



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

TUESDAY, 24TH 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 11th March 1863.

PRESENT:—

His Excellency Sir H. B. E. FRERE, K.C.B., Governor of Bombay, Presiding.

The Honorable Mr. W. E. FRERE,
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 JEJEEBHoy,
The Honorable Mr. JUGONNATH SUNKERSETT,
The Honorable Mr. A. D. ROBERTSON,
The Honorable Mr. M. H. SCOTT.

The UNDER-SECRETARY read a petition from Rajee Ruttonsay Malli Gowker and others, requesting that a Petition formerly presented by them against the Deccan Inam Summary Settlement Bill might be forwarded along with the Bill to the Governor General, and that they might be informed of the grounds upon which their Petition had been deemed unworthy of attention.

The PRESIDENT said, that the Bill having passed, was no longer in the hands of this Council, and the proper course for the Petitioners would be to forward any representation they might have to make to the Governor General. The Petition should be recorded.

The Council then proceeded with the consideration on a "Bill for the re-incorporation and re-constitution of the Bank of Bombay."

Mr. TRISTRAM moved that the words "and for the remuneration of the Directors," be inserted after the word "Bank" in line 14 of Section XLV. of the Bill. The remuneration of the Directors he said had been provided for by the second rule of Schedule B which had now been omitted; and the Directors under the powers conferred by Section XLV. might vote themselves to the remuneration by a Bye-law. But this would be an invidious proceeding which the Directors would rather avoid. The object of the proposed change was to leave their remuneration to the votes of the Proprietors at large.

The amendment was then put and carried; and the Section as amended having been agreed to, Mr. ROBERTSON moved that the Bill be read a second time and passed.

Carried.

The Bill was read a second time and passed.

Mr. ROBERTSON then moved the first reading of a "Bill for the Management of the Vehar Water Works." He said—

"The objects of this Bill are two-fold.

"The first has reference to the transfer of the Vehar Lake and Water Works to the Municipality, and the terms on which the transfer is to be made.

"The second has reference to the powers to be granted to the Municipal Commissioners for the management, maintenance, and extension of the Works, the levy of rates, the disposal of the funds in connection therewith, and such like matters.

"The cost of the Works, as all present are aware, has been defrayed by Government on behalf of the Municipality of Bombay, and the transfer of the Works might perhaps be effected without legislating on the subject; but as the Vehar Lake and a portion of the Works lie beyond the Island of Bombay, it was considered advisable to provide by law for all matters connected with the transfer.

"Passing over Sections I. to IV. of the Bill which relate specially to these points, as also Section V. which empowers the Municipal Commissioners to manage, extend, and maintain the Works, we come to Section VI. which relates to the repayment to Government of the cost of the construction of the Works.

"The construction as I have stated, was undertaken by Government on behalf of the Municipality.

"The Works were originally projected by the late Colonel Crawford; but the scheme as carried out was planned by Mr. Conybeare, who at the time was the Engineer to the Municipality, or as the Commissioners were then styled, the Board of Conservancy.

"Mr. Conybeare estimated that the Works would cost about 25 lakhs of Rupees, and it was originally agreed that the Government should provide the Funds for the construction of the Works on condition that the Municipality paid interest at the rate of 4 per cent. on the capital which might be expended.

"But the Government of India would not give their assent to this arrangement, and stated it as their opinion that the Municipality should be required to pay off the capital sum as well as provide for the payment of interest thereon. And in a letter dated 7th December 1855, they observed as follows:—

"That until the formal reply of the Municipality is obtained assenting to the payment of interest at 4 per cent. per annum on the capital to be advanced, whatever the amount may be, and also to the payment of such further sums as it may be necessary to provide for the cost of maintenance of the Works when completed, his Lordship in Council is of opinion, however desirous he may be of forwarding the project, that the Government of India cannot justify to the Home Authorities a consent to advance the large sums required for the construction and completion of the Dam."

"The assent of the Municipality having been obtained by the Bombay Government to these conditions, and communicated to the Government of India, they gave their permission for the construction of the Works, but they at the same time directed that the draft of an Act should be prepared and forwarded to them, providing for the payment of the interest on the sums to be advanced, and the repayment of the capital itself.

"The result of these instructions and of the correspondence which took place on the subject, was the passing of Act. XXV. of 1858: this provides for the payment to Government out of the Municipal Fund of an annual sum not less than Rupees 1,75,000 on account of

the expenses which have, or may be incurred by Government in the construction of the Works; and, which payment is to continue until the whole expense (excepting such portion as Government may defray) shall, with interest thereon at the rate of 4 per cent., have been repaid. It also provides that the Commissioners shall pay such further sum as shall be equal to the cost of the maintenance of the said Works during the preceding year, and Section XXXI. of the said Act provides that the Sinking Fund of Rupees 2,50,000 applicable to the payment of the expenditure on the drainage shall, when that is accomplished, become an Auxiliary Fund for paying off the outlay on the Vehar Water Works. It will thus be perceived that the Government already appear to possess powers for the recovery of the whole of the outlay incurred by them on the Works, together with interest at 4 per cent.; for Section XXX. of Act XXV. of 1858 contemplates if necessary a larger payment than Rs. 1,75,000 per annum being insisted upon by the Government; the words of the Act being that the annual sum to be paid *shall not be less than* Rs. 1,75,000.

"Intermediately a discussion took place between Government and the Worshipful Bench of Justices relative to the liability of the Municipality for the cost being limited to 25 lakhs of Rupees, for it had soon become apparent, that Mr. Conybeare's estimate would be considerably exceeded. Indeed in 1856 Lieutenant Colonel Rivers, then Officiating Consulting Engineer, showed that in addition to the three lakhs of Rupees which had already been expended in this Country on the Works, the contracts entered into in England would involve an expenditure of upwards of 30 lakhs of Rupees, exclusive of all cost of superintendence and other contingencies which had not been included.

"The Clerk of the Peace in a letter which gives a very fair and correct summary of the subject of the expense to be incurred by the Municipality, after referring to Colonel Rivers' estimate adverted to, recapitulated the circumstances under which the Worshipful Bench considered that Government should have taken upon themselves the expense over and above 25 lakhs of Rupees.

"Government in their Resolution of the 24th of April 1857, which I have referred to in the statement of objects and reasons annexed to the Draft Bill, stated at length their reasons for considering the Municipality liable for the repayment of the whole of the capital expended, and they summed up their views on this subject in the words which I have quoted from that Resolution in the Statement of Objects and Reasons.

"As the Worshipful Bench assented, in 1854, to legalize a water-rate on occupiers of houses, &c., at the rate of 3 per cent., on their annual value, or such higher rate as would suffice to pay interest at 4 per cent. on an unlimited capital, which unlimited capital also they subsequently consented to endeavour to repay, the Right Honorable the Governor in Council considers that they would not be justified in now insisting upon the restriction referred to in paragraph 3 of their present letter. At the same time His Lordship in Council is ready in lieu of the Draft Act, to agree to any other means for securing on the Municipal Funds what he considers to have been prescribed by the Government of India, and to have been the object of the negotiations above described, viz: the repayment of the outlay made by Government within 42 years, with interest at 4 per cent. and the maintenance of the Works. He has already in paragraph 43 of the Government letter No. 648, dated 19th March 1857, suggested an arrangement which he thinks will, if sanctioned by the Government of India, be far more advantageous to the Municipality than any other which could be adopted in order to effect a settlement of the debt on account of the Water Works:" and as I have explained in that statement, the Worshipful Bench, whilst they maintained that they were justly liable to repay 25 lakhs of Rupees, offered to devote annually a sum equal to 5 per cent. on 25 lakhs of Rupees for the payment of that sum, principal, and interest at 4 per cent., and also to devote a further sum equal to 5 per cent. on half the capital expended beyond the sum of 25 lakhs of Rupees, for the liquidation of half the additional capital outlay with interest at 4 per cent.

"The Bombay Government in reporting the correspondence which had taken place on the subject to the Honorable Court of Directors, recommended that the Municipality should be relieved of all the expense that might be incurred over and above the 25 lakhs of Rupees, and stated that should the Honorable Court be unable to accede to this request, they would recommend the acceptance of the offer made by the Bench to pay half the capital expended beyond the 25 lakhs.

"To this despatch the Honorable Court replied that they consented that a moiety of the excess beyond 25 lakhs of Rupees should be regarded as a grant-in-aid contributed by the State; and the Supreme Government, to whom an extract of the Honorable Court's

Despatch was forwarded, authorized that the Draft Act which they had directed to be prepared, providing for the repayment of the whole capital, should be modified 'in conformity with the concession which the Honorable Court are willing to make in favor of the Municipality of Bombay.'

"I however observe that on the supposition that the works have cost 65 lakhs of Rupees, which has been taken as a maximum sum, a mistake has been made in the draft in fixing the amount to be re-paid to Government at only 42½ lakhs of Rupees, for half the excess above 25 lakhs, would, on the supposition that 65 lakhs have been spent, give as 45 lakhs the amount to be repaid by the Municipality. But the cost I believe to have amounted to above 57 or 58 lakhs only. The sum of 65 lakhs was however taken, as I have stated, as being the maximum charge, for at the time the Bill was drafted, there was a suit pending against the Home Government in which Messrs. Bray and Sons claimed some £90,000 as still due to them. Intimation has since been received that the action has been compromised for £45,000, and the Government will now soon be able to decide the actual cost of the Works, but it will probably be not more than 57 or 58 lakhs of Rupees. This however is greatly in excess of the sum originally estimated, but from causes over which the Bombay Government had very little or no control, for the contracts were all given in England by the Home authorities without reference to this country. I may, however observe, that Colonel Crawford, in reviewing Mr. Conybeare's report and original estimates, remarked that it was impossible to estimate the ultimate cost of the project, as that depended greatly upon the price at which the pipes could be laid down in Bombay, and that as the price of iron was liable to considerable fluctuations, the work would in all probability exceed the sum at which Mr. Conybeare had estimated them, for the price at which he put down the pipes was low. This was stated in 1855. And in 1856, we find Colonel Rivers, as already observed, reporting that the Works must involve an expenditure of upwards of thirty lakhs of Rupees, exclusive of cost of superintendence and contingencies. It is therefore clear that from their very first commencement it was seen that the Works could not be constructed for the sum originally stated. And I think that after making every allowance for the mismanagement which is alleged by many to have taken place in making the contracts, and in other matters relative to the construction of the Works, the Municipality will, when the Government contribution is deducted from the price to be charged them, obtain the Works at a less cost than they could have constructed them for themselves.

"I need not detain the Council with any lengthened account of the provisions of the several Sections, as these appear to me to speak for themselves. The first five Sections provide for the transfer of the Water Works to the Municipal Commissioners, and confer powers for their beneficial management. Section VI. provides for the repayment to Government of 25 lakhs of Rupees, and a moiety of the sum expended in excess of that amount. This will be less than the sum mentioned in the Bill as it stands, but the amount may be adjusted by the Select Committee. Sections VII. and VIII. empower the Commissioners to levy rates and to supply water by contract. Section IX. provides for the preservation of existing tanks and wells. Section X. gives Government a right to claim supplies of Vehar Water for its own offices gratis, and considering the very large sum contributed by Government to the cost of the works, this may be considered no very extraordinary return for its generosity. The Municipality will indeed have obtained a property which they could not probably have otherwise secured for the same money, and there should be some reciprocal liberality on their part. Section XI. provides penalties for attempted frauds upon the Commissioners, while Section XII. guards the public by giving a right of inspection to Government. Sections XIII. and XIV. supply the requisite rules for keeping regular accounts and for disposing of the surplus receipts on account of water-rates to the greatest general benefit. Section XV. makes a provision which it is to be hoped and expected, indeed, will never have to be enforced, but which still may become useful and necessary in an extreme case, the temporary supersession of Commissioners who refuse to perform their duties until new Commissioners can be elected. Section XVI. prohibits building and other sources of foulness within the limits of the Water-shed of the Lake.

"Such is an outline of the Bill which will, I trust, recommend itself to the Council as a practical measure for securing a most desirable end."

Mr. SCOTT said that he had no objection to press against the first reading of the Bill. Some measure of the kind was very desirable, and in so far as the present Bill proposed to transfer the management of the Water Works from Government to the Municipality, he considered its principles unobjectionable. In several matters of detail, he thought, the Bill would require alteration; but the requisite amendments might probably be made by the Select Committee, and in that view he would not oppose the first reading. He was not prepared

however to admit with the Honorable Mr. Robertson that in dealing with the subject of the Vchar Water Works, there had been an exercise of any great generosity on the part of the Government, or that the Municipality would be any gainers by obtaining possession of the Works at a cost of 45 lakhs of Rupees: the fact was, as he believed, and such was certainly the impression of the Bench of Justices, that the work might have been accomplished for a much smaller sum. As however the Bench of Justices had agreed to pay a moiety of the sum expended in excess of 25 lakhs, further discussion of the subject was perhaps superseded, and he would not trouble the Council with any lengthened remarks on the matter. Section X. he considered objectionable, as it proposed to exempt Government from payment of the water supplied by the Works. Government, he considered, ought to pay for the water consumed by it, both in justice to the Municipality, and as a check on waste. Section XII. also conferred powers on Government which he considered might fairly be objected to if the Works and the responsibility of their management were made over to the Municipality. With regard to Section VI. also he thought it would be well before enacting a statute imposing a heavy payment on the Municipality to ascertain in the first instance whether the Municipality could meet that payment. From the numerous other charges which the Municipal Commissioners were already bound to defray, it was very questionable, he thought, whether the new and heavy charge imposed by the Bill would not exceed their resources.

Mr. JUGONNATH SUNKERSETT said that at a meeting of the Bench of Justices held yesterday, the subject had been referred for consideration to a Committee, upon whose report the Worshipful Bench would probably base their reply to the reference made to them by Government. It would, he thought, be desirable to defer advancing the Bill beyond its present stage until the views of the Justices were ascertained. Government having called for the opinion of the Bench, he did not see how the Bill could now in courtesy be proceeded with, without giving the Justices an opportunity of stating what their opinion was.

Mr. ANDERSON said that the Worshipful Bench had discussed the Bill, and had appointed a Standing Committee, as he understood, not to report on the Bill, but to watch its progress before the Council. He would point out to the Honorable member that all that was at present proposed, was the first reading of the Bill, which did not necessarily imply that it would be passed; and that to wait, as the Honorable member proposed, would occasion considerable delay.

Mr. SCOTT said that though the Bill had been referred by Government to the Bench of Justices on the 11th February, he had not seen that reference until yesterday. Owing to negligence on the part of the Clerk, the copies of the Bill forwarded by Government had not been circulated; but now that this had been done, he thought that the Worshipful Bench would lose no time in expressing their opinion.

The ADVOCATE GENERAL said that he found in the correspondence a proposal on the part of the Municipality to pay only one-third of the sum expended beyond 25 lakhs, he wished to be informed whether there had been a subsequent consent to pay one-half of the excess.

Mr. ROBERTSON said that there had been such consent; and that upon that consent the present Bill had been founded.

The PRESIDENT said that with reference to the remarks of the Honorable Mr. JUGONNATH SUNKERSETT, he thought that the Bench of Justices would probably be glad to have the Bill brought fairly before the public for discussion by its first reading.

Mr. JUGONNATH SUNKERSETT said he would not oppose this; and it was then put and carried that the Bill be read a first time.

Mr. ROBERTSON then moved that the Bill be referred to a Select Committee composed of
 Honorable Mr. INVERARITY,
 Honorable Mr. SCOTT,
 Honorable Mr. RUSTOMJEE JAMSETEE JEJEEBHoy,
 Honorable Mr. JUGONNATH SUNKERSETT,

And the MOVER, with instructions to report in a fortnight.

Carried.

The Council then proceeded to consider the report of the Select Committee on a "Bill to confer certain powers on the Bombay Gas Company Limited."

Mr. TRISTRAM said that the Report of the Select Committee had been delayed for some time in consequence of a reference made by Government to the Advocate General, whose report the Committee thought it desirable to have before them in drawing up their own. The Advocate General had expressed himself satisfied with the measure, and they would now recommend that the Bill should be passed.

Several Sections of the Bill including those altered by the Select Committee in their amended form were then agreed to.

On the question that the Preamble stand part of the Bill, the PRESIDENT said that the extension of the Bill to other places than Bombay, and to other Companies than the Bombay Gas Company, made it necessary, he thought, that these objects should be set forth in the Preamble. He would therefore suggest the addition after the word "Bombay" in line 22, of the words "and to other Companies which are or may hereafter be registered and incorporated for the purpose of manufacturing and supplying Gas."

This was put and carried.

On the question that the Title stand part of the Bill, Mr. TRISTRAM moved the addition to the title of the words "and to enable Government to confer similar powers on other Companies registered and incorporated for the purpose of manufacturing and supplying Gas."

Mr. FRERE said that he thought the powers of extension conferred by this Bill, though harmless, would be practically useless, as no other Company, probably, would be found willing to engage in an expensive undertaking without an express Bill guaranteeing its interests.

The PRESIDENT said that the addition made was by no means an unimportant one; for the Bill as originally drafted gave to the Bombay Gas Company an apparent monopoly which could not be claimed under its amended form. This he supposed was the object of the amendment.

Mr. TRISTRAM assented.

The amendment was then put and carried.

On the motion of Mr. TRISTRAM the Bill was then read a second time and passed.

The PRESIDENT then adjourned the Council until Wednesday, the 18th instant, at 2 P. M.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

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 18th March 1863.

PRESENT:—

His Excellency Sir H. B. E. FRERE, K.C.B., Governor of Bombay, Presiding.
 The Honorable Mr. W. E. FRERE,
 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 JEJEEBHoy,
 The Honorable Mr. JUGONNATH SUNKERSETT,
 The Honorable Mr. PREMABHAI HEMABHAI,
 The Honorable Mr. A. D. ROBERTSON,
 The Honorable Mr. M. H. SCOTT.

Mr. INVERARITY moved the first reading of a "Bill to enlarge the jurisdiction of the Court of Small Causes of Kurrachee, and to facilitate the transaction of business therein." The Council were aware, he said, that the Bill previously passed on this subject, had been rejected by the Governor General upon grounds of principle. The object of the present Bill was to retain the essential provisions of its predecessor, while obviating the objections that have been raised to the latter. He would move that the Bill be read a first time.

Carried.

Mr. INVERARITY then moved that the Bill be referred to a Select Committee consisting of
 The Honorable the ADVOCATE GENERAL,
 The Honorable Mr. ROBERTSON,
 And the MOVER, with instructions to report at the next meeting of the Council.

This was put and Carried.

The Council then proceeded to consider the report of the Select Committee on a "Bill for the Regulation of Public Conveyances in the Town, Island, and Harbour of Bombay."

On the question that Section IV. stand part of the Bill, the ADVOCATE GENERAL moved that the word "and" be substituted for the word "or" in the sixth line.

Carried.

On the question that Section IX. stand part of the Bill, Mr. ANDERSON inquired why the commutation of the fine imposed by that Section should be rigorous imprisonment. An offence which was the proper subject of a fine of twenty rupees, was not, he thought, one which should be punishable with rigorous imprisonment. He objected indeed to the commutation of a fine to rigorous imprisonment at all.

Mr. FRERE said that non-payment of the fine under the Section must arise either from poverty or contumacy. If from poverty, the fine might be avoided by merely giving up the license, and if from contumacy, it deserved the punishment which the Section awarded. He would oppose any change.

Mr. JUGONNATH SUNKERSETT said he thought simple imprisonment would be quite enough.

The question was then put, that the words "either rigorous or" in the 12th line of the Section be omitted; and the Council divided:—

Ayes—4.

Honorable Mr. INVERARITY,
Honorable Mr. ANDERSON,
Honorable Mr. JUGONNATH SUNKERSETT,
Honorable Mr. ROBERTSON.

Noes—5.

Honorable Mr. FRERE,
Honorable Mr. LEWIS,
Honorable Mr. TRISTRAM,
Honorable Mr. RUSTOMJEE JAMSETJEE
JEJEEBHoy,
Honorable Mr. SCOTT.

The amendment therefore was lost.

On the question that Section XII. stand part of the Bill, the ADVOCATE GENERAL moved the insertion after the word "default" in the 12th line of the words "of payment of such fine."

This was put and carried; as was a similar insertion in the 10th line of Section XIV. in the 13th line of Section XV.

On the question that Section XV. stand part of the Bill, Mr. TRISTRAM inquired whether there was any objection to the introduction of a clause compelling the drivers of Hack-carriages to wear badges. He thought such a provision would be very useful.

Mr. FRERE said that the point had been carefully considered by the Select Committee; but the conclusion they had come to was that the whole responsibility ought to be thrown upon the licensee, who could always be found by means of the Number of the Vehicle, and who could be forced to produce the driver when required before a Police Magistrate.

Mr. TRISTRAM said that the badge system at its introduction in London some years ago, had worked an immediate improvement in the manners of the cabmen; so much so as to have become the subject of popular rhymes. He thought that if the grant of badges in Bombay were subjected to the discretion of the Licensing Officer, this might be made the means of excluding most of the very objectionable drivers who infested the streets of Bombay.

Mr. SCOTT said that he understood that Section XIII. empowered the grant of such badges if necessary without hampering the Act with too many details. Mr. Pryce, the Master Attendant, had suggested the use of badges by licensed boatmen; but looking to Section XIII. the Select Committee had considered it superfluous.

The PRESIDENT said that though it was certainly desirable that the licensee's responsibility should not be diminished, yet it was quite consistent he thought with that object that the driver also should be got at readily by means of a badge as proposed by the Honorable Mr. Tristram.

The ADVOCATE GENERAL said that the introduction of the words "and of the drivers of the same" after the word conveyances in the 8th line of Section XIII. would he thought enable requisite arrangements to be made without further express legislation.

The PRESIDENT suggested that as notice was required of such amendments, the Honorable Member should draw up an amendment embodying the change he proposed and move its adoption at the next meeting of the Council.

On the question that Section XVI. stand part of the Bill, the ADVOCATE GENERAL moved the insertion after the word "default" in the 13th line of the words "of payment of such forfeit."

Mr. FRERE suggested that a similar insertion might be made in all the Clauses imposing penalties in which the word "default" occurred in the same connexion.

This was put and carried.

On the question that Section XVII. stand part of the Bill, Mr. ROBERTSON said he thought it might be made compulsory to hang up or affix in every licensed vehicle a table of the legal fares. Strangers arriving in Bombay would be equally ignorant of the fares and of their right to demand a sight of the driver's book, and the only provision made by the Bill was for cases of actual dispute.

The PRESIDENT said that if the Honorable member would prepare a Clause embodying his amendment, it might be considered at the next meeting of the Council before the Bill was read a second time.

On the question that Section XX. stand part of the Bill, the PRESIDENT said he thought it would be better to make the Clause prohibitory rather than imperative. He would propose that for the Section as it stood, the following be substituted.

"Every driver and other attendant of any public conveyance who shall at any time during such employment be intoxicated, or who shall refuse to obey the reasonable orders of the person or persons hiring or using his conveyance, or shall, when plying for hire, keep the inside of his conveyance dirty, shall, on conviction before a Magistrate of Police, be liable to a fine not exceeding Rupees Twenty, or in default of payment thereof shall be liable to imprisonment as prescribed in the preceding Section."

Mr. FRERE said that he thought the existing form of the Section preferable, because it was much easier for instance in general to get evidence that a man was not perfectly sober than that he was actually intoxicated. But he had no other objection to the amendment.

The amendment was then put and carried.

On the question that Section XXI. stand part of the Bill, Mr. ANDERSON wished to inquire whether the fares under the Act were to be time fares or distance fares. In the former case a Cabman in London was not compelled to go faster than 4 miles an hour; and he thought 6 miles an excessive rate for Bombay. He would move the omission of the words regulating the speed of vehicles, and leave it to be settled by the Commissioner.

Mr. FRERE said that though vehicles while in motion were required to go at the rate of six miles an hour, they need not go more than four miles within the hour. The provision objected to by the Honorable member had been adopted from the Calcutta Bill.

It was then put and carried, that the words from "that is" in the 9th line, to "Palkee" in the 12th line, be omitted.

Mr. ANDERSON said he did not understand how a Bill for the Regulation of Conveyances within the Island of Bombay, could provide any rules for the other side of the Causeways at Mahim and Sion. He thought that the proviso at the end of Section XXI. therefore involved a kind of contradiction in terms, and he would move its omission.

Mr. FRERE said that the proviso could not do any harm, and its retention was desirable, as it would make the meaning of the Section more clear.

Mr. TRISTRAM said that he saw no objection to a Conveyance being taken beyond the Causeways; but if it was taken beyond certain limits, the driver, he thought, ought to be entitled to a back fare.

Mr. ANDERSON pressed his amendment, and the Council divided:—

Ayes—7.

Noes—3.

Honorable Mr. INVERARITY,
Honorable Mr. TRISTRAM,
Honorable Mr. JUGONNATH SUNKERSETT,
Honorable Mr. RUSTOMJEE JAMASETTEE JE-
JEEBHOY,
Honorable Mr. ROBERTSON,
Honorable Mr. ANDERSON,
Honorable Mr. PREMABHAI HEMABHAI.

Honorable Mr. FRERE,
Honorable Mr. LEWIS,
Honorable Mr. SCOTT.

On the question that Section XXII. stand part of the Bill, the ADVOCATE GENERAL moved the insertion of the words "of Police" after the word "Magistrate" in line 10, and the substitution of the word "such" for the word "the" in the 14th line.

Carried.

Mr. PREMABHAI HEMABHAI said he thought the punishment provided by this Section was excessive; and he would move that it be reduced to two months.

The PRESIDENT said that it was not open to the Honorable member to bring forward the amendment without notice; but having given notice, he might now bring forward his amendment at the next meeting of the Council before the Bill was read a second time.

On the question that Section XXV. stand part of the Bill, Mr. ROBERTSON moved that the words "of Police" be inserted after the word "Magistrate" in line 3, and that the same insertion be made wherever the same word occurred in this connexion throughout the Bill.

Carried.

On the question that Section XXVI. stand part of the Bill, Mr. ROBERTSON moved the insertion after the word "property" in the 7th line of the words "under warrant of the Police Magistrate who has inflicted the punishment."

Carried.

On the question that Section XXIX. stand part of the Bill, Mr. ANDERSON said he wished to move an amendment on this Section. The persons who were likely to be brought up under this Section were chiefly old women of either sex, and for inability to pay to the driver such compensation as the Magistrate might award, they would be subjected to the severe penalty of rigorous imprisonment. This he must say he considered Draconian legislation; and he did not think, that even where a penalty had been incurred through the offender's own obstinacy, people ought to be punished for mere wrong-headedness.

Mr. FRERE said that when people's wrong-headedness inflicted loss or annoyance upon others, he thought they might be very justly punished for it. He had no objection however to strike out the word "rigorous."

Mr. ANDERSON said he thought that the fine ought to be levied by distraint, but he would not press for more than the substitution of the word "simple" for the word "rigorous" in the 28th line of the Section.

This was put and carried.

On the question that Section XXXIII. stand part of the Bill, the ADVOCATE GENERAL said he wished to inquire how the fees to be levied under the Act upon its extension to any other town than Bombay, were to be disposed of. The rule provided by Section VI. which required the payment of the balance of fees to the credit of the Municipal Commissioners, and the Port Fund of Bombay, would not be applicable in such a case, and it was difficult to see how the balance of fees was to be appropriated.

Mr. ANDERSON moved the insertion of the words "and dispose of the balance" after the word "scale," in the 10th line of the Section.

Carried.

On the question that the Preamble stand part of the Bill, Mr. TRISTRAM said that he thought the term "Island of Bombay" might be considered objectionable as no longer having a very definite bearing. The expression "Town and Suburbs" had been adopted in several Bills, and might, he thought, be used with advantage in this.

Mr. FRERE said he had no objection to the substitution, if a Clause were added to the Bill, defining the limits within which the Bill was to operate as in the case of the Smoke Bill.

It was then put and carried, that the words "and Suburbs" be substituted for the word "Island" in the 6th line of the Preamble, and a similar substitution was agreed to in the Title of the Bill.

Mr. FRERE then moved the introduction after Section XXXV. of a Section worded like Section VI. of Bombay Act VIII. of 1862.

Carried.

The further consideration of the Report was adjourned until the next meeting of the Council.

Mr. TRISTRAM said that he hoped he might be excused for reminding His Excellency the President that the Council had now reached its thirteenth sitting. He had not anticipated, when the Council met, a longer Session than six weeks; if, therefore, his inquiry was consistent with the rules, and agreeable to the other Honorable members, he would wish to know, if there was any prospect of an early termination of their present legislative duties. As regards the Official members of the Council, they it was known were men—"who scorned delights and lived laborious days;" but even if they had no desire for a respite from the task of legislation, he might be forgiven for suggesting that the case was otherwise with non-official members like himself. The busiest period of the year in ever-laborious Bombay, was close at hand, and further attendance at the Council and on Select Committees must interfere very seriously with the private business of the non-official members. This was one evil, but a

more serious one was, that they could not devote that attention to their legislative duties which was required for their effectual discharge. Under these circumstances he hoped he might be excused for expressing a hope of an early dismissal.

The PRESIDENT said that the only measure except those ripe for immediate disposal which would require to be passed before the Council adjourned *sine die* was the Cotton Frauds Bill, A great deal of interest had been excited by that measure, and it aimed at objects so important, that he thought it highly desirable that it should be definitely disposed of before the Council adjourned. Meanwhile he was glad of an opportunity of expressing the sense which Government entertained of the very valuable and zealous assistance which during this as during previous Sessions of the Council, the non-official Members had afforded in the work of legislation. Should the Cotton Frauds Bill be disposed of at the next meeting of the Council, he proposed to adjourn the Council *sine die*.

The PRESIDENT then adjourned the Council to Wednesday next, the 25th instant, at 11 A. M.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.