SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

TUESDAY, 18TH AUGUST 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 Poona, on Saturday the 1st August 1863.

PRESENT:—

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

His Excellency Sir W. R. MANSFIELD, K.C.B.,
The Honorable Mr. W. E. FRERE,
The Honorable Mr. J. D. INVERARITY,
The Honorable Mr. H. L. ANDERSON,
The Honorable Mr. JUGONNATH SUNKERSETT,
The Honorable Mr. PREMABHAI HEMABHAI,
The Honorable Mr. A. D. ROBERTSON,
The Honorable Mr. M. H. SCOTT,
The Honorable Mr. M. R. WESTROPP.

The Council proceeded to consider the Orders of the Day.

The Honorable Mr. INVERARITY moved the substitution of the words "her Engines and equipments" for the words "and her Engines" in the note to Schedule A of the "Bill to provide for the Periodical Survey of Steam Vessels in the Ports, Harbours, Rivers or Waters of the Bombay Presidency."

Carried.

The Honorable Mr. Scott said that it was desirable that no vessel should proceed to sea without her proper complement of boats; and the certificate given under the Bill should specify whether a ship's boats are in good condition. He was not aware whether any Act applicable to British India contained provisions similar to those of Sections 292, 293, and 294 of the Merchant Shipping Act. The Honorable gentleman thought it desirable that the second reading of the Bill should be postponed until the Council had received information on this point.

The Honorable Mr. Westropp said that he would be able to procure the required information by the next meeting of the Council.

The Honorable Mr. Inverarity then moved that the further consideration of the Bill be deferred to the next meeting of the Council.

Carried.

The Honorable Mr. Westropp said that before moving the first reading of the Bill to amend Act XXI. of 1848 (for avoiding wagers) he would mention that the provisions of Section 18 of the Standing Rules for the transaction of the business of the Council had unavoidably not been complied with in the case of the present Bill, for although the English copies of it had been circulated more than a fortnight ago, it had been published in the *Government Gazette* on the 27th ultimo only, whereas it should have been published on the 25th ultimo.

The President suspended Rule 18.

The Honorable Mr. Westropp then moved that the Bill be read a first time, and said that the Council would doubtless have observed, that a Statute (16 and 17 Victoria, Chapter 119) severer than the Bill now proposed, had been enacted by the British Parliament for the suppression of betting offices in the United Kingdom, which placed them on the same level with common gambling houses, and rendered the persons who kept such offices subject to heavy penalties. It could not therefore be objected to the proposed measure, which aimed at the suppression of what were virtually betting offices in this Presidency, that it was unprecedented or affirmed a principle unrecognized by recent legislation at home. This Bill did certainly contain some uncommon but not altogether unprecedented clauses. It however carefully avoided the imposition of pains and penalties. The consequence of that avoidance was, in order to impart vitality to the measure, the necessity of introducing into it Sections III. and IV. which gave to the loser of a wager of the particular kind mentioned in those Sections power to recover from a shroff who might have acted as his agent in the transaction, any sum of money or advance that might have been deposited with him to abide the event of the wager whether or not the money had been paid over to the winner. But in the absence of pains and penalties, it was indispensable to the efficiency of the Bill that such a power should be given to the loser in order to render wagering contracts on opium, cotton and other articles of merchandize so unsafe, as to deter shroffs from assisting, nay, more, stimulating other persons to engage in such transactions. It was notorious that Act XXI. of 1848 had wholly failed in Bombay to effect the end which the Legislature had in view in enacting it, namely, the discouragement of time-bargains; and this was almost wholly owing to the fact that the shroffs and brokers, who were the great promoters of time-bargains, were not touched by that Act. They could reap their profits by way of commission or brokerage, and could recover them and their advances and payments if need be in a Court of Justice, whatever might be the case with the principals. If Sections III. and IV. of the proposed Bill were to become law, shroffs, brokers and other agents would be very shy of engaging in any such wagering contracts as are embraced by those Sections, on behalf of principals who may even after the fulfilment of the contract overturn the whole transaction from its foundation and recover their money. Without the help and instigation of the shroffs such contracts could not be entered into in anything like their present numbers. He (Mr. Westropp) further said, that although the first Section of the Bill declared contracts collateral to any wagering agreements null and void, and prohibited the maintenance of actions upon any such collateral contracts, the third and fourth Sections were limited to time-bargains or other wagers relating to the price or value of opium, cotton, or any other article of merchandize. It was not meant that these Sections should apply to any contracts that did not interfere with the free course of trade or were not otherwise injurious to the community. For instance, the loser of a bet on the event of a horse race or on the relative speed of two drops of water that might be making their way down a pane of glass could not recover under the provisions of these Sections, any sum that he might have deposited with an umpire or other third party to abide the event of such a bet, if that sum had without any countermand from the loser been paid over to the winner. Under Act XXI. of 1848 the winner of such a a bet could not by action recover the amount of it from the loser. The Courts of Law in India could not entertain such a suit. But if the parties to such bet chose to carry it out, this Bill would not enable the loser to re-open the transaction. Assuming that the Council approved of the principle of the Bill, it would be necessary for Honorable members to consider whether the provisions of the third and fourth Sections should be rendered more widely applicable by including within their scope wagering agreements as to the price or value of bank shares, or shares in other joint stock companies. He had not thought it prudent to include them. Mr. Westropp added, that he had consulted some of the members of the Bar as to the provisions of the Bill, and had received from them several valuable suggestions which he would bring forward when the Bill came to be considered by the Select Committee. For the present he would simply propose that the Bill be read a first time, and in doing so, he would beg the Council to bear in mind that the main object of the Bill was to prevent the systematic and pernicious evasion of Act XXI. of 1848.

His Excellency Sir William Mansfield said that he had not had much time to devote to the consideration of the Bill, nor had he been able to consult any gentleman of the legal profession in regard to it. But though he laboured under these disadvantages, he had little hesitation in saying that the Bill was entirely opposed to the principles which have guided the British Parliament in its legislation during the last few years; for his part he objected to the Bill both in its details and in its principle. He did not think that this Council would be justified in passing a Bill of the present nature until it had much fuller information before it in regard to the persons against whom the proposed legislation was aimed than was possessed he was sure by the majority of the members of the Council. Here was a certain class of men against whom very serious allegations were brought; who were accused of evading the law and of persuading others to do the same; who were charged with interfering to a pernicious extent with the free course of trade; yet he would speak for himself that, until he heard these allegations made in this Council by the Honorable gentleman who had been allowed to introduce the Bill, he had been entirely ignorant of the facts that there was any occasion whatever for making these allegations; and he thought he could say the same for most of the Honorable gentlemen now present. He did not think it right that these Honorable gentlemen should undertake to legislate for a body of men of whom and of whose transactions they had no personal knowledge whatever. These men lay under serious accusations affecting their character for honesty, and they ought to be heard in their own defence before any such measure as the present was proceeded with. Sir William Mansfield further objected to the vagueness which attached to the phraseology of the Bill; no definition was given of a "collateral contract." A "collateral contract" was a very elastic phrase, and might include contracts of a perfectly legitimate character which, nevertheless, if this Bill became law, would be held as null and void. Suppose that A made an advance of money for B in execution of orders, and for a perfectly lawful purpose, would it be right that B should be allowed to evade his liability by pleading that the money paid for him had been disbursed for a purpose which this Bill held to be immoral. He had not the advantage of his Honorable friend's legal training and acumen, but it required little knowledge of law to say that it would be contrary to all the principles of justice that B should be allowed to set up any such plea as the above; yet he could, under the proposed Bill set up such a plea and avoid paying his just debts if he could only show that the purpose for which he received the advance, lawful though it was, came in a remote manner within the meaning of the words "a collateral contract," as used in the proposed Bill. The Honorable gentleman denied that the offices of shroffs, who arranged time-bargains, were at all analogous to the betting houses at home; none but the lowest classes at home frequented the betting houses, and the Legislature in suppressing betting houses did so in order to protect from ruin persons who were too poor and too ignorant to protect themselves. The Honorable Mr. Scott would, perhaps, be able to tell them whether such a description was applicable to the people for whom the shroffs of Bombay made the advances referred to. The Honorable gentleman said, that persons who chose to bet on the results of a horse race were allowed to do so without any interference from the legislature, and he could not see why persons who engaged in trade, should be put to greater disadvantage than persons who lost and won money for their own pleasure. In considering the principle of the Bill, the Honorable gentleman said that, so far as he could see, the Bill was one for the protection of dishonesty and fraud. It was the agents with whom deposits had been left, who would be the sufferers under it.

The principals would escape quite free. The dishonesty of the principals would in this way be protected, but such a provision was in direct violation of the whole course of modern legislation which strove to make each individual offender suffer for his own Act, and to screen as much as possible any other party from the consequences of it. It was impossible, besides, to make a people moral by legislation. The Honorable gentleman had no faith in cloistered virtue, whether in the nunnery or in the harem. Such virtue had no effect on the general public, it did not influence others by its example, and when exposed to temptation it yielded more speedily to it than that more genuine sort of virtue that had been allowed to mature itself in a free and natural manner. Every one was convinced of the frail nature, and of the weak influence of this cloistered virtue in the situations mentioned by him, and he thought that it would have as little influence for good, and be of as little value if it were introduced into the precincts of the Stock Exchange. It was much better to let the public look out for themselves. They are the best judges of what is best for them. The trade of Bombay was not in such an infantile state that it required to be carefully bandaged up in swaddling clothes. The shroffs of Bombay might well ask why they should be trammelled in a manner which was strange to other Legislatures. Thinking as he did, the Honorable gentleman said that he would oppose the first reading of the Bill.

The Honorable Mr. Premabhai Hemabhai said that the Bill was unnecessarily severe, for it mixed up legitimate transactions with those which were of an objectionable character. He said that many transactions that would come under the wording of the Bill were still of a perfectly legitimate character. He thought too, that the fourth Section allowed an unnecessarily long time within which suits might be brought under it. The result would be that the Courts would be delayed with suits and in many cases most vexatious interference would be occasioned to parties who had engaged in nothing but *bonâ fide* transactions.

The Honorable Mr. Westropp said that he was prepared to limit the time within which suits might be brought under Section IV. to six months; but this was a question which could best be considered by the Select Committee.

The Honorable Mr. Scott supported the motion for the first reading of the Bill. He said that it was incorrect to say that the object of the Bill was to make people moral by legislation. This was not its main object. The Bill appeared at first to interfere with the free course of trade, but what it really aimed at was the prevention of a very injurious interference with legitimate trade. If this object was attained, it would be well, and if the Bill subserved morality at the same time, it would be all the better. To illustrate the evil effects of the system which the Bill aimed at, the Honorable gentleman would mention the fact that, owing to combinations among the shroffs, the price of a khandy of cotton had within the last two years varied within a very few days to the extent of about Rs. 100. The magnitude of this variation would be the more apparent when it was remembered that three years ago a khandy of cotton did not cost much more than Rs. 100. It must be obvious to the Council that such an unsteadiness in the price of cotton or of opium must have a most baneful effect on the transactions of the mercantile community, for whom it rendered any thing like healthy speculation perfectly impossible. He had been appealed to by the Honorable gentleman who opposed the Mover to say whether the persons who betted with the aid of the Bombay shroffs, were in the same position as the persons who used to frequent the betting houses at home. The Bombay shroffs, as a class, might be wealthy enough, but he could say that the mania for speculation in Bombay had reached down to a very low class indeed. Men of small means, clerks and others in the receipt in some cases of not more than Rs. 20 a month, had all suffered severely from time-bargains, and in some instances gomasthas and mooniins entrusted with funds on behalf of merchants who lived up-country, had been induced dishonestly to misappropriate such funds to reimburse themselves for losses which they had incurred in connection with time-bargains. He spoke from personal experience when he said that this reckless engagement in time-bargains had led to much dishonesty. He pointed out that the system of contracting by way of wager was not analogous to betting on the event of a horse race. In the latter case the loser and the winner of the bet were the only persons affected by the result of the race, whereas in the case of time-bargains such as those now under consideration, the whole community suffered. The Bill before the Council aimed, in his opinion, at putting an end to a very great evil, and he would therefore support the motion for its first reading.

The Honorable Mr. Anderson said that he had been much struck with an observation made by His Excellency the Commander in Chief that no enactment similar to the proposed measure had been passed for Calcutta or Madras. It might be doubted perhaps whether this Council had the power to pass a measure which extended the provisions of an

Act of the Government of India. But this was an objection that would not, in the absence of any other consideration, weigh with him to such an extent as to induce him to oppose the first reading of the Bill. The Honorable gentleman said that though he admitted that it was a matter of great delicacy for a Legislature to deal with questions of morality, still he was not prepared to go the whole length with the Commander in Chief in the remarks made by His Excellency. Several instances occurred to him in which the Legislature had successfully dealt with questions of this nature. For example Lotteries, though engaged in at the time by all classes of the community, were put down in the United Kingdom by law about 40 years ago. It was true the Glasgow Improvement Lotteries, as they were called, were permitted by law so lately as 30 years ago. But this was through a mere oversight, and he (Mr. Anderson) was under the impression that a declaratory Act was passed after these lotteries were held, stating that no public lotteries would in future be allowed. So stringently has this law been interpreted that even Art Unions have been declared illegal, and they only now proceed by the tacit acquiescence of the Executive. Again, the Honorable gentleman remembered a time when it was impossible to walk down St. James's street without being struck by the magnificence of palatial buildings devoted to and supported by gambling. But now they no longer exist. The provisions of the law were called into robust action, and the original character of these edifices disappeared. To take another instance. In England the Legislature had always shrunk from dealing with Prostitution, as it had been dealt with in Paris and Vienna. This reticence had greatly excited the wonder of foreigners. But though the Legislature had abstained from an attempt to enforce morality, it had interfered with the notorious "night-houses" which afforded so shameless an encouragement to vice. It appeared then that when evils become directly detrimental to the public interests, the Legislature would take action. The question then with reference to the present Bill was, whether the evil had attained to that degree of detriment to the public which would justify legislative interference. On this point he was willing to be guided by the large experience of the Honorable and learned Mover, and of the Honorable Mr. Scott. His Excellency had argued with great force that the measure would protect dishonesty. It might possibly do so at first, but if the practice were barred by legal difficulties, if it ceased to become profitable, the Council might be sure that the evil would languish and eventually disappear. With respect to betting on horse races to which His Excellency the Commander in Chief had adverted, he (Mr. Anderson) would remark that the law had always opposed itself to such wagers. His Excellency would probably remember the "Qui-tam" actions of 1844. In fact such betting was sanctioned and sustained by a Code of Honour, and had therefore very little in common with the practices against which the present Bill was directed. Although generally much impressed by the force of His Excellency the Commander in Chief's argument, he (Mr. Anderson) believing from the strong testimony of the Honorable Mr. Westropp and the Honorable Mr. Scott that great and real detriment was caused to trade and public morality by this species of gambling, would support the first reading of the Bill.

The Honorable Mr. Jugonnath Sunkersett said that he should support the Bill, and that any alterations in it that might be advisable could best be considered when it was referred to a Select Committee.

The Honorable Mr. Frere said that as he had not spoken in his turn, he must ask His Excellency the President's permission to make a few remarks previous to moving that the Bill be referred to a Committee to report on the necessity for such an enactment. From the remarks made by the Honorable members on his left (Messrs. Scott and Anderson) he thought that further information was required as to the extent of the evil this Bill was intended to cure, and that the Council was not as yet in a state to legislate on the subject. They had not sufficient information to enable them to judge whether the Bill was really required or not. He was of opinion that it would be advisable to adopt the course followed in the case of the Cotton Frauds Bill. A Committee was appointed to procure information, and after this information was procured, the necessity for the Bill was apparent and it was passed. The Honorable gentlemen moved that a Committee be appointed to inquire into the extent of the evils arising from time-bargains, and to report to the Council the best means of remedying them should they be found to exist.

The President said that it would not be regular to appoint a Committee of that Council as proposed by the Honorable Mr. Frere until the Council had first disposed of the question before them, which related to the principle of the Bill; by agreeing to or rejecting the proposition that it be read a first time.

His Excellency Sir WILLIAM MANSFIELD said that a precedent for the course proposed was to be found in the case of the Cotton Bill; and he would say, that had it not been for the information obtained by the Committee, that Bill would never have been passed. He said that in regard to the present Bill he was not as yet satisfied in his own mind that it was needed. If he felt satisfied that it was needed, he would not think of opposing it.

The PRESIDENT said that the present was simply a question of form. It did not appear to him that sitting as a Council for the purpose of making Laws, they could appoint the Committee proposed by the Honorable Mr. Frere, until they had disposed of the question of principle whether the Bill should or should not be read a first time. If the Bill were read a first time and a Select Committee of that Council appointed, it would be for the Select Committee to make such inquiry as that suggested by Mr. Frere; or it would be open to the Honorable gentleman as a member of Government, to bring the question of the necessity for inquiry at any time before Government, whether the motion for the first reading were or were not carried.

The Honorable Mr. WESTROPP then replied to the arguments that had been urged in opposition to the Bill. He said that he had listened to the observations of His Excellency the Commander-in-Chief with attention and respect, but thought that his objections would have been more properly aimed against any legislative restriction of gambling and wagers than against a Bill of which the object was to prevent the frustration of an existing law. The propriety of legislating against gambling and wagering contracts was a principle already well established both by the Imperial and Indian Legislatures. In the reigns of Charles II., Queen Anne, George II., George III., and Queen Victoria, Parliament had passed enactments more or less prohibitory of gambling and wagering contracts. In 1848, in consequence of the great prevalence of time-bargains as to the price of opium during the preceding years, the Legislative Council of India passed Act XXI. of that year, declaring that all agreements by way of gaming or wagering should be null and void, and that no suits should be allowed in any Court of Law or Equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person to abide the event of any game, or on which any wager is made. His Excellency's speech, therefore, would have been better timed fifteen years ago, and should have been addressed to the Legislature of India in 1848, rather than in 1863 to the Legislative Council of Bombay. The first Section of Act XXI. of 1848 was copied from the Statute 8 and 9 Victoria, Chapter 109, Section 18, passed by Parliament two or three years previously to the Indian Act. The principle had received further confirmation by the recent Statute 16 and 17 Victoria, Chapter 119, by which betting offices had been put down with a strong hand in the United Kingdom. The Acts against stock jobbing, passed in the reign of George the Second, were similar in principle and actually contained enactments very much akin to the third and fourth Sections of this Bill. It was accordingly quite too late now to declaim against legislature prohibitive of gambling contracts. The question for the consideration of this Council was, whether Act XXI. of 1848 should be suffered to remain a dead letter in the Statute Book, so far as Bombay was concerned, merely because a body of shroffs found it profitable to combine to defeat its operation. His Excellency rested his opinion that there was no analogy between the proceedings of the shroffs and the English betting offices, on the supposition that all the persons who employed the shroffs were worthy persons, whereas he believed the English betting offices to have been resorted to solely by the humbler classes. But that supposition was completely erroneous. No doubt these were not matters which lay in His Excellency's path, and he could not be expected to be acquainted with them. To the legal profession however, and to the mercantile community, it was notorious that Act XXI. of 1848 was set at nought by the shroffs and brokers, and that multitudes of persons of every class of society in the native community of Bombay and its provinces, from the highest class to the lowest class, were involved in these useless and ruinous practices. The poorest mehtas and servants entered into time-bargains through the shroffs. Without the aid of the shroffs, those mehtas and other poor persons could not engage in those transactions; they would not have sufficient credit in the bazaar to effect time-bargains in their own names. The shroffs, in consideration of the commission which they charge, permit their names to be used as principals, and incur the risk as to the solvency of their poor constituents. It was proved in the recent trials in the High Court that many of the shroffs had entered into and signed an agreement amongst themselves for the conduct and regulation of time-bargains in cotton. He (Mr. Westropp) had frequently seen and read that agreement in Court. The shroffs had acted upon it. In June 1862, when the committee of shroffs was engaged in fixing the price by which the wagers in cotton should be regulated under that agreement, Bombay was, for upwards of a fortnight, kept in a state of turmoil, so large was the number of persons interested in the wagers then awaiting decision. Great complaints were made as to the rate at which it was fixed by that committee. Those time-bargains had and continued to have a most disastrous effect in raising the price of cotton in the real market. This measure so far from being intended to impose fetters on the trade of Bombay, as supposed by the Commander in Chief, was intended to emancipate it from the pernicious influence of what had no pretence to call itself trade, not a single pound of cotton, opium, linseed, or of any other of the commodities which are the subject of these time-bargains being either delivered or intended to be delivered under them, as has been over and over again proved in the Supreme and High Courts. There was more opium and cotton pretended to be sold under these time-bargains in Bombay in one year than could be produced in India in 20 years. They were mere bets, and it was perfectly idle to give them the name of trade. There could be no doubt that many mehtas, gomashtas and moonims, employed to conduct in Bombay the legitimate trade of their masters, who lived in the Mofussil, had resorted to the funds of their masters in order to make good their own losses in time-bargains entered into on their own account. How then could it be denied that the trade of Bombay required protection against such illicit proceedings, and why should any tenderness be shown henceforward to those by whose contrivance and confederacy they are carried on to the detriment of the *bonâ fide* Bombay merchants, whether European or Native? But this protection is not needed for Bombay merchants alone. The unnatural and improper enhancement of the price of commodities in Bombay most injuriously affects the European manufacturers and the consumers everywhere. Is not this Council to show any consideration for the distressed manufacturers of Lancashire! Are not their sufferings increased by the artificial augmentation of the price of cotton caused by the mischievous operation of the Bombay betting market? So long as by their gambling men injure none save themselves, no urgent necessity may exist for the interference of the Legislature. But the present case is widely different. The fair merchant in Bombay, the European manufacturer and the consumers in all parts of the world suffer by the present system of gambling practised in Bombay. It had been suggested that the Bombay Council had not authority to entertain or pass this Bill, because it purported to amend an Act of the Legislative Council of India. However, there was no doubt that the Bombay Council had ample authority under the 42nd Section of the Statute (24 and 25 Vic. Chapter 67, passed in 1861) by which it was created, "to repeal and amend any Laws and Regulations made prior to the coming into operation of this Act (24 and 25 Vic.) by any authority in India, so far as they affect this Presidency" (of Bombay). This Bill, like any other Bill, is of course subject to the veto of the Governor General. The objection that this Bill, inasmuch as it is confined to Bombay, is piece-meal legislation, is untenable. The same objection might be applied to any Act passed by this Council even to the very Bill which stood first on the Orders of this day, relating to the Survey of Steam Vessels in this Presidency. Section 42, just quoted from the Statute by which this Council was created, showed that Parliament contemplated that there should be such piece-meal legislation. Probably the evil sought to be remedied by this Bill had not prevailed to the same extent in Madras and Calcutta as in Bombay. Nor was the extent of the cotton markets of Calcutta and Madras so great as that of Bombay. The injury arising from time-bargains would therefore be less felt there than in Bombay, which is the principal Port of India for the exportation of cotton. With reference to the Honorable Mr. Premabhai Hemabhai's remarks, Mr. Westropp said that he was quite content to strike the expression "time-bargains" out of the third and fourth Sections, and to substitute the words "wager or agreement by way of gaming or wagering." Any attempt at closer definition would only afford opportunities of evading the provisions of the Bill. It was argued by two Honorable members, that further inquiry was needed before such a measure ought to be passed. If the majority of the Select Committee to which he intended to move that the Bill be referred, deemed further inquiries advisable, he would not oppose it, although he well knew it to be unnecessary. There would be considerable difficulty in the way of the Council in procuring much direct evidence. Shroffs, brokers, and persons who engaged in time-bargains would of course refuse to come forward to expose themselves. The existence of the system was however as notorious as possible. The Judges of the High Court, the Bar, and Solicitors, heard of it daily. In many account books produced in Courts even in actions not founded upon or relating to time-bargains, the existence of such transactions is constantly lighted upon incidentally. Many persons, who claimed the benefit of the Insolvent Debtors' Act and many other Insolvents who do not seek that relief, but who compound with their creditors, owe their insolvency to time-bargains in opium, cotton, linseed, or other commodities. As a general rule, although not universally, they conceal as far as possible that their insolvency arose from such causes. The Chief

Justice felt strongly disposed to recommend an enactment authorizing the Insolvent Court to refuse a certificate to any Insolvent who at any time within six months preceding his insolvency had engaged in time-bargains. In fact, speculation by time-bargains has filled Western India with insolvency and dishonesty. Mr. Westropp here remarked, that the only difference between Section 18 of the Statute 8 and 9 Victoria, and Section I. of Act XXI. of 1848, was the reservation in the former of the right to sue for any plate or subscription constituting a prize in a lawful game. He concluded by saying that the present Bill was a much less severe measure than the English Act for the suppression of betting offices, and that the evil sought to be remedied by this Bill was much greater and more extensive in its operation than the English betting offices.

His Excellency Sir William Mansfield said that he wished to divide the Council.

The question was then put that the Bill to amend Act XXI. of 1848 be read a first time.

The Council divided :—

Ayes—8.	*Noes*—1.
The Honorable Mr. Frere,	His Excellency Sir William Mansfield.
The Honorable Mr. Inverarity,	
The Honorable Mr. Anderson,	
The Honorable Mr. Jugonnath Sunkersett,	
The Honorable Mr. Premabhai Hemabhai,	
The Honorable Mr. Robertson,	
The Honorable Mr. Scott,	
The Honorable Mr. Westropp.	

The first reading was therefore carried.

The Honorable Mr. Westropp moved that the following gentlemen be appointed a Select Committee to consider the Bill, with instructions to report on the same within three weeks.

The Honorable Mr. Frere,
The Honorable Mr. Anderson,
The Honorable Mr. Premabhai Hemabhai,
The Honorable Mr. Scott,
And the Mover.

Carried.

The Honorable Mr. Frere then moved that the Executive Government be requested to appoint a Committee to inquire into the extent of the evils arising from time-bargains, and to report to the Council the best means of remedying them, should they be found to exist.

The President said that the first reading having been carried and a Select Committee appointed, it would be more regular if such a proposition for inquiry were brought forward elsewhere than in the Council sitting, as they then were, for the purpose of making Laws and Regulations.

The motion was withdrawn, and the President adjourned the Council to Saturday the 8th instant, at 3 p.m.

By order of His Excellency the Governor in Council,

H. M. BIRDWOOD,

Officiating Under-Secretary to Government.

Poona, 1st August 1863.