could they use the machinery when it arrived, because they had not taken out a Patent.

He had also been asked why he proposed to extend the limit of five years to a further period in the case of Importers who brought over inventions for which English or foreign Patents had been taken out prior to the date of their petitions. His reason was that greater credit was due to a man who imported a new invention than to one who imported an old one.

With regard to the suggestion of the Honorable Member for Madras, that the limit should be seven years, and not five, he should put himself into the hands of the Committee, and adopt any amendment upon which they might determine for limiting the privilege to mere Importers, and would, if wished, leave a blank in his Motion for the number of years.

MR. GRANT said, on this very difficult question, he was convinced, from all he had heard, that the best course would be to adopt the suggestion of the Honorable Member to his right (Mr. Eliott), and to give to Importers half the term that Inventors would have; and if the Honorable Member would propose such an amendment, he should support it.

MR. ELIOTT moved an amendment to that effect, and Mr. Allen's amendment was withdrawn.

MR. LEGEYT said, it struck him that the Council had not yet been told what injury was to be sustained by the retention of the Section in its present form. They had heard that, under the Section as it stood, the owner of old machinery would be restrained from using imported improvements, because a Patent for the improvements would be in the hands of the Importer, and that this would be a hardship upon him. But he did not think that such a consideration as that was a reason for refusing to Importers an exclusive privilege for the labor and capital which they would employ in bringing over an invention which would be useful to the people of India, and which they would not have brought over if there was no inducement for them to do so. What this country wanted, as much as any thing else, was a spirit of enterprise and industry, and a desire to make use of improvements and inventions which the more civilised parts of the world enjoyed. The object, therefore, should be to raise and foster this spirit, instead of imposing a check upon it, which the amendment proposed to the

Council would certainly do. In a country like this, he could not but think that an Importer of improved machinery should be entitled to protection and encouragement. Various Patents had been taken out in England for ploughs upon improved principles; and improved ploughs were now in general use in England: but in India we still saw all around us in every part of the Mofussil, the rudest implements of agriculture in use amongst the natives—doubtless because nobody had made them acquainted with the improved kinds used in Europe. If the right of Patents to Importers were introduced into this country, he felt convinced that the expense of taking out Patents would not deter persons from bringing useful inventions into practice here; and he, therefore, hailed this Section as calculated to introduce a spirit of improvement amongst the people which had hitherto been unknown.

MR. GRANT said, he would explain the reasons which induced him to support the present amendment. The principle, and the only principle upon which a Patent Law could be supported at all, was that a person should be reimbursed for the expense of money and labor, which in most cases must be undergone in perfecting and bringing into practice an invention. In the great majority of cases, a man who merely imports an old invention from a country where it is in use, into a country where it is not known or in use, would not be obliged to undergo nearly the same expense of money and labor that the actual Inventor must have undergone. It was, of course, impossible to adjust such a matter in any case with precision; but he believed that, in allowing an exclusive privilege to an Importer for one-half the period that would be allowable to an Inventor, the object in most cases would be substantially, and in a rough way, attained.

MR. PEACOCK said, the Honorable Member opposite (Mr. Grant) had stated that the only principle upon which the Patent Laws could be supported, was, that the Inventor should be compensated for the labor and the expense that he had undergone. He (Mr. Peacock,) however, looked more to the interests of the Public than to the interests of the individual who invented, or who imported an invention. It appeared to him that the real object should be to give such an exclusive privilege as would induce persons to invent, or to import inventions, which would be useful to the public. A Section had been inserted in the Bill accordingly, allowing the same extent of privilege to Importers as was allowed to Inventors; subject, however, to the condition that a mere Importer should bring the invention into use in this country within a given period, and continue to use it, or grant licenses to others to use it. This condition was not imposed upon actual Inventors: and it appeared to him that the question simply was, whether a seven years privilege would be a sufficient inducement to persons to import useful inventions into this country, or whether the whole benefit of this Section might not be thrown away if that limitation were imposed. If seven years should be fixed as the period for exclusive privileges to Importers, the actual period during which the privilege would be enjoyed by an Importer, might be only five years, since the Bill allowed two years as a reasonable period for bringing an invention into practice. He (Mr. Peacock) thought that an Importer ought to be allowed an exclusive privilege for a period equal to that allowed to an Inventor, provided he should bring the invention into practice within a reasonable time and continue to use it, or grant licenses upon reasonable terms to others to use it.

MR. ALLEN said, an Importer would have only himself to blame if his exclusive privilege were limited to five years instead of seven, in consequence of his not bringing into practice the invention for which he claimed the privilege before the second year from the date of his petition, because there was nothing in the Bill to prevent him from bringing it into practice the very next day after filing his petition.

MR. CURRIE said, he thought that the difference between an Inventor and an Importer had not been sufficiently considered. By some happy accident, an original invention might possibly be discovered with little expenditure of capital and labor; but in the great majority of cases, the discovery of an invention required considerable capital, ingenuity, research, and skill. This could not possibly happen in the case of an Importer. His merit would consist only in the labor of bringing over an invention, and introducing it into practice. For this reason, he (Mr. Currie) should support the amendment.

THE CHAIRMAN then put Mr. Eliott's amendment.

The Council divided :—

Ayes.	*Noes.*
Mr. Currie,	Sir Arthur Buller,
Mr. Allen,	Mr. LeGeyt,
Mr. Eliott,	Mr. Peacock.
Mr. Grant,	General Low,
The Commander-in-Chief.	Sir James Colvile,
	The Chairman.
5	6

Majority against the Amendment—1.

The amendment having been negatived, the Section was passed as it stood.

Section XVIII defined what should be deemed a new invention within the meaning of the Act.

Mr. PEACOCK moved a slight amendment in the language of the Section, which was agreed to, and the Section passed.

Section XIX provided that an actual Inventor, who had obtained English Letters Patent, should obtain an exclusive privilege under the Act if he should file his petition within 12 mooths from the passing of the Act, or within 6 months from the date of the Letters Patent.

Mr. PEACOCK moved that the following words be added to this provision :—

"And if an actual Inventor shall obtain any exclusive privilege under this Act, in respect of such invention, any exclusive privilege obtained by an importer of such invention shall thereupon cease."

The object of this amendment, he said. was to give a prior right to Inventors. If an Inventor should take out a Patent in England, and another person, availing himself of the information furnished in the specification filed by him there, should bring out the invention into this country, and .obtain an exclusive privilege here, that privilege would cease if the Inventor should come over within twelve months from the passing of this Act, or within six months from the date of his Patent, and take out an exclusive privilege for himself.

The amendment was agreed to, and the Section passed.

Section XXIII specified the grounds upon which the Supreme Court might declare that an exclusive privilege in an invention had not been acquired. One of the grounds was

"That the petitioner has fraudulently included in the petition or specification as part of his intention something which is not new, or whereof he was not the inventor."

Mr. PEACOCK moved, that the following words be added to the above :—

"And that the petitioner has wilfully made a false statement in his petition."

He said, it had been suggested to him that, although a man might choose falsely to describe himself an Inventor, and that, although by another Section, a petitioner under the Act would be liable to an indictment for perjury for any wilful misdescription or other false statement, there were no means provided for rescinding an exclusive privilege if obtained by a fraudulent representation in the petition. The amendment did not seem to him to be very important ; but there was no objection to it, and he thought that it had better be made.

The amendment was agreed to, and the Section passed.

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

Mr. PEACOCK moved that the Bill be now read a third time, and passed.

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

STANDING ORDERS.

Mr. GRANT moved that the Standing Orders Committee be instructed to prepare a Standing Order for the purpose of requiring notice to be given of amendments of Bills intended to be moved in Committees of the whole Council. He said, he thought that many Members of the Council had felt the inconvenience of the want of some such Standing Order as this. All must have felt how difficult it was to catch the exact scope and bearing of amendments moved in Committees of the whole Council, merely on hearing them read over once, or perhaps twice. In addition to this, the Council must have observed what very important principles and difficult questions were often involved in such amendments. They had had an example of this that very day, in the amendment moved by the Honorable Member for the North-Western Provinces in the Bill "for granting exclusive privileges to Inventors." The Honorable Member had been so good as to put a notice of his amendment upon the Paper. If he had not done so, all must have come to the Meeting unprepared by any previous consideration for the determination of a most difficult matter, on which they would have been obliged to give a sudden decision which it was impossible could be satisfactory either to their own minds, or to the Public. There were some difficulties involved in his motion ; but he thought there were none that could not be surmounted by the Standing Orders Committee ; and whatever rules of detail that Committee might propose, would be subject to revision by the Council. For instance, mere verbal amendments and perhaps unopposed amendments, might be excepted from the rule. Upon this, and a great many other matters of detail, it was unnecessary to enter then. Upon all such matters, the Standing Orders Committee would consult and report, if his motion were carried.

Mr. ALLEN said, he had an objection to the wording of the motion. It appeared to him to prejudge the question as to whe-

ther the proposed rule should, or should not be prepared.

It required the Standing Orders Committee to prepare the proposed rule. He should greatly prefer that it would instruct them to take into consideration the propriety of preparing it. This was what had generally been done before. If the Council should adopt the motion, the Committee would be precluded from exercising their own judgment upon the proposition, but would be bound to give effect to it, even though they should consider it surrounded with difficulties.

He threw out this observation for the consideration of the Honorable Mover; but, if it should be necessary, he was prepared to move an amendment upon the Motion.

MR. GRANT said, he should prefer an amendment being moved, because he wished to take the sense of the Council then upon the general principle of his motion.

MR. ALLEN then moved as an amendment, that the words "to prepare a Standing Order for the purpose of requiring" should be omitted, and the following words substituted—"to report whether the Standing Orders may not be altered so as to require." His sole object, he said, was not to bind the Standing Orders Commitee to the preparation of a rule to which their own judgment might be opposed.

The amendment was put.

SIR JAMES COLVILE said, he would suggest to the Honorable Member whether he would not rather say "usefully altered," because the Standing Orders were certainly not the Laws of the Medes and Persians.

MR. ALLEN altered the amendment, which was then put.

The Council divided:—

Aye	*Noes.*
Mr. Allen.	Sir Arthur Buller.
—	Mr. Currie.
1	Mr. LeGeyt,
	Mr. Elliott.
	Mr. Peacock,
	Mr. Grant,
	General Low,
	The Commander-in-Chief,
	Sir J. W. Colvile,
	The President,
	—
	10.

Majority against the Amendment—9.

The Amendment having been negatived,

The original Motion was put, and carried.

DRAINAGE AND LIGHTING OF CALCUTTA.

MR. CURRIE moved,

"That the Report of the Select Committee on the Bill 'to provide for the better lighting of the Town of Calcutta' be referred to the Select Committee appointed to take into consideration the papers before the Legislative Council containing proposals for revising Acts X, XII, and XIII of 1852, relating to the Conservancy and Police of Calcutta, and to prepare such Bills as may be necessary with reference thereto; and that that Committee be instructed so to frame the Bill to be substituted for Act X of 1852, as to provide means for carrying out an improved system of drainage in accordance with the suggestions contained in the Report."

The Honorable Member said, this Motion was merely an echo of the opinion expressed in the Report; and as the Report itself was in the hands of the Council, he might perhaps refer to it for the grounds upon which the Motion was based; but he thought it right to make a few observations in explanation of the course followed by the Select Committee and by himself individually.

When it devolved upon him as the representative Member for Bengal to deal with the application made by the Municipal Commissioners through the Bengal Government, for the aid of the Legislature in carrying out their plan for the introduction of Gas into Calcutta, he thought it his business to consider the question exclusively on its own merits. A proposition had been made for introducing a great improvement into Calcutta. Other improvements might be equally or even more necessary; but no substantive proposition had been made respecting them either by the Executive Government or the Municipal Commissioners. The immediate object was merely to provide means for lighting a part of the Town with Gas, and with this view he framed his Bill, though he had thought it right, at the same time, to make provision for some improvement in the lighting of other parts of the Town and for the gradual extension of Gas to the whole.

But the debate on the Motion for the second reading of the Bill, and the Petitions which had since been presented to the Council, had satisfied him, as they had satisfied the other Members of the Select Committee, that the question of the imposition of a lighting rate could not be dissevered from the question of providing means for an efficient system of drainage. The Committee were thus in a manner compelled to extend their views and their enquiries beyond the immediate object of the Bill which had been referred to them, and he thought that they had sufficient warrant for doing so, in the sentiments which had been expressed by Honorable Members in the debate on the Motion for the second reading of the Bill.

The Select Committee were strongly im-

pressed with the desirableness of seizing the present opportunity for introducing an improved system of lighting into the Town; but they also thought that it was their duty to satisfy themselves that the funds which might be appropriated to this purpose, would not eventually be required to carry out a scheme of efficient drainage. This they had done. They had come to the conclusion that a moderate rate might be imposed upon occupiers for the introduction of Gas lighting, and that the general funds of the Conservancy might at the same time be improved by the re-imposition of a horse and carriage tax, and a small increase of the house assessment so as to provide for the interest, and the gradual liquidation of a loan to be raised for carrying out an efficient system of drainage.

He would say a few words on the plan of Gas lighting which was proposed in the Select Committee's Report. The plan adopted by the Municipal Commissioners and the Gas Company, was to light all the important streets within a certain limited area. This seemed to him to be quite unobjectionable. It was hardly to be expected that any Company would undertake so large a scheme as the lighting of the whole Town at once with Gas, the project being altogether new, and the prospect of a remunerative return extremely uncertain. The other Members of the Select Committee, however, were of opinion that the extension of the benefits of Gas to the whole Town ought not to be left to the pleasure and convenience of the Gas Company; and they had called on the Municipal Commissioners for a statement of the probable expense of lighting the whole of Calcutta with Gas and with oil. In compliance with this call, the Chief Magistrate and Captain Thuillier had furnished a memorandum, which had been printed and circulated, and he held in his hand the plan which accompanied that memorandum. In the plan and the memorandum the streets of the Town were divided into three classes—the first included the streets which it was proposed to light with Gas at once; these were colored yellow: the second included the streets to which Gas might hereafter be extended; these were colored pink: the third consisted of small lanes and alleys, in which it was not likely that pipes for the supply of Gas would ever be laid down; these were left uncolored. The Select Committee were of opinion that measures should be adopted for lighting with Gas both the two first divisions, that is to say, all the considerable thoroughfares of the town; and that the taxing of the town for the purpose of Gas-lighting, should be made contingent upon the conclusion of such an arrangement, either with the Oriental Gas Company or some other undertakers. They did not mean that the whole of these thoroughfares should be lighted with gas at once, but that, within some certain fixed period, the improvement should be introduced into the streets of the second class as well as the streets of the first. He was bound to state his own individual opinion that, considering the expectations held out, and the encouragements given by the Municipal Commissioners to the Gas Company, it would have been more fair, both to the Municipal Commissioners and the Company, to furnish the means for carrying out at once the plan arranged between them, without binding the Company to extend their operations within any specific period. He had said in the debate on the motion for the second reading of his Bill, that he considered the good faith of the Municipal Commissioners, and through them of the Bengal Government, pledged to light efficiently with Gas those portions of the Town which the Municipal Commissioners had themselves selected for the first introduction of that improvement. He was still of that opinion, but he did not wish to re-open the question. He believed there was little doubt that the Company would find it their interest to acquiesce in the plan of the Select Committee; and that, a reasonable period of time being allowed, the benefit of Gas-lighting would be distributed over the whole Town.

The Council would not have failed to observe that the plan now proposed by the Municipal Commissioners was on a very moderate scale. They had reduced by one-third the number of lights estimated by the Engineer of the Gas Company, for the streets of the first division; and the number of lights which they proposed should be given to the second class thoroughfares, was on a yet more moderate scale. The total expenditure for lighting both the two first classes of streets with Gas, and the third class with oil, was estimated at Rs. 1,76,000. But the whole of that sum would not be required immediately. The expense to be incurred immediately, pending the carrying out of the entire scheme, that is, the expense of lighting the streets of the first class with Gas, and giving a sufficient number of oil lights to those of the second and third classes, was estimated at Rs. 1,34,000. The Select Committee were of opinion that this sum

ought to be provided at once; and they proposed that this should be done by imposing a lighting rate of 2½ per cent. on occupiers. That rate would give a gross produce of Rs. 1,44,000. From this amount, deductions must be allowed for remissions and expenses of collections, and the actual sum that would be available would be about Rs. 1,34,000, which was the amount now required. The further sum which would be required for the progressive extension of Gas-lighting in the streets of the second class, the Select Committee proposed, should be provided out of the general Conservancy Funds. There would be no difficulty in this. The sum at present appropriated to lighting, Rs. 16,000, would, of course, be available, and the Committee thought that, if an application were made, the Supreme Government might be disposed to make a grant to the town of the Calcutta ground rents, which would almost make up the difference. But if this application should not be successful, the Municipal Commissioners would still be able to supply the deficiency from the annual income of the Town.

He did not apprehend that any objection would be taken to the rate of 2½ per cent. proposed by the Committee. It was to be remembered, as he had said in the earlier stages of the Bill, that the compulsory gate lamps, which occupiers of houses rated at a monthly rent of 70 Rs. and upwards were now obliged to maintain, constituted a tax equal to 1 per cent. upon the whole rental of the Town. This tax fell very unequally and unfairly, being equal to 5 per cent. in the case of occupiers of houses rated at 70 Rupees per month, and to only 1 per cent. in the case of occupiers of houses rated at 350 Rs. per month, while occupiers of houses rated at sums under 70 Rs. were not taxed at all. If the measures now proposed were adopted, the occupiers of the houses rated at a monthly rent below Rs. 140, and above Rs. 70, would be considerable gainers by the change, and, instead of an unequal tax, productive of very inconsiderable public benefit in proportion to the expense thrown on individuals, we should have a moderate rate, which would fall equally and fairly on all the inhabitants, and which would be applied so as to afford the greatest possible benefit.

He came now to speak on the subject of drainage. The province of the Select Committee on this point, was merely to ascertain the sum which would probably be required, and to consider what means could be made available for supplying it. The Council had doubtless seen the printed Report of Mr. Clark, the Secretary to the Municipal Commissioners, on this subject, and the letter of the Municipal Commissioners to the Bengal Government. Mr. Clark's plan would, of course, have to be examined and tested by competent scientific Officers. The Select Committee had not given, indeed they were not competent to give, any opinion upon it; but they thought that it afforded sufficient ground for accepting the estimate of the Municipal Commissioners, that the sum required for a complete system of drainage would be somewhere about thirty lakhs. This sum, they thought, might be raised by a loan. The interest on thirty lakhs, at 5 per cent., would be Rs. 1,50,000; but if the capital sum were taken in annual instalments of five lakhs, which was supposed to be the utmost that could be spent in a year, a present income of Rs. 1,50,000 would not only be sufficient to pay the interest, but would also supply a surplus for the gradual liquidation of the principal. It might be hoped also that Government would be willing to advance the money on more favorable terms, as he believed had been done in aid of a similar undertaking at Bombay. An increase of income to the extent of Rs. 1,50,000 would, therefore, supply all that was required.

In the debate on the Motion for the second reading, something was said of the re-imposition of a horse and carriage tax. The Select Committee were of opinion that that part of the Municipal disbursements which was paid for repairing roads, could not be supplied in a more appropriate manner, than by a tax on the cattle and vehicles which made use of the roads. The average expense of repairing the roads for the last two years, had been about Rs. 85,000 each year; and the Select Committee proposed that a horse and carriage tax should be imposed at rates sufficient to produce that amount. The Council were aware that such a tax did actually exist in this town between 1847 and 1852. He had looked into the correspondence connected with the passing of Act X of 1852, by which the tax was abolished, and he had not been able to trace any reason for the abolition. The Trades Association had indeed made some objections to it; but the Municipal Commissioners and the Bengal Government were strongly in favor of its continuance. Some difficulty had been experienced at its first introduction; but the Municipal Commissioners were confident of being able to overcome them. The law, however, was

extremely defective. In a judgment of the Supreme Court, in the case of Biddle *vs.* Tarraneychurn Bonnerjea, he found it was spoken of in these terms :—

"In looking into this Act, which is replete with uncertainty of every kind, it is difficult to say what constitutes liability to pay for carriages and horses : or rather where the limit attaches."

One of the great practical defects of the Act was, that it imposed no penalty on persons who neglected or refused to fill up their Schedule ; but this and other such defects might have been remedied by an amendment of the Act, and there was no necessity for abolishing the tax. That course had been strongly recommended by the Municipal Commissioners and the Bengal Government. Why it had not been adopted, he could not say. A similar tax had existed in Bombay for the last 30 years, and he believed its collection was not attended with any difficulty or dissatisfaction.

The remainder of the Rs. 1,50,000, the Select Committee proposed, should be supplied by a slight increase in the house assessment. At present, the rate on house-owners was 6¼ per cent. : they proposed that it should be raised to 7½ per cent., which was the limit fixed by the old Statute 33 Geo. III, c. 52. The particular Clause of the Statute to which he referred, had been repealed ; but it might not be out of place to observe that lighting was not mentioned in it as one of the objects to be provided for by the rate of 7½ per cent. ; and, therefore, that the imposition of a separate lighting rate in addition to the 7½ per cent. would not be in opposition to the spirit of the old Law. The additional 1¼ per cent. represented a gross income of Rs. 72,000, from which some small abatement might be expected to be made for remissions ; but the two items, the carriage tax and the additional rate, might be safely calculated on for yielding at least Rs. 1,50,000.

The Select Committee had said that they did not doubt the ability of the towns-people of Calcutta to provide the funds necessary for the improvement of their town. Some of the petitions that had been received, disputed this ; and the petitioners were desirous that certain items of the public revenue should be made available for the supply of their local wants. The Select Committee did not agree in these suggestions. They were of opinion that the towns-people themselves might, and should pay for what was required for the town ; and, in support of that opinion, they referred to Bombay. In that Presidency, as he had said before, there was a horse and carriage tax, which yielded something less than a lakh of Rupees : the house assessment was Rs. 5 per cent. : besides which, there was the shop and stall tax, which was equal to, and was about to be supplanted by, an occupancy tax of 3⅛ per cent. Thus, with the house assessment and the shop and stall or occupancy tax, the inhabitants of Bombay were now charged with taxes equal to a rate of 8⅛ per cent. ; and it was further in contemplation to impose a water-rate of 3⅛ per cent. If that project were carried out, the total amount of taxes with which they would be charged, would be rates equal to 11⅛ per cent.—with a carriage tax at considerably higher rates than were now proposed for Calcutta.

With respect to the form of his Motion, he had proposed that the Committee on the Municipal Bill should be instructed to frame a Bill in accordance with the suggestions contained in the Report, rather than that the Report should be merely referred to them for consideration. It would not, he thought, be convenient that one Select Committee should go over the same ground that had been already traversed by a previous Select Committee ; and the Council was now in as good a position to pronounce an opinion on the desirableness of improved lighting and efficient drainage for the town, and the means by which those improvements might be carried out, as the Select Committee to whom the Report was to be referred, was likely to be. In asking the Council to agree to this Motion, he did not ask it to pledge itself to any specific course with respect to the measures that might be introduced. Honorable Members would be free to consider them by the light of any further information which might be received, to weigh all objections that might be advanced against them, and eventually to modify or reject them, should such a course, for any reasons which might hereafter be brought forward, be deemed right and proper.

MR. ALLEN said, the form of the Motion was rather unusual, and it might be inconvenient that the Report should be referred to the Select Committee on the Municipal Bill, with such precise instructions as the Motion contained. The whole speech with which the Honorable Member for Bengal had introduced his Motion, looked as if the Bill desired by the Select Committee on the Gas-lighting Bill had already been prepared, and was now before the Council for the second reading. No discretion was left to the

Mr. Currie

Select Committee to whom the Gas-lighting Bill was to be referred. It was very true that most of the Members of that Committee were also Members of the other ; but he himself was not ; and he did not see why he should be so bound that he should not be able to lay before the other Members of the Committee what might appear to him to be the best mode of taxing the inhabitants for the benefits of improved lighting and effective drainage. He did not think that the subject of Gas-lighting had altogether received full consideration. The Honorable Member had referred to a map and a report, classifying the streets of the town, and indicating which it proposed to light with Gas, and the number of Gas lamps in each. These should be examined, and a more careful estimate of the expense of properly lighting the thoroughfares with Gas should be made. It appeared to him that there were anomalies in the Lists furnished, which required amendment. For instance, in the first List, the Strand, which was a very public thoroughfare, had only one lamp to every 156 feet in length, while the next street, Clive Street, had one lamp to every 84 feet in length. He should, therefore, move, as an amendment, that all the words after "with reference thereto," be left out of the Motion. If this were done, the Select Committee would be able to take into consideration whether or not all the suggestions made by the other Committee ought to be adopted ; and if not, to recommend some other plan which they might think more expedient. He certainly did thiuk that they ought not to be bound to prepare a Bill just as the other Select Committee wished it should be prepared.

MR. GRANT said, he would recall the Council to the precise position of this question. He understood the Motion to be an adoption of the general principles laid down in the Report of the Select Committee, and not by any means as pledging the Council to the details of any plan. He understood the question to be, whether the Council would adopt or reject the Report of the Select Committee generally.

Now the position of the question was this. The Gas-lighting Bill had been read a second time, after a very sharp debate, and a close division. It had then been referred in usual course to a Select Committee. Generally speaking, a Select Committee make such amendments in the details of the Bill referred to them, as appear to them necessary, and then present their Report to the Council ; after which, the Bill runs its course in a Committee of the whole Council. The Select Committee appointed in this case had not done that ; for their proposal was, in so many words, that the Bill referred to them should be thrown out. The only object of the amendment proposed by the Honorable Member for the North-Western Provinces, that he could see, was to postpone the decision of the question of principle. That question had been discussed by the Select Committee, whose Report upon it was now before the Council. The Committee disapproved of the principle of partial lighting adopted in the Bill, and gave an opinion that Gas-lighting should not be confined to one portion of the town, but should be distributed in the thoroughfares over the whole town. They recommended, accordingly, that no general tax for Gas-lighting should be imposed upon the inhabitants for the introduction of the improvement into only a part of the town ; and they further stated their opinion that no new tax should be levied as a lighting rate, unless drainage, the great want of the town, should be simultaneously provided for. If Gas-lighting could be introduced into Calcutta generally, within a moderate period, and drainage could be simultaneously provided for, then they proposed that a fair lighting rate should be assessed equally upon the whole town. Those Members who approved of that principle ought to vote for the original Motion of the Honorable Member for Bengal : those who approved of the provisions of the Bill ought to vote for the amendment. He believed that the Honorable Member for the North-Western Provinces was one of those who opposed the Bill on the Motion for the second reading ; but if the Honorable Member desired that the Bill should be thrown out, he (Mr. Grant) thought he was not consistent in moving his amendment. He (Mr. Grant) objected to the principle of the Bill, and approved of the principle of the Report ; he therefore should vote against the amendment.

MR. PEACOCK said, the Honorable Member opposite (Mr. Grant) had remarked, that those who thought that the Gas-lighting Bill should be thrown out, ought to vote in favor of the original motion. He was one of those who had strongly opposed the Gas-lighting Bill, because he thought that it proposed to levy a tax for purposes of lighting, which was much higher than was necessary, and that it would be fatal to the far more important object of efficient ventilation and drainage, and the supply of pure and wholesome water to the inhabitants ; but he did not

agree with the Honorable Member that he ought, therefore, to vote in support of the original Motion. He would ask the Honorable Member opposite, what was the meaning of the words "in accordance with the suggestions contained in the Report." If the Motion directed the Select Committee on the Municipal Bill to frame a Bill to provide means for an improved system of lighting, and an improved system of drainage, in accordance with the suggestions contained in the Report, he apprehended that every Member of the Council who voted in support of it, would pledge himself to an approval of the Report, and of all that it proposed to be done. That being his opinion, he for one should oppose the Motion.

He found the following statement in the Report :—

"With reference to the passage in this Report, in which it is stated to be the opinion of the Committee that, in a certain contingency, no lights beyond those actually engaged for, should be taken from the Oriental Gas Company, and that, meanwhile, no Gas-lighting rate should be imposed on the inhabitants, Mr. Currie desires to say on his own part, that he thinks the good faith of the Commissioners is pledged to Gas-lighting on a larger scale than could conveniently be paid for out of the present Municipal income."

The Honorable Member for Bengal had also said, in proposing his Motion this day, that, in his opinion, the good faith of the Municipal Commissioners, and of the Bengal Government through them, was pledged to the Gas Company for the introduction of Gas-lighting into Calcutta.

MR. CURRIE begged to observe that what he had said was, that he considered the good faith of the Bengal Government was pledged to the Gas Company, to light with Gas, in an efficient manner, that part of the town which the Municipal Commissioners had selected for the first introduction of Gas. He did not mean that the good faith of the Bengal Government was pledged to the keeping up of any specific number of lamps —certainly not the number which the Engineer of the Gas Company had set down in his original estimate—nor that which the Municipal Commissioners had originally recommended. But he did consider the Bengal Government pledged efficiently to light with Gas that part of the town which the Municipal Commissioners had selected for the first introduction of the improvement, and with such a number of lamps as would be sufficient for a proper illumination.

MR. PEACOCK said, at any rate the Honorable Member for Bengal had stated that the good faith of the Commissioners, and through them, the faith of the Bengal Government, was pledged to the Gas Company to some extent, which rendered increased taxation necessary for the purpose of lighting. He (Mr. Peacock) had endeavored to to show, in the debate on the motion for the second reading of the Gas-lighting Bill, that the opinion of the Municipal Commissioners themselves, as expressed in their letter to the Bengal Government of the 8th May 1855, was that there was no pledge to light with Gas any lamps beyond the public lamps which then existed in the streets in which the Gas Company might lay down their mains. He denied the authority of the Bengal Government, or of the Municipal Commissioners, to fetter the judgment of this Council, by any act or pledge whatever; and he could not admit the soundness of the argument by which such a pledge was urged in support of an increase of taxation: but still, rather than allow it to be stated, or supposed, that there was a breach of faith with the Company, on the part either of the Municipal Commissioners or of the Bengal Government, he would not object to that number of lamps being lighted with Gas instead of oil. The Select Committee on the Bill had laid no fresh papers before the Council; the Honorable Member for Bengal had advanced nothing beyond what had already been laid before the Council, to show that the faith either of the Bengal Government or of the Municipal Commissioners was pledged to any greater extent. He would not occupy the time of the Council by repeating the argument he had brought forward on a former occasion, to show that the Municipal Commissioners had not pledged themselves to any thing further than to light the existing number of public lamps with Gas in those streets in which the Company should lay down their mains.

MR. CURRIE said, his opinion was that they had pledged themselves to a greater extent. His colleagues in the Select Committee, he believed, did not agree with him, and it was recommended in the Report that, in a certain contingency, "no lights beyond those actually engaged for, should be taken from the Gas Company." That part of the Report was not written by him; but he understood that the majority of the Select Committee meant to adopt the Honorable and learned Member's view of the obligations of the Municipal Commissioners to the Gas Company. The question, however, was one of opinion; and, with all submission, he must

say that his opinion differed from that of the other Members of the Committee, and he had thought it necessary to state his dissent at the end of the Report, and also in moving his Motion to-day. But, at the same time, he had said that he did not desire to re-open the question. He considered it closed by the recommendation of the majority of the Select Committee.

MR. PEACOCK said, whether there was a pledge or no pledge, he was not prepared to adopt the Report of the Select Committee. At page 3 of the Report, they referred to a memorandum by Captain Thuillier and the Chief Magistrate, and in which the streets of the town were divided into three classes;

"The first being those which it is proposed to light with Gas immediately, including the most important thoroughfares and the streets in which the valuation of the houses is highest; the second, those to which Gas may hereafter be extended, being less important as thoroughfares, and in which the houses are rated generally at a lower valuation; and the third, lanes and alleys, which could hardly be called thoroughfares, and in which it is not likely that pipes for the supply of Gas will ever be laid down."

Having referred to that memorandum, the Commissioners proceed to remark:

"The expense of lighting the streets of the two first classes with Gas, and giving what may be considered a sufficient number of oil lights to the third class, is estimated in the Memorandum at 1,76,418. This, we believe, will distribute the benefit of Gas fairly over the whole town, and we do not think that any thing short of this will suffice for lighting it satisfactorily.

"We are of opinion that no general tax for Gas-lighting ought to be imposed upon the town, unless the whole of both these classes of streets are lit with Gas as quickly as practicable after the first Gas lamp is lighted in any street.

"If the Oriental Gas Company will bind themselves under sufficient penalties to light the whole of these thoroughfares with Gas, within a moderate period of time, we are of opinion that the Municipal Commissioners, with the sanction of the local Government, ought to enter into a contract for the purpose with that Company. If that Company, from the inadequacy of its capital, or any other cause, declines to enter into such a contract, we are of opinion that the Municipal Commissioners should endeavour to obtain the object by other means; that no lights beyond those actually engaged for, should be taken from that Company; and that, meanwhile, no Gas-lighting rate should be imposed upon the inhabitants."

He thought that any Honorable Member, who should vote for the Motion, and thus adopt the Report, would be pledged, on the Oriental Gas Company's binding themselves to light the streets included in the first and second classes, to impose a rate sufficient to raise upwards of one lakh and 76,000 Rupees per annum for improved lighting. That was a proposition to which he could not accede; and he could not therefore vote in the words of the Motion, that the Select Committee should be instructed—

"so to frame the Bill to be substituted for Act X of 1852, as to provide means for carrying out an improved system of lighting, in accordance with the suggestions contained in the Report."

The suggestions contained in the Report also related to drainage. Mr. Clark, the Secretary to the Municipal Commissioners, and who, he believed, was an able Engineer, had published a Report on the subject of drainage which, as far as he (Mr. Peacock), who was not an Engineer, was capable of judging, was a very excellent Report. He recommended in it a system of arterial drains, branch sewers, and surface channels, and estimated the cost of the former at Rupees 15,56,000, and of the latter at Rs. 12,94,000, so that a sum of about 28½ lakhs would be required for drainage. If any scheme for the efficient drainage of the town, and the supply of pure water to the inhabitants could be carried out, it was most desirable that it should be commenced immediately. The Select Committee agreed with the Municipal Commissioners in considering that a round sum of 30 lakhs might be fairly assumed to represent the amount required for a complete system of drains and sewers, and they thought that the Government might be willing to advance that amount at 5 per cent. interest, of which 1 per cent. should form a sinking fund for the gradual reduction of the principal. If the Council was prepared to impose a tax that would yield a sufficient income to provide for the payment of the interest on the loan, and the reduction of the principal, he had no doubt that the money could be borrowed upon the credit of the rates, if an Act should be passed to authorize the Municipal Commissioners to levy a rate for the purpose, and charge it with the payment. He highly approved of that part of the Report, and would willingly support any measure that might be necessary to raise 30 lakhs, or even more, for the purpose of efficiently draining and ventilating the city, and supplying it with water. What he objected to was the large amount proposed to be raised for Gas-lighting. According to the Municipal Report for 1854, the total amount disbursed by the Commissioners during that year for lighting, was only Rs. 16,486; but the Council

was asked to increase that sum at once to Rs. 1,76,418! If the present public lamps in the city cost no more than Rs. 16,486 per annum, surely Rupees 1,76,000 per annum for lighting was excessive. The Municipal Commissioners did not think it necessary to light with Gas the streets included in classes Nos. II and III of Captain Thuillier's and the Chief Magistrate's memorandum: they thought that it might eventually be necessary to extend Gas to the streets of the second class, but never to those of the third class. The Select Committee on the Bill, however, entertained a different opinion. They considered that the whole of the streets in both of the first two classes should be lighted with Gas as quickly as practicable after the first Gas lamp was lighted in any street. But how did they propose to raise the money for the purpose? He would quote the words of the Report. They say—

"We propose that a lighting rate of 2½ per cent. to be paid by occupiers, which will yield a net income of about 1,34,000 Rupees, be assessed on all houses and grounds in the town; that the whole shall be expended in lighting; and that the further expense, which will be necessary when Gas-lighting reaches the full extent now contemplated, be supplied from the general funds of the Conservancy. We propose that the rate should be assessed equally upon the whole town, because the scheme provides, so far as is possible, for the efficient lighting of the whole; and that it should fall direct upon occupiers, because occupiers are the parties who benefit by the nightly consumption of Gas, and who will be relieved from the burthen now imposed in the shape of the compulsory maintenance of gate lamps, which is equal to a tax of from one to five per cent. upon the occupiers of all houses rated at a monthly rent of from 300 to 70 Rupees.

"We do not see any reason for exempting any premises from the operation of this rate; but we think that, for the convenience of collection, in the case of premises rated at a monthly rent of ten Rupees and under, the assessment should be payable by the owners."

So that all the occupiers in streets of the third class, which were to be lighted with oil, were to contribute the full rate for Gas-lighting, namely 2½ per cent., with this exception—that, in the case of premises rated at a monthly rent of 10 Rs. and under, the rate should be paid by the owners instead of the occupiers. This was merely for the purpose of convenience in collecting the rate and would not benefit the occupiers: for if the owners paid the rate in the first intance, the charge would eventually fall upon the occupiers.

Two and a half per cent., however, was not the only rate to be levied. There was a further rate proposed at page 5 of the Report. The Select Committee say—

"We would further propose that the rate on house owners be raised, as suggested by the British Indian Association, from 6¼ per cent. to 7½ per cent., which was the maximum fixed by the Statute 33 George III. c. 52. This will yield an additional sum of 72,000 Rupees. The maximum rate fixed by the Statute 33 George III. c. 52 was 5 per cent for the watching, cleansing, and repairing of the streets throughout the city, with liberty to the Government, on an emergency, to raise it to 7½ per cent."

But the proposal in the Report was to raise 3¾ per cent., namely 2½ per cent upon occupiers, end 1¼ upon owners, for an object which was not even mentioned in the Statute, in addition to rates for drainage, water, and ventilation. Two and a half per cent was to be paid by occupiers as a lighting rate; but that would not yield the full amount required for Gas-lighting on the scale contemplated; and the deficiency was to be supplied from the general funds of the Conservancy, which funds were for that object to be raised by an addition of 1¼ per cent. upon the house assessment. As he had said before, this additional assessment, though paid by owners in the first instance, would fall upon occupiers eventually; and consequently occupiers of houses in streets of the third class, which were described in the memorandum of Captain Thuillier and Mr. Cockburn as streets and lanes not thoroughfares, and which were to be lighted with oil, would have to contribute upwards of 3 per cent. towards the expense of Gas-lighting in the streets of the first and second classes. Now, would that be fair? The Select Committee would give these occupiers some light, it was true; but they would not give them Gas light: then why should they compel them to pay for Gas lighting? It would be very unfair to compel a poor man who occupied a hovel, or hut, in some remote lane which was lighted with oil, and who probably never came out of his dwelling at night, to pay 3 per cent. for the benefit of Gas light which the occupiers in the more favored streets would enjoy. He wished to call the attention of the Council to the fact that the streets and lanes in the third class contained in length almost as much as the streets in the first two classes together.

The first class contained in length 105,578 feet, the 2nd class 169,287 feet, and the 3rd class 236,102 feet. The Select Com-

mittee also recommended that a horse and carriage tax should be re-imposed, and followed that up with a proposal that the Calcutta ground-rents, which formed an item of the general taxes of this country, should be applied to Municipal purposes. He did not see why, in Calcutta, which was occupied by persons who were quite able to pay whatever was necessary for Gas-lighting, the general taxes of the country should be appropriated to a merely local object of such a nature. Rates for Municipal purposes ought to be borne by the inhabitants of the town, and not by the Government. The Select Committee said that the ground-rents, which amounted to only Rs. 23,000, could be more easily collected by the Municipal Commissioners than by the Government. It might be so ; but he was not prepared to say that the Executive Government would make over that fund, which was part of the land tax or general revenue of the country, to the Municipal Commissioners. The Gas Company had not, at present, sufficient capital to light the streets of the second, as well as the first class ; for it appeared from the memorandum to which he had alluded, the paid-up capital of the Company did not exceed £50,000, yet, according to the recommendation of the Select Committee, on the Company's merely binding themselves to light with Gas the streets of the first and second classes, the Council was to recommend the Municipal Commissioners to enter, with the sanction of the local Government, into a contract with the Company for the purpose, and to pledge themselves to impose a tax of upwards of 3 per cent. upon all the inhabitants for the purpose of enabling the Municipal Commissioners to pay to the Company Rs. 1,76,000 per annum. It appeared to him that that sum was far too large. He thought that Calcutta was sufficiently lighted at present for all practical purposes. No Magistrate had ever come forward to say that crimes were committed, or accidents happened in the city for want of sufficient lighting, and he did not see why this city should be illuminated at so large a cost. Before any great expense should be incurred for Gas-lighting, he should like to see the city properly drained and ventilated, and amply supplied with pure and wholesome water. He should like to see the money necessary for those great objects raised, and a rate imposed for the payment of interest, and the gradual reduction of the principal. Any Honorable Member who read the Report of the Fever Hospital Committee, from which he had read extracts on the former debate upon the Lighting Bill, would be shocked to see the extent to which the lower classes of the inhabitants of this city suffer for want of these important measures. He should like to see those wants and necessities supplied before he instructed the Select Committee on the Municipal Bill to provide for an extensive system of Gas-lighting. He was quite willing to vote in support of this motion, if the words "in accordance with the suggestions contained in the Report" were struck out. He had no objection to carry out a system of lighting to a moderate extent, and to improve the present mode of providing for it ; but he strongly objected to carry out the whole Report of the Select Committee, proposing as it did so large a sum for lighting the city with Gas, whilst the poor inhabitants were dying around us from want of proper ventilation and drainage, and a sufficient supply of wholesome water. The sum which the Committee proposed to appropriate to Gas-lighting was Rupees 1,76,418 per annum, while the sum which they proposed to appropriate to improved drainage and ventilation, and the supply of pure water, was only five per cent. on thirty lakhs or Rupees 1,50,000 per annum—so that the Council was asked to vote a much larger amount for the luxury of Gas-lighting than for the actual and essential wants of good drainage and wholesome water.

For the reasons he had stated, he should either vote in support of the amendment proposed by the Honorable Member for the North-Western Provinces, or, if Honorable Members were unwilling to go to that extent, he would propose an amendment that the words to which he had referred before, be left out of the motion, so that the whole question might be left open for the consideration of the Council, when the Bill to be prepared should come before it.

MR. ALLEN said, he had no objection to alter his amendment as the Honorable Member desired, or to withdraw it in favor of the suggested amendment. His only object was, that the Select Committee, to whom the Report would be referred, should not be bound by the suggestions which it contained.

SIR JAMES COLVILE said, if the question before the Council remained as it had been moved by the Honorable Member for the North-Western Provinces, he should, by way of amendment upon his amendment, move that all the words after the word "drainage" be left out of the original motion.

His reason for doing so, was this. He should certainly vote against the amendment as moved by the Honorable Member, because it seemed to him that, if it were carried, the question of lighting this city with Gas, which could not be very well discussed on this occasion, might be altogether thrown over. On the other hand, he was not inclined to support the original motion, because he saw many objections to pledging himself to an adoption of all the particular suggestions in the Report before the Council, or even to all those principles of taxation there enunciated.

In some of those suggestions, he was disposed to agree; but there were many in which he certainly did not agree—that respecting tolls, for instance, which, in the present state of his information, he thought would not be sufficiently profitable to compensate for the vexation and inconvenience which it would certainly cause to the public. But this and all other such questions would be more properly considered when the Bill, which the Select Committee to which this Report was to be referred might frame, should be brought before the Council in the regular way. At present the principal question was in this state. The Bill for lighting Calcutta with Gas had passed the second reading, and had been referred to a Select Committee, who had now presented their Report upon it. The effect of that Report was the defeat of the Bill. It would be impossible to carry the particular Bill through the Council with a majority of the Select Committee against it, and in face of the strong opposition with which it was met on the motion for the second reading. Still, the question was one which he should wish to see fully and fairly discussed. He was in favor of lighting the city with Gas, and though he did not wish to re-open any question discussed in the debate on the second reading of the Bill, at which he was not present, he must say that, without asserting that the Bengal Government had incurred any obligation to the Gas Company which would support an action on the case, he thought that Company, if now thrown over altogether, might reasonably complain of something like breach of faith, and unfair dealing, and he believed that whatever might be the opinion of the Honorable and learned Member opposite (Mr. Peacock), whose opinion on this, as on every other question, was entitled to the highest respect, he would find, if he put the question either to the present or to the late Bengal Government, that their answer would be very much in accordance with what he (Sir James Colvile) had just stated his own opinion to be.

If then the Council adopted the amendment of the Honorable Member for the North-Western Provinces, it might prevent the question of the improved lighting of the Town from coming before it again; and therefore it seemed to him that the amendment which he proposed, and which he understood would satisfy the Honorable and learned Member opposite (Mr. Peacock), would be a more reasonable course, because it would leave every Member unpledged as to the vote he should give when the Bill, which the Select Committee might prepare, was brought in,—and would not render it obligatory upon the Select Committee to adopt all the suggestions in the Report referred to them,—but would render it obligatory upon them to provide for an improved and efficient system of lighting, as well as for the supply of water, and an improved and efficient system of drainage, and to propose the ways and means for carrying out all these Municipal reforms.

MR. ALLEN withdrew his amendment in favor of Sir James Colvile's.

MR. CURRIE said, it seemed to him that he could hardly do otherwise than acquiesce in the amendment. At the same time, he must say he could not but very greatly regret that the sense of the Council had not been taken on the broad question, whether Calcutta was to have the benefit of Gas-lighting or not. The delay which the adoption of the amendment would occasion, would be extremely prejudicial. The Gas Company had, he believed, the whole of the mains required for the first section of the town, as given in the plan to which he had referred, ready to be laid down; but they could do nothing until the Municipal Commissioners were in a position to engage to take a certain number of lamps. He was sorry to find that the Honorable and learned gentleman on his right was still opposed to Gas-lighting—at least to Gas-lighting on any scale which could possibly be remunerative. He had urged as a strong objection to the measure proposed that, whereas the present cost for lighting was only Rs. 16,000, the Council was asked to vote for rates which would produce the large sum of Rs. 1,76,000. But suppose the case of a town which was not lighted at all, would the mere fact that no money had been before expended on lighting be a sufficient reason why, when a proposition was made to light that town efficiently, the Legislature should refuse to pro-

vide the means for doing so? If the rates proposed to be levied were fair and moderate, the largeness of the aggregate amount seemed to him to be no sufficient objection against their being imposed, that amount being required to carry out the proposed object in a proper manner.

The Honorable and learned Member had said, that he should like to see the town drained and supplied with water, before he consented to the raising of an additional tax for the purposes of lighting—or, at least, that he should like to see contracts entered into for drainage and a supply of water, and provision made for the payment of the interest, and the gradual reduction of the principal, of the loans which would be required for those objects, before he voted for a new lighting rate. But the effect of such a postponement of Gas-lighting would be, he (Mr. Currie) feared, to ruin the Gas Company, which, on the faith of the encouragement held out by the Municipal Commissioners and the Bengal Government, had embarked its capital in the undertaking of lighting a certain considerable portion of the town with Gas. He repeated, he wished that the sense of the Council could be taken on the question whether this City should be lighted with Gas or not, or rather, as to the scale upon which Gas-lighting should be introduced. The amendment would leave everything uncertain. He felt himself in a difficulty as to the course he ought to pursue. He was desirous of meeting what appeared to be the wish of the Council, by acquiescing in the modified amendment; but, on the other hand, he felt the importance of obtaining, if possible, a more decisive vote.

MR. GRANT said, he did think that the faith of the Bengal Government, and the fate of the Gas Company, were involved in the question, whether there should be Gas-lighting in Calcutta, or not, and he would much rather that the question should go to the vote.

MR. LEGEYT said, he thought it would be very much to be regretted if the broad question whether Calcutta should have Gas-lighting or not, were not determined now. If the money required for Gas-lighting was not to be raised by the levy of a new rate upon the inhabitants, no Gas-lighting could possibly be introduced into the town. It was quite true that the amount of public money now appropriated for lighting, was only Rs. 16,000 per annum; but it ought not to be forgotten that an additional sum of Rs. 75,000 per annum was contributed towards the same object by individuals under Act XII of 1852. The actual lighting of the town, therefore, cost Rs. 91,000 per annum; so that the increased outlay required for Gas-lighting, which would give the town a perfectly good light—perhaps more light than was absolutely necessary, but still a perfectly good light—would be not more than about Rs. 85,000: that would be all the extra sum that would come out of the pockets of the inhabitants for this great improvement.

With regard to what had been urged respecting lanes and alleys, and the hardship of making the occupiers of houses in such situations contribute towards Gas-lighting, he apprehended that the same argument would apply to taxes for every other public object. Of course, people living in such streets would not benefit to the same extent by Gas-lighting as people living in better localities; but was the Legislature to refuse its sanction to the introduction of a public improvement of undoubted good, until all classes of the community could enjoy its advantages in an equal degree? Besides, it was to be observed that it was the owners of the tenements in these minor streets, who would be charged with the rate proposed; and, although the payment would ultimately fall upon occupiers, that circumstance would be, to a certain degree, an encouragement to owners for the improvement of their property. The real question for the Council was simply this—could the public of Calcutta afford to pay four lakhs per annum for the benefits of Gas-lighting, effective drainage, pure and wholesome water, and good roads?

SIR JAMES COLVILE'S amendment was then put.

The Council divided:—

Ayes.	*Noes.*
Sir Arthur Buller,	Mr. Currie,
Mr. Allen,	Mr. LeGeyt,
Mr. Peacock,	Mr. Elliott,
General Low,	Mr. Grant.
The Commander-in-Chief,	
Sir James Colvile,	
The President.	
7.	4.

Majority for the amendment 3.

MESSENGER.

MR. PEACOCK moved that Mr. Grant be requested to carry the Bill "for granting exclusive privileges to Inventors" to the Most Noble the Governor General for his assent.

Agreed to.

NOTICES OF MOTION.

MR. LEGEYT gave notice that he would, at the next meeting of the Council, move for a Committee of the whole Council on the Bill "to relieve the Court of Sudder Fouzdary Adawlut at Bombay from the supervision of the Gaols in that Presidency."

MR. ELIOTT gave notice that he would, on the same day, move the second reading of the Bill "for the better control of the Gaols within the Presidency of Fort St. George."

ADJOURNMENT.

SIR JAMES COLVILE said, that, in moving the adjournment on this occasion, he had to depart somewhat from the usual course. It had been intimated to him, since he came into the room, that the Governor General was anxious to preside once more at the Council, and to take leave of it; and that Friday next was probably the latest day on which he would be able to do so. He (Sir James Colvile) should therefore move an adjournment until Friday. An intimation of this kind from the Governor General would probably at any time, and in any circumstances, receive the ready assent of the Council: in the present instance, he thought it deserved the heartiest acquiescence, since every Honorable Member must feel how greatly this Council was indebted to the Noble Lord in question, for the care with which he had presided over its deliberations, and for the very valuable advice and assistance which he had given to those who framed the Standing Orders which governed its proceedings.

The Motion was carried, and the Council adjourned until Friday accordingly.

Friday, February 29, 1856.

PRESENT:

The Most Noble the Governor General, *President*, in the Chair.

Hon. J. A. Dorin,	Hon. B. Peacock,
Hon. Sir J. W. Colvile,	D. Eliott, Esq.,
H. E. the Commander-in-Chief.	C. Allen, Esq.,
	P. W. LeGeyt, Esq.,
Hon. Major Genl. J. Low,	E. Currie, Esq., and
Hon. J. P. Grant,	Hon. Sir Arthur Buller.

The following Message from the Most Noble the Governor General was brought by Mr. Grant, and read:—

MESSAGE No. 70.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 23rd February 1856, entitled "a Bill for granting exclusive privileges to Inventors."

By Order of the Most Noble the Governor General.

CECIL BEADON,
Secretary to the Govt. of India.

FORT WILLIAM,
The 28th February 1856.

LIABILITY OF PARTNERS.

THE CLERK presented a Petition signed by certain Merchants, Planters, and Traders of Calcutta, and of the Lower Provinces of Bengal, praying for the immediate enactment of a Law for limiting the liability of Partners.

MR. PEACOCK moved that this Petition be printed. He begged to apologise to the Council for not having long ago brought in his Bill for the object stated by the Petitioners. It was very nearly ready; but he had been prevented by other business from completing it.

The Motion was agreed to.

MARRIAGE OF HINDOO WIDOWS.

THE CLERK presented a Petition signed by certain Hindoo Inhabitants of Chittagong in favor of the Bill "to remove all obstacles to the Marriage of Hindoo Widows."

Also a Petition from several Inhabitants of Calcutta, Nuddea, and other places, against the same Bill.

MR. GRANT moved that both these Petitions be referred to the Select Committee on the Bill.

Agreed to.

THE CLERK reported that he had received a communication from the Governor of the Straits' Settlement, forwarding, with remarks, letters from the Residents of Singapore and Prince of Wales' Island, submitting Schedules of Port Dues and Fees to be levied at those Ports.

SUPPLY OF WATER (BOMBAY AND COLABA).

MR. LEGEYT moved the first reading of a Bill "to enable the Bombay Government to provide for a due supply of water for public use in the Islands of Bombay and Colaba," during the present year. He said, the object of this was to empower the local authorities at Bombay to take extraordinary and effective measures to prevent the