



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

MONDAY, 2ND MARCH 1863.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

THE following Extract from the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations under the Provisions of the Act of Parliament, 24 and 25 Victoria, Chapter 67, is published for the information of all whom it may concern :—

The Council met at Bombay, on Wednesday, the 25th February 1863.

PRESENT :—

The Honorable Mr. W. E. FRERE, Presiding.
The Honorable Mr. J. D. INVERARITY,
The Honorable The ADVOCATE GENERAL,
The Honorable Mr. H. L. ANDERSON,
The Honorable Mr. W. B. TRISTRAM,
The Honorable Mr. RUSTOMJEE JAMSETJEE JEJEEBHAY,
The Honorable Mr. PREMABHAI HEMABHAI,
The Honorable Mr. A. D. ROBERTSON,
The Honorable Mr. M. H. SCOTT.

THE PRESIDENT said it would be necessary to adjourn the consideration of the Reports of Select Committees on the 4 Bills which stood first on the Orders of the day ; namely, (1) "A Bill for the Regulation of the District Police in the Presidency of Bombay ;" (2) "A Bill for the Regulation of the Village Police ;" (3) A Bill to enable Magistrates to depute to subordinate Magistrates power to try certain offences punishable under the Indian Penal Code ;" (4) "A Bill to entrust Landholders with the charge of the Police within their respective Lands.

This was put and carried.

The Council then proceeded to consider the Report of the Select Committee on a "Bill for the re-incorporation and re-constitution of the Bank of Bombay."

On the question that Section V. stand part of the Bill, the PRESIDENT said he thought that besides the word "special" inserted by the Select Committee before the words "General Meeting" in line 12 of that Section, the words "summoned for that purpose" should be inserted after the words "Meeting," in order to prevent a special meeting convened for some other purpose, sanctioning any change in the Capital of the Bank.

This was put and carried.

On the question that Section XII. as amended by the Select Committee stand part of the Bill, the ADVOCATE GENERAL said that the words "daily newspapers" might mean all the newspapers in Bombay.

The PRESIDENT said he thought it necessary that the notice should appear in the *Government Gazette* as well as in the daily papers, but that publication in the daily papers might be left to the discretion of the Directors so long as the official notice appeared in the *Government Gazette*, and therefore that the words "*Bombay Government Gazette*" might be substituted for the "daily newspapers in Bombay."

This was put and carried.

On the question that Section XIV. stand part of the Bill, Mr. ROBERTSON said that on reference to the documents connected with the incorporation of the Bank of Bengal, he found, the Government of India had originally desired that the direction should be composed of six elected members and of four nominated by Government. The Act however, as it had been passed into law, showed that this wish had not been insisted upon, as it provided for only three nominated members. In the Bill now before the Council, provision was made for six elected and four nominated members; and he thought it right to advert to this fact, in order that, if any one interested in the Bank of Bombay thought it expedient to do so, he might move an amendment assimilating the number of Directors here to that of the Directors of the Bank of Bengal.

Mr. SCOTT said he considered that all the purposes of Government would be sufficiently served by the presence of three nominated Directors at the Board of the Bank, and he would move the substitution of the word "nine" for "ten" in line 14, and "three" for "four" in line 15, of the Bill.

This was put and carried.

Mr. ROBERTSON said that in reference to the proposal of the Select Committee to expunge Schedule B, he had received a letter from the Secretary of the Bank, pointing out that no provision would remain as to the number of Directors who should form a *quorum*. There was no provision on this point in the Bengal Act, but it appeared necessary, and to effect the desired object, he thought that the first Clause of Schedule B might be added as a proviso to the end of Section XIV., in order to prevent doubt as to the legality of acts done by less than a whole number of Directors.

The ADVOCATE GENERAL said he understood that the present Bye-laws of the Bank had already a legal existence; and they would not, he apprehended, be rescinded by the new Act of re-incorporation.

Mr. ROBERTSON said that the power of making Bye-laws was one not existing at present, but to be conferred for the first time by the Bill before the Council.

It was then put and carried that the following words be added to the end of Section XIV.—

"Provided that any three or more of the Directors shall form a quorum for the transaction of the business at any Meeting of the Directors, and such three or more Directors shall have power and authorities of the entire number of the Directors."

Section XXVII. having been put and carried, Mr. ROBERTSON moved the insertion of an additional Section to stand as Section XXVIII., expressed in the same terms as Clause 10 of Schedule B, expunged by the Select Committee.

This was put and carried.

On the question that Section XXVIII. stand part of the Bill, the PRESIDENT said he thought the wording of the Section might be somewhat improved, and he would move the substitution of the words "being or acting as" for the words "who shall hold or act in the office of" in the 1st and 2nd lines of the Section. The insertion of the word "in" between the words "or" and "any" and the substitution of the word "office" for "officer" in the 7th line of the Section as amended by the Select Committee.

This was put and carried.

On the question that Section XXXI. stand part of the Bill, Mr. ROBERTSON said, that Clause 11 of Schedule B had given power to the Directors of the Bank of Bombay to make advances to the Banks of Bengal and Madras, which now, under the provisions of Section VII. they would not be able to make except upon the deposit of security. The Directors wished that the power conferred by Schedule B should be preserved. He did not find that any corresponding provision had been made in the Acts for incorporating Banks of the other Presidencies, and there would perhaps be no necessity for it here.

Mr. SCOTT said that he thought the privilege ought to be preserved. There were many cases in which by means of drawing accounts, exchange operations might be carried on without risk and with considerable profit between Presidency towns. The effect of the Bill as it now stood, would be, to impose on the Bank Directors the necessity whenever they wished to draw on the Banks of the other Presidency towns, of forwarding beforehand securities to the full amount of the draft. This would occasion inconvenience and deprive the Banks of a legitimate source of gain. He would like to have time to consider the Section further, and would move that its consideration be adjourned.

The PRESIDENT added that the final proviso of the Section also, as it implied the exercise of a power of drawing upon Europe, against which the Secretary of State had expressed the very strongest opinion, would hardly be retained. Its retention might, in fact, lead to the annulment of the whole Act by the Secretary of State.

It was then put and carried that the further consideration of this Section be adjourned to the next meeting of the Council.

On the question that Section XXXIX. stand part of the Bill, Mr. SCOTT said, that as by the alteration made in Section V. of the Bill, it was provided that the particular purpose of the meetings called under that Section should be specified, he thought that a similar addition should be made to Section XXXIX., in order strictly to limit the business to be transacted at any special meeting to that which it might have been specially convened.

Mr. TRISTRAM suggested that Section XXXV. of Act IV. of 1862 was shorter and clearer than the Section now under consideration, and might be adopted with advantage.

It was then put and carried, that for Section XXXIX., the following should be substituted—

“Any three of the Directors, or any ten Proprietors of the said Bank may at any time convene a special general meeting of the Proprietors upon giving 15 days' previous notice of such meeting, and of the purpose or purposes for which the same shall be convened as well to the Secretary and Treasurer of the said Bank for the time being, as also by public advertisement in the *Bombay Government Gazette*. Provided that at such special general meetings, convened by the Proprietors or Directors, no other business shall be entered on except what relates to the purpose or purposes mentioned in the notice convening such meeting.”

On the question that Section XLIII. stand part of the Bill, Mr. ROBERTSON moved the substitution of the word “High” for “Supreme” in lines 19 and 22 of the Section.

On the question that Section XLIV. as amended by the Select Committee stand part of the Bill, Mr. ROBERTSON moved the insertion of the words “bye-laws” between the words “such” and “regulations” in line 7; and the substitution of the words “regulations and orders” for the words “and rules” in line 13 of the Section, and the addition at the end of the Section of the words, “provided always that no such bye-laws, regulations, or orders, made by the Proprietors at any general meeting shall invalidate any prior act of the Directors which would have been valid if no such bye-law, regulation, or order, had been made.”

These amendments were put and carried.

Mr. ROBERTSON then said that as Schedule B had been expunged, he would move that the words from “and” in the 10th line, to “made” in the 25th line of Section XXX. be omitted; and the words “and of such bye-laws, regulations, and orders, as may from time to time be made under Section XLV. of this Act,” substituted for the same.

This was put and carried.

It was then put and carried that the word “first” be inserted after the word “the” in the first line, the word “May” after the word “of” in the second line, and the words “one thousand eight hundred and sixty-three” after the words “Our Lord” in the third line of Section I.

Mr. ROBERTSON then moved that the further consideration of the Report of the Select Committee be adjourned to the next meeting of the Council, and the Bill, as amended, be reprinted with Section XXXI., marked "reserved for further consideration."

Carried.

Mr. ROBERTSON then moved the first reading of the "Bill for the Regulation of the Vehar Water Works."

Mr. SCOTT moved that the first reading be postponed, as he had not had time thoroughly to examine its provisions.

Mr. ROBERTSON said he had no objection; and it was put and carried, that the first reading of the Bill be adjourned to the next meeting of the Council.

Mr. TRISTRAM said that the Report of the Select Committee on a "Bill to confer certain powers on the Bombay Gas Company limited" was not ready. He begged therefore, that the time for presenting the report of the Select Committee be extended for a fortnight.

This was put and carried.

The PRESIDENT then adjourned the Council to Wednesday the 4th March, at 2 p. m.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

Bombay Castle, 25th February 1863.