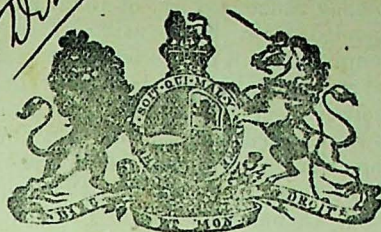


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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Extracts from the Proceedings of the Government of Bombay, the Legislative Department, are published for general information:—

Abstract of the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations, under the provisions of "THE INDIAN COUNCILS ACT, 1861."

The Council met at Bombay on Wednesday the 19th December 1877, at noon.

P R E S E N T :

The Honourable J. GIBBS, *President.*

His Excellency the Honourable Sir CHARLES STAVELEY, K.C.B.

the Honourable L. R. ASHBURNER, C.S.I.

the Honourable the ADVOCATE GENERAL.

the Honourable E. W. RAVENSCROFT, C.S.I.

the Honourable RAO SAHEB VISHVANATH NARAYAN MANDLIK, C.S.I.

the Honourable NACODA MAHOMED ALI ROGAY.

the Honourable WALTER LANG.

the Honourable DOSABHOY FRAMJI, C.S.I.

presented to the Council. The following papers were presented to the Council:—

1. Report of the Select Committee on the Bill to amend the Bombay Municipal Act of 1872, and to continue the same as so amended.
2. The recommendation of the Town Council as regards alterations in and additions to the Bombay Municipal Act Amendment Bill.

The PRESIDENT moved the second reading of Bill No. 6 of 1877—a Bill to amend the Bombay Municipal Act of 1872, and to continue the same as so amended. Mr. GIBBS said:—I may remind the Council that

Mr. Gibbs moves the Second Reading of the Bombay Municipal Act Amendment Bill.

though this Bill comes before it as a measure of the Executive Government, the Bill itself has been framed on recommendations

which Government received from the Town Council and from the Municipal Commissioner. I believe the Town Council had the old Act under consideration for a very long period, and many meetings were held to consider in what way it could be best altered and improved, and the result of those meetings was that a letter was forwarded to Government by the then Municipal Commissioner, Mr. Pedder, embodying the alterations suggested by the Town Council, together with a good many suggestions of his own. It was on a consideration of all those suggestions that Government framed the measure which was introduced into this Council some time ago and referred to a Select Committee. The Select Committee went very carefully into the matter, and its report, with the Bill as amended, was printed and published. The Bill has since then received further consideration from the present members of the Town Council, and the result of their deliberations is contained in a letter addressed to the Chief Secretary to Government by Mr. Maclean, Chairman of the Town Council, No. 1595, dated 9th December 1877. The Select Committee which had been appointed by this Council to consider the Bill having sent in its report, had performed the purpose for which it was appointed, but on receipt of this letter, I, as the member in charge of the Bill, thought it right that the members who composed the Committee should be consulted as to the fresh recommendations of the Town Council, and therefore, although in an informal manner, I requested their presence at a meeting (which most of them attended) a few days ago, and the additional recommendations referred to were very carefully considered. Some of the alterations were adopted as recommended, others were adopted in a modified form, and some have not been adopted at all. I think it necessary now to refer to the constitution of this Council. It has been said—and I see it was stated again lately by one of the additional members—that this Council is not an independent body. I never myself felt that it was an independent body in the full sense of the term, but I am certain of this much, that it is as independent now as it ever has been. It is, if I may say so, a Legislative Company, Limited. Its powers are limited, first of all, inasmuch as it cannot bring in or pass measures which will affect Acts of Parliament, nor can it pass measures affecting Acts of the Legislative Council of India passed subsequent to 1861. Those are matters which it cannot in any way touch; and, furthermore, there are other matters which it cannot touch unless it first acquires the assent of the Governor General. That is another limitation of its powers. Every measure passed by this Council, before it can become law, as honourable members are aware, must receive the assent, not only of the Governor of the Presidency, but also of the Governor General; and, further, although the assent of the Secretary of State is not required to each Bill, that high officer has the power of vetoing any measure that is passed by this Council, even after it has received the assent of the Governor General. The consequence is that it may be fairly said that any measures passed by this Council have always been and are still subject to the approval of the Governor General and also of the Secretary of State. Now, as a mere matter of convenience, and to prevent complications that would occur if this Council were to bring in and pass measures which should afterwards be vetoed by the Governor General or Secretary of State, it has been the custom to send every measure which it is has been proposed to introduce into this Council first to the Governor General and the Secretary of State, to ascertain if they had any objections to the measure, and when those high officials have signified that they have no objection to a measure as proposed by a member of this Council, or by the Government, that measure is introduced into the Council. With reference to the Bill now before us, and to some of the proposals of the Town Council, it was necessary for me to make the observations which I have made on this point; and these observations are rendered particularly necessary on account of the proposal made by the present Town Council, that the Government buildings shall be assessed in the same manner as the Government buildings are assessed in Calcutta and Madras, and also by reason of the proposal that the Government should be bound in the amended Act to make the contribution of Rs. 90,000 a year towards the maintenance of the police establishment a permanent one. The Council will remember that neither of these propositions was put forward by the Town Council in their suggestions for the amendment of the Act in the first instance, and in consequence they found no part in the Bill which I had the honour of introducing into this Council, which Bill, as it was then

proposed to be brought in, received the prior assent of the Government of India and the Secretary of State. When I found that the present Town Council had mooted these two questions in their additional recommendations, I referred to my learned friend the Advocate General to find whether there was any difficulty in the way of our considering an amendment to the Bill in accordance with the recommendations of the Town Council; and he gave an opinion that the proposed alteration could not be made in the Bill unless the whole proceedings were stayed, and permission to make the amendments was first obtained from the Governor General, because they were both matters affecting the public revenues of the presidency. And, further, it was doubtful, as the Honourable the Advocate General will tell you, whether these proposed amendments could be introduced at all into this Bill,—whether, if Government wished to accede to the proposals of the Town Council, they would not have to bring in a fresh Bill for the purpose. On these points the Honourable the Advocate General will be able to give you a more clear explanation than I can offer; but I thought that these observations which I have made in introducing the Bill were necessary to explain the reason why we have not acceded to the proposals of the Town Council in these respects. I will now notice the main recommendations of the Town Council, which I think may be divided into seven points. With regard to the assessment of Government buildings and the Government contribution to the police rate, I have already said what I had to say, and I will leave it to the Honourable the Advocate General to explain further on those points. The next point is as regards what are called the “bludgeon clauses.” The first Town Council which sent in proposals for altering the Municipal Act did not, I believe, make any proposition with regard to these clauses, and it is only now that we are asked to cancel that portion of the old Act. Whether this could be done legally or not is not, perhaps, a matter of much consequence, because although, I am happy to say, owing to the readiness and liberality of the Municipality, no occasion has ever yet occurred which has required Government to put those clauses into operation, it is still considered by the Executive Government advisable to leave them where they are, more especially as they are only now, and were not originally, when the Town Council first proposed the amendment of the Act, thought necessary to be omitted. The next point is as to whether the Commissioner of Police should or should not be eligible to be a Member of the Corporation and the Town Council. This, also, is an entirely new point put forward by the present Town Council, and not referred to by the former Town Council, which made the original suggestions for the amendment of the Act. I may say here that the Town Council, in sending in their recommendations to Government, have not backed them up with any reasons, but Mr. Nowrojee Furdoojee—a Member of the Town Council who takes great interest in its affairs and who appears to have been the proposer or seconder of nearly all the proposals—has appended a minute which probably contains the reasons that led the Council to accept or decline the recommendations laid before them; and I cannot find in that minute any very strong reasons for this proposal regarding the Police Commissioner. I may answer those which do appear by saying that if the Police Commissioner is a servant of the Municipality he is already ineligible for a seat in the Corporation, and if that is the case, it is for any one who has an objection to the Police Commissioner sitting there to take the matter into Her Majesty’s High Court, where no doubt the learned Judges will decide the question. But supposing the Police Commissioner is not a Municipal servant under the Act, which is the view the Government take, no reason has been shown why the gentleman who holds the office of Commissioner of Police for the time being should not be eligible for a seat in the Corporation and the Town Council. It is not that every Commissioner of Police is, *ipso facto*, a member of the Corporation because he is a Commissioner of Police; for it has only been very recently, I believe, that Sir Frank Souter has been placed in that position, and I find the majority of the gentlemen interested in the matter are of opinion that his presence in the Town Council is often very useful, because he is able to give greater details and more minute information about portions of the town and island of Bombay than any other officer. Speaking for myself, and for the majority of the Select Committee, we do not consider that sufficient cause has been shown for limiting the choice of Government or the Corporation by preventing them from nominating the Police Commissioner for the time being a Member of the Town Council. The next point is a proposal about which a great deal has been said, viz., the suggestion to alter the 5th section of the Act, to include in the term rate-payers “a person holding a general power of attorney from, and paying rates on behalf of, any company, firm, or other association of persons, whether incorporated or not.” This was an alteration proposed by the Town Council in their first application for an amended Act, and it is now repeated in the additional recommendations which we have

received. The matter was very carefully considered by the Select Committee, and the determination was arrived at that it was not advisable to make the alteration. Since the receipt of the subsequent communication from the Town Council, the matter has been again placed before the members of the former Select Committee who attended the meeting a few days ago, and they were unanimously of opinion that it was not advisable to make the alteration. The reason why it is not considered advisable is, in the first place, because, by the alteration in the franchise made in the new Bill, persons who keep a horse and two-wheeled vehicle and pay Rs. 30 wheel-tax, will be not only able to vote, but eligible to become Members of the Corporation and Town Council, and it is thought that that is sufficient to obviate the difficulty which certainly did arise before as far as agents of banks and large mercantile houses were concerned. The Select Committee did not consider that after the gentlemen who will become enfranchised by payment of the wheel-tax are taken into account, there will be any persons left on whose behalf it would be desirable to make the alteration suggested by the Town Council; while the adoption of this proposal would also give rise to the very considerable difficulty that if any gentleman in Bombay who had a large property went to England or Calcutta or on the grand tour through India, and during his absence left a person with a power of attorney to look after his houses or business, that person would become entitled to the franchise, and having regard to the duties of the franchise, it was considered advisable that the qualification should be a personal one and should not be transferred to a deputy, and devolve on any one who might happen to hold a power of attorney. I admit that had it not been for the alteration in the franchise, it might have been advisable to adopt some provision admitting the managers of banks and gentlemen signing *pro. proc.* for large mercantile firms to a voice in municipal affairs; but those gentlemen are supposed to be amongst those who keep a buggy and horse, which I presume is now, as it used to be in former days, the general sign of respectability. Whether that is so now or not I do not know, but no doubt all these gentlemen do keep vehicles of some description; and it is not considered desirable by the Select Committee to extend the franchise merely for the convenience of those who leave Bombay at certain periods and appoint some one to manage their affairs in their absence. The next matter I have to notice is the Town Council's recommendation regarding the Fire Brigade, the determination of the amount of whose cost, it is proposed, should be taken from Government and placed in the hands of the Town Council. There is one considerable practical difficulty in the way of this, and that is that the Fire Brigade at present is entirely managed by the police. There is no separate brigade kept up, and therefore it is not considered advisable to put it entirely under the Town Council, because the result of that might be a clashing of orders between the Town Council and the Commissioner of Police whenever a fire took place. The matter was very carefully considered by the Select Committee and the result was that the practical difficulties were considered to be too much in the way at present. If at any time the Municipality should consider it right to have an entirely separate Fire Brigade, organized and paid for by themselves, there would be no difficulty about the matter; but so long as the Fire Brigade is worked, as at present, solely by the police, it is considered advisable to leave the law as it stands. The only other main point in the Town Council's recommendations to which I need refer is that regarding the revision of assessments. The Town Council have proposed that the revision of assessments should be made over to them, but considering that under the amended Act the assessments will be made more public than they ever have been—lists will be posted up so that any one may go and see them, and persons will also be able to purchase copies of the assessment books—it is not thought advisable to place this additional duty on the shoulders of the Town Council, because, if I understand Mr. Nowrojee Furdoonjee aright, it does not appear that the Town Council will have the time and opportunity for performing it fully. It will be found, when the Bill comes to be considered in detail, that there are other matters in respect of which alterations have been adopted or suggested, and they will come up when the Bill is considered in detail. In conclusion, I will refer again to the subject of the assessment of Government buildings, and I may inform the Council that the present system, by which an annual sum is paid in lieu of each building being assessed, as is done in Calcutta and Madras I believe, was established many years ago. It appears that from time to time the Government made contributions of what they considered their fair share to the expenses of the Corporation for the time being. The present arrangement was made in 1868-69, and it may be as well that the Council and the public should know how it was arrived at. The Government buildings at that date were assessed and the assessment value led to the annual payment by the Government being fixed at Rs. 48,553. This figure was arrived at, taking the house-rate at 6 per cent. and the police and lighting

rate at 3 per cent. The amount of this assessment was reported to Government, and Government being anxious to assist the Municipality as much as they could, determined to give, instead of the Rs. 48,553, a round sum of Rs. 50,000 a year, and that sum has been paid annually since 1870, when the first payment under this arrangement was made. During 1870, 1871, 1872 and 1873 the house-rate continued at 6 per cent., but for 1874, 1875, 1876 and 1877 it has been only 5 per cent., so that really, since the assessment was fixed in 1868-69, the Government have paid every year a sum of Rs. 1,447 more than the assessment arrived at, and for four years, since the house-rate was reduced to 5 per cent., they have paid Rs. 5,000 yearly in addition. I may mention further that two or three years ago the attention of Government was called to the fact that new buildings were springing up, and that the assessment fixed in 1868-69 would probably be no longer fair, and Government directed a fresh assessment to be made. Owing to some mistake, the officers who were called on to report, instead of sending in a joint report, each sent in a separate report, and it was very difficult to make these different reports fit together, so Government returned them, and directed the officers to meet and discuss the matter and to send in a joint final report. The final report was received only a few days ago, and it has not yet been examined. In it every place and every hovel, I may say, belonging to Government in the town and island of Bombay has been entered and assessed. As far as one can make out not a single hut has escaped, but there are certain buildings included which do not properly come within the category of assessable buildings, because they are used purely for military purposes. I say, therefore, that there has not yet been time for this report to be gone thoroughly into, but I have no doubt, when it is gone into, Government will carefully consider the matter in the same light in which they always have considered these matters, and if they find it just and right that a larger sum should be paid to the Municipality, they will doubtless pay it. But, as I said before, there is a legal difficulty in the way of cancelling that portion of the old Act in the present Bill, and there is a sort of conservative feeling, also, in the administrative Government of Bombay, that the course which has been pursued for so many years, ever since there has been the germ of a Municipality in Bombay, should be followed still, and that there should be a lump sum paid, which should be fairly fixed, so that the Municipality shall have their rights, and the Government, at the same time, shall preserve their dignified position of not being assessed, as is the Government in Calcutta, for the Viceroy's Palace and other buildings, but shall pay a lump sum on account of municipal rates on all Government property. I beg now to formally move the second reading, and the remaining points in the Town Council's letter may be discussed when the Bill comes to be considered in detail.

The Honourable Mr. ROGAY—With your permission, Sir, I will make a few remarks on the principle of this Bill, and on the observations which have just fallen from yourself. The first point you alluded to was regarding a remark made by me elsewhere that this Council was not an independent body, and you showed the Council the limitation of its powers, and also pointed out that you consider the Council is now as independent as it ever has been. I was quite aware of the constitutional conditions attaching to this Council, and that it is a limited Council and cannot legislate beyond the limits laid down in the Indian Councils Act; but my remark did not apply to the constitutional aspect of this Council—it went further. I have now the painful duty of referring honourable members to the discussions which took place in this Council when the Cotton Frauds Act was considered and passed, and also more recently when the Abkari Bill was passed. When the Cotton Frauds Act was under discussion, one of the Executive Members of the Council, Mr. Rogers, admitted at first that he supported the Bill though he did not approve of it; and when the Council was engaged in considering the Abkari Bill, which has lately been passed, you yourself, Sir, spoke in support of a proposition made by my honourable and learned friend the Honourable Mr. Mandlik, to the effect that a saving clause should be inserted in that Bill to secure the rights of parties being respected and the decision of such rights being left in the hands of the Courts of Justice, but when the division took place on the point, after that expression of your opinion to the Council, you voted against the proposal. This led me to the belief that there is a compact understanding amongst the official members of the Council.

The PRESIDENT—You forget I think, as I spoke against it on the second occasion and explained why I had changed my opinion,—because I had seen the papers.

The Honourable Mr. ROGAY continued—These circumstances led me to believe that there was a compact understanding amongst the official members of this Council, either

formed of their own accord, or because of the instructions of a higher authority, and that they thought it their duty to support any measure introduced by the Government and ordered by the Supreme authority to be passed by this Council. These are the reasons which I thought justified me in making the remark which I did make elsewhere, and I am still of the same opinion, that this Council, apart from the peculiarities of its constitution, is not as independent a Council as it was some time ago. I will now speak to the question before the Council, and particularly to the points just raised by you, Sir. I must confess, as a member of the Select Committee, that on the whole the Bill is satisfactory, but I hope this Council will give its best attention to the alterations recommended by the Town Council, coming as they do from a body which has taken so much interest in the working of the Municipal Act, and whose members have specially met to discuss its provisions over and over again, besides having had intimate experience of the action of the Municipal machine during the last five years. The point mooted by you, Sir, with regard to the powers of the Council not permitting an alteration providing for the assessment of the Government buildings is not, I think, a fair position to take. With due deference to the opinion of the Honourable and learned Advocate-General and yourself, Sir, I do not think there is anything in the Indian Councils Act which prevents this Council from omitting or modifying any section in any Bill which does not meet with its approval, though it is, no doubt, quite open to the Viceroy to refuse his assent to it if he thinks we have gone beyond our bounds. The question of the assessment of Government buildings is by no means a new question; it has been often and often discussed; it has been before the Committees appointed by the Bench of Justices, of which my Honourable friend Mr. Dosabhoj Framji was a member, besides having been discussed since by the Town Council, and seeing the example set in the other presidencies, I do not think we are treating the Bombay Municipality fairly in exempting Government only because it has been exempted hitherto and we must stick to the rule. There is another matter to which you, Sir, also referred in your speech, viz., the question of the disqualification of the Commissioner of Police. I think the Police Commissioner is a Municipal servant—though he is not declared to be so under the Act—by reason of his salary being paid out of the Municipal Fund. This fact constitutes him an officer of the Municipality, and I think we ought to give effect to the disqualification and exclude him from the Town Council. It is to the advantage of the Municipal administration that executive officers should be disqualified for a seat in either the Corporation or the Town Council. Any information which the Corporation or the Town Council may require on police or other subjects should be obtained through the proper medium of the Municipal Commissioner, who has a seat in both the Town Council and the Corporation, and who is invested with the power of discussing any and every subject brought before those bodies. So the argument that the presence of the Police Commissioner is of material assistance to them in their deliberations falls to the ground, because any information can just as well be obtained from the fountain head by the Municipal Commissioner. In the next place, I think the Town Council have made out a fair case for the omission of the "bludgeon clauses." No one can accuse the Corporation of not fulfilling the duties entrusted to them. Honourable members are aware that the Corporation have sanctioned a large outlay for the completion of the water-supply to the city of Bombay, and they have also committed themselves to a large expenditure for improving the drainage of the city. I think the necessity for "bludgeon clauses" does not exist, considering that the Corporation have behaved admirably for the five years during which they have been in existence, have given universal satisfaction to the rate-payers, and are carrying out large works of public utility for the improvement of the city of Bombay. There is another matter mentioned by the Town Council which you, Sir, did not touch upon, viz., the subject of the payment of interest on Government loans to the Municipality. There is attached to the recommendation of the Town Council an elaborate paper prepared by a late member of the Town Council, Mr. Dadabhoj Nowrojee, in which he has satisfactorily shown that the Municipality is charged by Government with compound interest, by which the Municipality is the loser of a considerable amount. I hope that in considering the Bill in detail the Council will settle this question satisfactorily to all parties concerned. I do not think it is the intention of Government to charge compound interest, but there appears to be some misunderstanding about the calculation of interest on these loans. The other recommendations of the Town Council are of as much importance as those mentioned by you, Sir, and when we come to consider the Bill in detail, I will, as far as lies in my power, speak to each point. I think we should try and adopt the recommendations of the Town Council as far as we can.

The Honourable Mr. DOSABHOY FRAMJI—I was not present when this Bill was first introduced into the Council, because I had not then the honour of being a member of this Council, and I therefore wish to say a few words on the general subject before the Bill is read a second time. The Bill on the whole I consider to be an excellent one. When the old Municipal Act was first brought before the Legislative Council, it was said that the Honourable Mr. Tucker, who had charge of the Bill, had succeeded in weaving a web which would be difficult to disentangle, but the experience of the last five years has proved that the Act is a good one, and that Mr. Tucker is entitled to the thanks of the community for giving them an Act which has not only worked well, but which gave the people of Bombay a franchise which they did not possess before. Now, the alterations which have been made in that Act by the present Bill have been mostly effected, as you, Sir, said just now, at the suggestion of the Town Council and the Municipal Commissioner. The Town Council, when they first made their suggestions, considered the Act very carefully section by section, and their recommendations, as well as those of Mr. Pedder, were laid before the Legislative Council, and have for the most part been adopted. Since then the Town Council have sat again, and have made certain additional recommendations, as to some of which I wish to say a few words. I agree with the recommendation that a proviso should be inserted in regard to the extension of the franchise to those who pay Rs. 30 per annum wheel-tax to prevent the extension applying to the owners of public conveyances. I think the Legislative Council ought to adopt that recommendation. The great fear of those in authority, anxious to give representative rights to Bombay, has always been that the privilege might be abused, and that the bulk of the people were not in a fit state to exercise those rights. Time has proved that there is an intelligent public in Bombay who have exercised the right of the franchise very well; but there is a limit to that intelligent portion of the public, and we should not go beyond that limit and extend the franchise to those who are unable by habit, by want of education, or by disposition, to exercise it properly, because if we do that a day will come when abuses will creep in, and then it will be said that Bombay was not prepared for a representative system because of such abuses. There are in Bombay about 500 hack-buggies, owned by about 400 people, most of whom drive their own conveyances. These people do not know how to read, their intelligence is very limited, and if the franchise were extended to them, I should not be surprised any day to see a buggywallah going to the poll to record a vote for the man he had last driven in his buggy, or for some one who had paid him an extra fare. The honourable members of this Council are not perhaps aware that there are also 450 bullock-hackeries in Bombay, owned by about 400 people, who, I am in a position to state authoritatively, are the actual drivers of these vehicles themselves; and I ask whether those men are fit to go to the polling-place and vote for the election of members of the Corporation, or fitted to become members of the Town Council or Corporation themselves. Then, as to the question of the assessment of Government buildings. The Honourable Mr. Rogay has brought forward my name as having been a member of a Committee which reported in favour of their assessment. I have held a strong opinion on this point ever since my appointment to the Bench of Justices, which body had control, formerly, of the Municipal Fund, and I was a member of what is known as General Marriott's Committee, which strongly advocated the assessment of Government buildings. And I must say that that is my opinion even now; but from what I heard the Honourable the Advocate-General say in the Select Committee, and from the statement made by you, Sir, that there is now a legal difficulty in the way of inserting a clause in the Bill providing for the assessment of Government buildings, I shall not urge any further objection on that score, and I have a further reason for refraining from so doing because it has fallen from you, Sir, that Government will be prepared to pay what would be the fair amount if the Government buildings were assessed in the ordinary way. I have had an opportunity of looking into the assessment list of Government buildings in the Municipal Offices, and from the considerable experience and knowledge I have of the business, I am able to say that the amount which Government now pay is very nearly the same as it would be if each Government building was assessed separately; and I think the assurance which you, Sir, have now given, that the Government contribution will be supplemented if it is found to be short, is enough to satisfy every one that Government is prepared to deal fairly by the Municipality. But if, owing to the low state of the provincial funds, Government were at any time to say that it was not called upon by law to make the contribution, there might be a difficulty on the subject, and there will be nothing to prevent the Government of any future day doing as was done in the case of the police contribution, and they could not then be compelled to pay. It is all very well for the present Government to say we will pay so much in lieu of the rates, but what security is there against any future Government

saying it is not bound by the Act and will not pay. However, as there is the opinion of the Honourable the Advocate-General against any alteration being made now, I must of course rely upon that opinion, and I shall not move any amendment. I wish to make one remark as to what the Honourable Mr. Rogay said about the official members of this Council. I must say that I, as an official member, have not come here with an understanding of any kind as to how I should vote. None of the official members has had any conversation with me on the subject, directly or indirectly; and I wish to say that I feel bound to vote here according to my lights, and shall do so. I was not bound to make this disclaimer, but the Honourable Mr. Rogay spoke of a "compact understanding" among official members, or an understanding which was ordered by a superior authority, and I distinctly say that that is not the case. Any measure which Government may bring forward, the official members will consider, each according to his lights, and vote accordingly. As for the interest on the loans which have been advanced by Government to the Municipality, I wish to point out that there is some inconsistency in the sections—

The PRESIDENT—I think that will more properly come on when the Bill is considered in detail.

The Honourable Mr. DOSABHOY continued—Then there is only one other point I wish to refer to, viz., the question of the eligibility of the Police Commissioner for a seat in the Town Council. The Commissioner of Police will not as a rule, I apprehend, be nominated to the Town Council unless he has shown the necessary qualifications to sit there. I am of opinion that the presence of an officer like the Commissioner of Police is sometimes desirable in the Town Council, because he has necessarily a knowledge of the town which is very valuable to the Town Council, and there are many questions which arise with regard to police matters on which he can give ready information when he is present, and so enable the Town Council to dispose of questions expeditiously and with advantage. I do not think there should be a legislative prohibition to the Commissioner of Police being a member of the Town Council, because sometimes he may be very much wanted there. I would not, therefore, restrict the power of Government to appoint him, or of the Corporation to elect him, if he secures their suffrages. There are several other points connected with the Bill which I will mention when they come to be considered in detail.

The Honourable the ADVOCATE-GENERAL said he noticed that Mr. Nowrojee Furdoonjee, in the minute attached to the Town Council's recommendations, had referred to an opinion which he (the honourable and learned member) gave to the Rate-payers' Association in 1872, that the Legislative Council had power to make Government liable to the payment of municipal rates and taxes. He was not at all disposed, after a further consideration of the Act, to recede from that opinion, but necessarily the power of the Council must be controlled by Section 38 of the Indian Councils Act, and that section said: "It shall not be lawful for any member or additional member to introduce, without the previous sanction of the Governor, any measure affecting the public revenues of the presidency, or by which any charge shall be imposed on the revenue." From that it was clear that a proposal to make Government buildings assessable to municipal rates could not be brought before the Council at the present stage. That was a matter affecting the public revenues of the presidency, and if that was so, it necessarily followed from the 38th section, that the proposed amendment could not be entertained by the Council, because its introduction had not been sanctioned. If he was right in that—and after the fullest consideration he had been able to give to the matter, he thought it was the proper construction of the law—it was clear that the Council had no power whatever to consider any proposition to amend the Bill now before it by adding a clause affecting the presidency revenues. And there was another question which might fairly arise. The earlier portion of the 38th section defined what motions might be introduced, and stated that members might move for leave to introduce some measure or make a motion relating to some measure already before the Council. This matter was not now before the Council, and there was considerable doubt whether it would not have to be the subject of a substantive measure. Those were shortly the legal considerations on which he had given the opinion that had been referred to. It appeared to him that inasmuch as the previous sanction of the Governor had not been obtained to the suggested amendment, the Council could not entertain it.

The Honourable Mr. LANG thought the proposal of the Town Council was rather to strike certain words out of the Bill than add to it.

The PRESIDENT—No, the proposal is to add a new clause to this Bill to cancel that in the old Act.

The Honourable Mr. LANG—With regard to what fell from you, Sir, respecting our not being able to discuss this question now because the proposed amendment was not sanctioned along with the draft Bill, I do not think that that consideration should influence the matter, because if we go on that principle, the duties of this Council will become exceedingly prescribed. If the Governor General is to retain the option of refusing his sanction to any amendment that may occur to us as advisable to be made in a measure after the original draft has been sent up and sanctioned, I think it is a very undesirable condition of things. I certainly am of opinion that Government buildings have no right to be exempted from payment of the municipal dues which have to be paid for other property in Bombay, and I am in favour of the amendment suggested by the Town Council. As to what the Honourable Mr. Dosabhoj Framji said, to the effect that Government at present pay the full rate—

The Honourable Mr. DOSABHOJ FRAMJI—What I meant to say is that Government pay a lump sum of Rs. 50,000 a year in lieu of Government buildings being assessed to police, lighting and house rates, and that sum covers what would be the assessment on Government buildings if they were separately assessed.

The Honourable Mr. LANG—At the present day?

The Honourable Mr. DOSABHOJ FRAMJI—Yes.

The Honourable Mr. LANG—Then Mr. Dosabhoj means to say that the Government buildings in Bombay are only worth, at the present day, some six or seven lacs of rupees.

The PRESIDENT said he thought discussion on the point should be reserved till the Bill came to be considered in detail.

The Honourable Mr. LANG continued—With regard to the question as to the eligibility of the Police Commissioner to sit in the Town Council, I am in favour of that, because he is able to give valuable information, and I see no objection to his having a vote. There is only one other matter which I wish to refer to, and that is the question of town duty refunds. Government have distinctly laid down that town duties should only be levied on articles consumed in the town, and we cannot make the system of refunds too liberal. I think the system of taxation should be remodelled.

The Honourable Mr. MANDLIK—I happen to have been a member of the Select Committee which sat on this Bill and considered it very carefully. The Select Committee also considered the additional recommendations the Town Council made after they had sent in their report. I think a great deal has been made of the point about the buggywallahs receiving the privilege of the franchise. If the payment of Rs. 30 per annum wheel-tax is made a qualification, I think there ought to be as few exceptions as possible, and no reasons have been shown why these people, simply because they are buggywallahs, should not have the franchise extended to them as well as to others who pay the same tax. Then as to the "bludgeon clauses," though the Town Council are now asking for their omission, they had the Act before them previously for more than two years, and did not include this among the suggestions which they sent in to Government as the result of their deliberations. If they have changed their minds during the last few weeks, it may be that they may change their minds again in a few weeks more, and wish to have the clauses re-inserted. I certainly should not support a change in any legislative enactment unless that change was held to be imperative after very careful consideration. With regard to the question of the assessment of Government buildings, I believe they pay the service rates and have compounded for what are now termed the property rates, which arrangement honourable members will find, when the facts are placed before them, has been more favourable to the Municipality than if the Government buildings had been assessed by the Municipal Assessor—Government have been paying more in this manner than they would have had to pay had the buildings been assessed in the ordinary way. But I entirely agree with the Honourable the Advocate-General that we cannot now, without the previous sanction of the Government, entertain any new amendment which will affect the revenues of the presidency. I do not think we need go to the Government of India to sanction every amendment that may be proposed to any measure before we can consider it, but anything which affects the public revenues of the presidency, whether it meets our views or not, must be referred to the Government of India before it can be introduced. I have known of cases where the progress of Bills has been stopped for a time in order that alterations of this nature might be made, and the same course might be followed here if it

were thought to be necessary. But I do not think the present arrangement is prejudicial to the Municipality, and I am not willing to consent to the proposal at this stage. I think the Bill as a whole will be a great improvement on its predecessors. We have provided for a great check on the house assessments and for a consolidation of rates which will very much decrease the expenses of the Municipality.

The Honourable Mr. ASHBURNER—I intended to reserve my remarks until the Bill was considered in detail; but the Honourable Mr. Dosabhoj Framjee has taken advantage of the President's remark that Government are prepared to treat the Municipality liberally in such a marked manner that, in order to prevent future misunderstanding, I think it should be understood that that was an expression of the President's individual opinion, and it is quite open to Government to say, at a future period, that the exigencies of the State are such that the Government contribution to the funds of the Municipality must be reduced, or, it may be, abolished altogether. In general terms, I am inclined to concur in the President's remark that Government will be prepared, as they always have been, to deal liberally with the Municipality. As you, Sir, said, Government have paid Rs. 5,000 a year more than they need have done according to the assessment. But I wish it to be clearly understood that in refusing to give legislative authority under this Act for the assessment of Government buildings Government retain the right to decide how much they shall or shall not contribute to the Municipality. Government have created the Municipal Corporation of Bombay and endowed it with enormous funds,—forty or fifty lacs of rupees, and it is quite within the competence of Government to say to the Municipality "We will make you a present of Rs. 50,000 a year, but we will not allow you to assess public buildings, for that would amount to a taxation of the general public of this Presidency for the benefit of the Municipality." That is all. I wish it to be understood that it is quite competent for Government to say that, and the President's assurance is merely a general one and does not bind either the present Government or any future Government to the payment made at present or to any other payment.

The PRESIDENT—I did not intend to say anything in reply, because I think every point has been fully dealt with by the honourable members who have spoken, but I may state, with regard to what has fallen from my honourable colleague Mr. Ashburner just now, that what I meant to say—and will reiterate—was that Government have, and always had, a wish—and their past acts show it—to deal with the Municipality in the most liberal spirit in respect of their contributions in lieu of the assessment of Government buildings to municipal rates; and I am perfectly convinced that that feeling will always actuate Government. Of course no Government can bind another, and much less can a single member bind a whole Government, but from past history, and seeing that Government have always dealt with the Municipality on a liberal scale, I am sure they will continue to do so in the future. Of course, when Government are threatened with bankruptcy it will be quite time to consider whether they can afford to be as liberal to the Municipality as they have been and are disposed to be. That is a matter which can be safely left to the future. I say Government have always treated the Municipality liberally, and I am sure it is the wish of Government and every member of Government to treat so.

The Bill read a second time.

The motion was then put to the Council and carried, and the Bill was read a second time.

Bill No. IV. of 1877 (The Ferries Act Amendment Bill) considered in detail.

The PRESIDENT next moved that Bill No. IV. of 1877 (The Ferries Act Amendment Bill) be considered in detail.

The motion was carried, and the Bill was considered in detail.

The PRESIDENT said—With regard to the 2nd section, he had an observation to make. He had given notice of his intention to move the words "without a license granted by the Collector" should be inserted between the words "shall" and "convey" in the sixth line of this section; but on further consideration, and after consulting with the Legal Remembrancer, he found that the insertion of these words was not required, because as the section stood the words "except as is aforesaid" meant "except with the consent of Government," which was provided for in Section 14 of Act II. of 1868. He therefore withdrew the amendment of which he had given notice.

The Bill was gone through in detail without any amendment being suggested.

The Bill read a third time and passed.

On the motion of the President, the Bill was then read a third time and passed.

The Bombay Municipal Act Amendment Bill considered in detail.

The Council then proceeded to consider the Bombay Municipal Act Amendment Bill in detail.

The Honourable Mr. ROGAY proposed that, in accordance with the recommendation of the Town Council, the following definition be added to section 5, viz. :—The term ratepayer shall include a person holding a general power of attorney from, and paying rates on behalf of, any company, firm, or other association of persons, whether incorporated or not.

The Honourable Mr. LANG was in favour of the proposed alteration. He thought as these men represented large interests by their powers of attorney, they ought to have the privilege of a voice in Municipal affairs.

The Honourable Mr. RAVENSCROFT opposed the amendment. The matter had already been carefully considered by the Select Committee. All over the world this obligation was a personal obligation, and to give a man a vote merely because he represented some one else, and without his qualifying personally by the simple form prescribed, seemed to him to be out of the question.

The Honourable Mr. ASHBURNER was also very much opposed to the amendment, considering that, as the Honourable Mr. Ravenscroft said, the obligation should be personal. The qualification was exceedingly light, and if a man did not find it convenient to qualify, he (Mr. Ashburner) did not think he ought to have a vote. The mere fact that a man had position and great wealth should not entitle him to a vote.

On the amendment being put to the vote, it was lost.

The Honourable Mr. DOSABHOY proposed that, in accordance with the recommendation of the Town Council, after the last word of clause (a), section 5, there should be inserted the words—“ Provided, however, that no person assessed for vehicles or animals let out on hire shall be entitled to a vote on account of such assessment.” Mr. Dosabhoy said he had made some inquiries a day or two previously of the Collector of Wheel-tax as to the means of identifying voters, and he was informed that it was often impossible to find the owners of buggies, and the vehicles had to be seized before the tax could be recovered. The polling officers would never be able to identify Rama Gunnoo, the owner of buggy number so-and-so, and there would be great danger of impersonation.

The Honourable Mr. ROGAY opposed the amendment on the principle just affirmed by the Council, that the franchise was a personal privilege and it should be given to all persons who paid the qualifying rate. Because a man did not hold a good position, he should not be disqualified; and he (Mr. Rogay) was quite sure that no man would attempt to join the Corporation unless he had sufficient knowledge of English to enable him to do so. As the Council had confirmed the principle of the personal privilege, he did not see how they could consistently exclude the buggywallahs. As to the question of identification, the fact that the rate was assessed on the buggies would obviate any difficulty.

The Honourable Mr. DOSABHOY—I say it is difficult in many cases to find out the owner until the buggy was seized.

The Honourable Mr. ASHBURNER supported the amendment. He said that the persons to whom the Honourable Mr. Rogay proposed to extend the franchise were of the lowest order of intelligence, and it would bring the whole Municipality into contempt if they were allowed to vote. If buggywallahs were allowed to vote, why should the sweepers be excluded?

The Honourable Mr. RAVENSCROFT was not prepared to support the amendment on the ground originally given for proposing it, but what the Honourable Mr. Dosabhoy had just said was of considerable importance. The difficulty he had alluded to of identifying the owners of different buggies and hackeries and the consequent liability to impersonation was a serious matter and a condition of affairs to be avoided if possible.

The Honourable Mr. ROGAY said the list of voters would have to be prepared by the Municipal Commissioner, and that being the case, there would be no danger of impersonation.

The amendment was then put to the vote and carried.

The Honourable Mr. ROGAY proposed that in section 8, clause (b), after the last word "or," there should be inserted the words "Commissioner of Police, or a police officer."

The Honourable Mr. RAVESCROFT opposed the amendment. He said he thought the Commissioner of Police—without speaking of the present Commissioner particularly—who had necessarily a thorough knowledge of the whole town, should be a member of the Town Council, so as to be able to afford the other members information regarding matters with which they were not acquainted, and he could not conceive any proposal more likely to bring disrepute on the Town Council and the Corporation than to exclude from a seat therein an officer who was capable of being of use, not only to the Town Council, but to the public.

The Honourable Mr. DOSABHOY opposed the amendment, because he thought the Commissioner of Police possessed special qualifications, from his knowledge of the town, which ought to be availed of.

The Honourable Mr. ASHBURNER considered that the Commissioner of Police was a most important member of the Town Council and the reason which had been given, that he proposed to spend money in building police chowkeys, &c., was a very poor reason for excluding him. The Police Commissioner's application to Government to provide proper accommodation for his men was the natural result of his anxiety to put the police force on a proper and efficient footing, and it would be absurd to exclude him from the Town Council merely because he did his duty.

The Honourable Mr. DOSABHOY said that as an instance of the influence exercised by the Commissioner of Police, he might state the fact that the combined influence of the Police Commissioner and the Police Magistrate had proved insufficient to procure a new chowkey.

The amendment was then put to the vote and lost.

On the motion of the PRESIDENT, it was resolved that the words "not less than" should be inserted between the words "for" and "three" in clause (f) of section 8.

The PRESIDENT said the Town Council had suggested that in clause (c) of section 8, after the word "imprisonment," there should be inserted the words "for at least six months." He moved that this amendment be adopted.

The Honourable Mr. DOSABHOY thought the words might be modified in some way. They might say "for an offence punishable to the extent of six months' imprisonment." Otherwise, a man might be imprisoned for three or four months for theft and would still be eligible for election to the Corporation and Town Council.

The Honourable the ADVOCATE-GENERAL opposed the alteration of the clause—the effect of the alteration would be that a man who was imprisoned for five months would continue a member of the Corporation, while a member who had been absent from Bombay for three months would cease to be a member.

The Honourable Mr. ASHBURNER—I am very strongly opposed to any one who has been at any time subject to imprisonment being eligible to become a member of the Corporation. Is the population of Bombay so limited that we cannot afford to exclude from our Corporation men who have been in prison? What does it matter if one or two cases would occur where it would be hard, as compared to keeping your hands clean and giving a high tone to the Municipality? Why should there be a chance of a taunt being levelled against the Corporation that such and such a member of that body has been convicted and imprisoned for theft? Calcutta has excluded thieves from its Corporation, and why should Bombay admit them?

The Honourable Mr. LANG—But a man might be imprisoned for assault, and that is not a very grievous moral offence. A man might assault a man under very grave provocation, and he is not on that account necessarily a man of bad character.

The amendment that the words "for at least six months" be added to the clause was then put to the vote, and was lost.

On the motion of the PRESIDENT the 10th section was amended by the insertion of the word "quarterly" between the words "first" and "meeting," in the 1st line; and the 11th section was amended so as to read: "The first quarterly meeting shall be held some day

in the month of January, to be fixed by the Commissioner, and the subsequent quarterly meetings shall be held on the first Tuesday in the months of April, July and October, respectively," &c.; and the 20th Section was amended by the substitution of the words "each new Corporation at the first quarterly meeting" instead of the words "the Corporation at their first meeting in the month of January."

The Honourable Mr. ROGAY proposed that instead of the words "from the twelve members so appointed Government shall appoint the Chairman of the Town Council," there should be inserted words to the effect that the members of the Town Council should elect their own Chairman at the first meeting in each year. Mr. Rogay said he had stated his reasons for this amendment in his minute of dissent from the report of the Select Committee.

The Honourable Mr. ASHBURNER—I object to this amendment very strongly. I think it is very necessary that Government should retain the power of appointing the Chairman of the Town Council. The Municipality of Bombay, I may say, is still in its infancy; it has only worked for five years, and we have yet to see whether it can safely be entrusted with all the powers that the Act entrusts to it.

The Honourable Mr. DOSABHOY FRAMJI—I also am opposed to this amendment, because the Chairmanship of the Town Council is different from that of the Corporation. The Corporation is a sanctioning body and the Town Council is an executive body, and the Chairman should always be a man of ability and position. One great point is that the field for the selection of the Chairman is so much wider if it is left to Government than if it is placed in the hands of the Town Council. Government, if they find no eligible candidate in the Town Council or Corporation, can go outside and nominate any one they choose. I think that Government has appointed to this position the best men the city could boast of hitherto, and I am of opinion that the selection should still be left in the hands of Government.

The PRESIDENT—I may add that in my opinion the chief objection to the amendment suggested by the Town Council is that it limits the field for the selection of the Chairman. The Government have the whole city to choose from, whereas if it is left in the hands of the Town Council they are limited to the twelve gentlemen who form that body. I think that to so confine the circle within the limits of which the Chairman must be elected would not be conducive to the best interests of the Municipality, and for this reason I oppose the amendment.

The amendment, on being put to the vote, was lost.

On the motion of the PRESIDENT the words "and records" were inserted after the word "accounts" in the 30th section.

The Honourable Mr. ROGAY proposed that sections 40 and 41 (which are commonly known as the "bludgeon clauses") should be omitted, on the ground that there was no necessity for retaining them, inasmuch as the Corporation had always done its duty, and had always shown an anxiety to do any work that was necessary for the good of the town of Bombay.

The Honourable Mr. ASHBURNER—I consider that these clauses should be retained for many reasons. What the Honourable Mr. Rogay says is quite true. That the Municipality has done its duty up to the present time is not denied, but what guarantee is there that it will continue to do its duty if these clauses are omitted from the Act? Take the Municipality of Melbourne, for instance; it cannot be said that its members are deficient in intelligence, but jealousy and other causes have so interfered with their action that it is actually now the case that conservancy carts from one district cannot pass through other parts of the city without being taxed, and obstructions are rife to such an extent that most important sanitary arrangements are at a deadlock. What would not those gentlemen give if they had a strong Government at their head to say such and such things shall be done? It is on this ground that I say we should retain these clauses in the Act. They may slumber in quiet for centuries, but the day may come when they will be extremely useful, and when all good citizens will be exceedingly obliged to Government for retaining them. We have very mixed races in Bombay, and, though some are more intelligent than others, they all require a strong Government over them to say what shall and what shall not be done for them. I believe that if it were not for Government all these municipalities, within ten years, would crumble away.

The amendment, on being put to the vote, was lost.

The Honourable Mr. ROGAY next moved, in accordance with the recommendation of the Town Council, that the following clause be inserted at the end of section 43, viz.: "The Municipal Commissioner shall, during all days of business at the Municipal Office, keep open a book in which shall be entered all reasonable complaints made by any rate-payer of any matter cognizable by the Corporation, and the proper officer of the Corporation shall forthwith inquire into the truth of all such complaints and report thereon to the Municipal Commissioner, and such report shall be entered in the said book, and such book shall from time to time be submitted to the Town Council and shall be open at all reasonable times to any rate-payer free of charge." Mr. Rogay said that a similar clause existed in the Municipal Act of Calcutta, and it had been found very convenient.

The PRESIDENT said that this amendment was very carefully considered by the Select Committee and it was finally rejected because it would prove utterly unworkable, the constitution of the Calcutta Municipality being entirely different from the constitution of the Bombay Municipality. These matters were not cognizable by the Corporation here, but were entirely in the hands of the Municipal Commissioner and the Town Council.

The Honourable Mr. ROGAY said he did not press the amendment, and it was allowed to fall to the ground.

On the motion of the PRESIDENT, the following section was added as Section 15A of the Bill, viz.: "The Executive Engineer and Executive Officer of Health to the Corporation shall continue to hold their offices for a term of five years from the date of their appointment." Mr. Gibbs explained that this was merely a formal amendment, to make the term of office of the present Engineer and Health Officer to extend to five years, as was already provided in the Bill for fresh appointments.

The Honourable Mr. ROGAY moved that the following proviso to section 59 of the existing Act be retained, viz.: "And provided that no greater expenditure from the Municipal Fund shall be in any case incurred in the whole by reason of any such allowance than would have been incurred had no leave been granted." Mr. Rogay said he thought it was wise and cautious to retain this proviso in the Act.

The PRESIDENT said the reason why the Select Committee proposed to leave out this proviso was because there would be an objection to an officer having privilege leave, which was allowed by Government to all their servants, uncovenanted as well as covenanted. The omission of the proviso would merely give the Corporation the power to allow it, and would not compel the allowance.

The amendment was lost.

The Honourable Mr. ROGAY moved the omission from section 77 after the word 'purposes' of the words 'and buildings and land owned by Government.' He said he need not argue the point any further; but if it was thought the Council would be going beyond their powers in passing the amendment, he would suggest that it should be adopted provisionally, and that the Government of India be asked to consent to it.

The PRESIDENT—As advised by the Honourable the Advocate-General, I must rule that this amendment cannot be put.

The Honourable Mr. ROGAY said that after the expression of opinion that had been made, that there was no obligation on Government to pay even the contribution which they did pay at present, he thought there should be some words inserted binding them not to claim exemption.

The PRESIDENT—Under the advice of the Honourable the Advocate-General, I am bound to rule that the amendment to this section cannot be put.

The Honourable Mr. ROGAY proposed that the following should be added to section 70A, viz.: "But the landlord shall have power to recover from the tenant or tenants the portion of the consolidated rate which forms the police and water-rate and the portion of the halalcure-rate at present paid by such tenant or tenants."

The Honourable Mr. LANG said the landlord could include the rates in his rent.

The Honourable Mr. ROGAY—But if the tenant refused to pay?

The Honourable Mr. LANG—If he refused, I would not allow him to have my house.

The Honourable Mr. ROGAY said that at present the responsibility was on both, and it was proposed to shift it from both to one. He had stated his reasons for the amendment in his dissent from the report of the Select Committee.

The PRESIDENT said this point was carefully considered by the Select Committee, and the decision arrived at unanimously by all the members with the exception of the Honourable Mr. Rogay was that the Bill should stand as it was, on the principle mentioned by the Honourable Mr. Lang, that the landlord had the option of putting what rent he pleased upon his property.

The Honourable Mr. LANG—I presume that this does not apply to leases already in existence.

The PRESIDENT—No, they are all saved.

The Honourable Mr. LANG—It only remains, therefore, for landlords, in making new contracts, to look after their own interests.

The amendment was lost.

The PRESIDENT said that the purport of sections 76 and 82 was carefully considered by the Select Committee, and it was found that in cases where persons let out chawls in single rooms, and where a good many rooms were vacant from time to time, the shorter plan had been followed that, instead of the owner giving notice and obtaining a refund, one-fifth of the regular assessment should be abated at once in satisfaction of all such claims. Section 82 of the Act gave power to make refunds in cases where parts of houses or chawls were let off, and some portions were empty; but it was not intended that owners should obtain abatements by both these means, by compounding, as it were, and afterwards getting the refund. It had been found that one or two sharp, clever people had obtained a double abatement in this way, and it was proposed by the Select Committee that the following proviso should be added to the section:—‘And provided, further, that no refund of consolidated rate should be allowed in cases where a remission has already been granted.’ He (the President) now moved that this amendment be adopted.

The amendment was carried.

The PRESIDENT said that the question of the omission from section 104 of the words ‘certified by the Commissioner of Police to be employed by the owners for municipal or police purposes,’ had been very carefully considered by the Select Committee, and it was decided finally to recommend the following alteration,—that the word ‘staff’ should be omitted, that for the word ‘duties’ after ‘other’ should be substituted the words ‘military duty,’ and that after the word ‘presidency’ there should be inserted the words ‘horses of mounted officers of Volunteer Corps.’ He moved that these amendments should be adopted.

The amendments were carried.

On the motion of the PRESIDENT, the words ‘rate-payers during office hours’ were inserted in section 108, instead of the words ‘persons interested therein.’

The Honourable Mr. ROGAY moved that the words ‘and of the protection of the city from fire’ be omitted from section 138, clause 2, line 2.

The President said that so long as the Fire Brigade was a portion of the Police Force, and worked by the Police, it was considered advisable to leave the law as it stands.

The amendment was lost.

On the motion of the PRESIDENT, the words ‘Presidency Magistrate of’ were inserted in section 222, in lieu of the words ‘Court of Petty Session at.’

On the motion of the PRESIDENT, the following amendments were made in section 271:—The word ‘printed’ was inserted before the word ‘copy’; the words ‘or any part thereof,’ after the word ‘thereof,’ were omitted; the words ‘one rupee’ were inserted after the words ‘payment of’; and the following words were omitted, viz.:—four annas for every one hundred words and portion of one hundred words so to be copied.

Also on the motion of the PRESIDENT, the following verbal alterations were made:—In section 145E, line 67, for ‘and’ read ‘or’; in the 92nd line of the same section, for ‘and’ read ‘or’; in line 82 of the same section, after ‘or part of the house,’ insert ‘or article’; in section 145F, omit the words ‘woollen articles,’ and for ‘*et cetera*’ substitute ‘and other

articles which have become infected'; for the words 'likely to retain infection,' substitute 'which have been exposed to infection from any dangerous infectious disease'; in section 145r, insert the words 'has been' after 'person' in line 101, and omit the words 'has been' in lines 102 and 103, and for 'premises' in line 193, read 'such houses or part thereof.'

The Honourable Mr. LANG said the Chamber of Commerce had prepared a letter to send to Government on the subject of town refunds; but they had no idea that the Bill was going to be considered in detail at that meeting.

The PRESIDENT—You could bring forward any proposal you may have to make at the third reading, or when consideration of the Bill in detail is resumed by the Council.

The Honourable Mr. LANG said that would be more convenient, and in the meantime the Chamber's letter should be printed, and each member of the Council supplied with a copy.

The PRESIDENT said there were some alterations to be made in the schedule. In section 256, the words 'after this Act shall come into force' should be omitted, and in sections 284, 289 and 290, the words 'the Presidency Magistrate' should be substituted for the words 'Court of Petty Sessions.'

These alterations were adopted.

The PRESIDENT said the Bill would now be printed as settled by the Committee of the whole Council, and would then come up for the third reading, or for further consideration in detail.

The Honourable Mr. ROGAY moved that section 41 of the Council Rules be amended

Mr. Rogay moves that Section 41 by adding at the end of that section the following sentence :—

'The Secretary shall immediately upon the receipt of a petition or a translation of a petition having reference to a Bill introduced into the Legislative Council, cause such petition or translation of a petition to be printed and shall send a printed copy to each member of the Council.' Mr. Rogay said—There would have been no necessity for this motion had it not been for the disinclination shown by His Excellency the Governor, at the last meeting of the Council, to allow certain petitions to be read, after frequent applications were made to him to do so.

The Honourable Mr. RAVENSCROFT—I beg to observe that by section 28, the power which the honourable member proposes should be exercised by this Council is vested only in the Governor of the Presidency.

The PRESIDENT—The Honourable the Advocate-General has given an opinion that the power given to the Governor according to section 37, was to make the rules before the Council was first established, after it had once been formed the rules may be added to or amended by the Council.

The Honourable Mr. RAVENSCROFT—But that change is subject to the assent of the Governor.

The PRESIDENT—Yes, any amendment is subject to the sanction of the Governor after it has been passed. The point was referred to the Honourable the Advocate-General, who gave an opinion that the motion was quite in order, but that the proposed amendment, if carried, could not come into operation until it had been assented to by the Governor.

The Honourable Mr. ROGAY—Honourable members will, I have no doubt, remember the time when our late Governor, Sir Philip Wodehouse, not only used to allow petitions to be read at meetings of this Council, but used to take particular care to draw the attention of honourable members to them, by taking them into his own hands and referring to the objections of the petitioners, when the Bills petitioned against were being considered in detail. Surely, the object of petitioners who send petitions to the Governor in Council regarding any legislative enactment, is that the members of the Council should be made acquainted with their objections and not that their petitions should merely be kept on the table, without honourable members being made aware of the contents. It is not compulsory, under the rules, for petitioners to send copies of their petitions to all the members of the Council for their information, nor is it desirable that it should be so; but

if certain petitioners had only sent one copy of their petitions, honourable members would have remained in the dark as to what their objections were. The circulation of petitions by the Secretary would save the time of the Council, would give less trouble to the Secretary, and would give facilities to each member to come prepared to bear in mind what the objections of the petitioners were. As I said before, there would be no objection for this motion, but I would not like to leave it to the discretion of the Governor, who may or may not allow a petition to be read, and in cases of his refusal members will be quite unacquainted with the objections and quite unprepared to take them into consideration. I had intended to propose an amendment to Rule 34, but at the suggestion of the Secretary I have adopted the present motion, by which I think my object will be best attained. The resolution will, of course, be subject to the assent of the Governor, and we must leave it to His Excellency to perform his duty.

The Honourable Mr. ASHBURNER—I beg to oppose the motion. I have first to correct a mis-statement,—or perhaps that is rather too strong an expression, and I will say a wrong impression, on the part of my honourable friend Mr. Rogay, in saying there was a disinclination on the part of His Excellency the Governor to allow petitions to be read. There was no disinclination to allow petitions to be read. His Excellency understood—and I believe it was the case—that each petition sent in on that occasion was in the hands of members of the Council, and he merely would not permit the time of the Council to be occupied unnecessarily in reading matters which were already before the Council. With regard to the amendment, there is no great harm in the rule proposed by the Honourable Mr. Rogay, but I beg to bring to notice that it is already provided for in rule 31, which says the Secretary shall furnish each member with a List of the Business to be brought forward at each meeting, and with it he naturally sends to each member the papers necessary to elucidate the business.

The PRESIDENT—Pardon me, that is not the case, the papers are not sent.

The Honourable Mr. ASHBURNER—If that is the case, it appears to me that all that is necessary is that the Secretary should be requested to send the papers with the List of Business, a reasonable time before the Council meets. But to go and rip up these rules now, which have stood the test of so many years, merely because the Honourable Mr. Rogay imagines that the Governor was unwilling to allow petitions to be read, I think is unreasonable. No practical difficulty has hitherto existed, and I submit that it is unnecessary and uncalled for.

The Honourable Mr. LANG thought there was no objection to the motion, and it would certainly expedite the business of the Council, if petitions are all known to honourable members before the meetings at which Bills to which they refer are to be considered, so that they could come prepared to discuss questions on their merits.

The Honourable Mr. RAVENSCROFT—There is, I think, some obscurity in the wording of the rules; and it does not seem to be quite clear whether the assent of the Governor is required before or after the alteration of the rules.

The PRESIDENT—I am bound, I presume, by the opinion of the Honourable and learned Advocate-General, which is that the assent of the Governor is necessary only after the motion has been passed by the Council.

The Honourable the ADVOCATE GENERAL said it did not appear to him that a previous assent was necessary, but merely that the resolution could have no effect unless it obtained the assent of His Excellency the Governor.

The PRESIDENT said he was informed that in the particular case to which the Honourable Mr. Rogay had alluded, the petitions were placed, by request of the petitioners, before the Select Committee who sat on the Abkráí Bill, and they were put on the table in the ordinary manner when the Council met. They were supposed to have been disposed of by the Select Committee, before whom the petitioners had requested that they might be laid. The letter accompanying one of the petitions says—We have to forward * * * and to request that it be laid before the Select Committee for consideration.

The Honourable Mr. ROGAY—I referred to other petitions, copies of which I asked for. And not only that, but I dare say honourable members will remember I suggested that the Secretary should be asked to read the objections of the petitioners, inasmuch as copies of all the petitions were not supplied to each member, and I conceived that there was

a little disinclination shown by His Excellency. I do not admit that it was an imaginary idea on my part, as the Honourable Mr. Ashburner suggests. Mr. Ashburner says it is the duty of the Secretary to forward the petitions with the List of Business. I submit that a "List of Business" merely means a memorandum of the business to be brought forward for consideration before the Council, and that is all that honourable members have hitherto received. My experience has been that an honourable member asks for any papers that he may specially require, and that the petitions have been read by the Secretary before the actual business of the Council commenced. The Secretary does not and will not circulate them unless specially ordered, or unless there is a rule to that effect.

The President put the motion to the vote, when it was lost by 4 to 3; the order of voting being:—

Ayes.

The Honourable Sir C. STAVELEY.
The Honourable Mr. ROGAY.
The Honourable Mr. LANG.

Noes.

The Honourable Mr. ASHBURNER.
The Honourable the ADVOCATE-GENERAL.
The Honourable Mr. RAVENSCROFT.
The Honourable Mr. DOSABHOY FRAMJI.

The President then adjourned the Council *sine die*.

By order of His Excellency the Honourable the Governor in Council,

J. NUGENT,

Under-Secretary to Government.

Bombay, 19th December 1877.