

THE



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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

THE following Extract from the Proceedings of the Governor of Bombay in the Legislative Department is 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, 27th March 1872, at noon.

PRESENT:

The Right Honourable SIR W. R. S. V. FITZ GERALD, G.C.S.I., Governor of Bombay, *presiding*;

His Excellency the Honourable SIR AUGUSTUS ALMERIC SPENCER, K.C.B.;

The Honourable S. MANSFIELD, C.S.I.;

The Honourable H. P. ST. G. TUCKER;

The Honourable the ADVOCATE GENERAL;

The Honourable A. D. SASSOON, C.S.I.;

The Honourable BYRAMJEE JEJEEBHAY;

The Honourable VENAYEKRAO APPA SAHEB of Koorundwar;

The Honourable Colonel M. K. KENNEDY;

The Honourable SIR JAMSETJEE JEJEEBHAY, Bart., C.S.I.; and

The Honourable E. W. RAVENSCROFT.

The Honourable Mr. TUCKER, in moving the first reading of the Bill No. 3 of 1872,

Mr. Tucker moves the first reading of the Bombay Municipal Bill. "A Bill to provide for the management of the Municipal affairs of the City of Bombay, and to make better provision for the conservancy and improvement of the City and for the levying of rates, taxes, and other income therein," said :—

SIR,—The task which has fallen to my lot to-day is one which I would willingly have avoided had the matter been left to my own choice; but through a combination of circumstances.—70

stances the duty has been assigned to me, and I will only express my regret that it has not devolved upon one who has had a better training in public speaking, or who is more capable of giving a lucid exposition of a large measure of this description, than I am. I therefore beg beforehand the lenient consideration of the Council for any shortcomings of which I may be guilty. The circumstances under which the present Municipal constitution originated in 1865 are well known to all here present. The Municipal Government which existed at that time was found to be, in the words of the Honourable Mr. Cassels, a complete failure, and it was resolved to initiate a new system by which a certain amount of self-government would be given to the citizens of Bombay. The new measure was very carefully considered by Sir Bartle Frere's Government, and I regret that at this time there should be no one but the Honourable the Advocate General in this Council who took a part in the debates on it. The chief object of the Act of 1865 was to establish a strong and efficient administration for the purpose of carrying out sanitary improvements, and for reducing the death-rate of the city, which was shown at that time to have advanced to a very unsatisfactory figure. For this purpose a very elaborate code was devised, which has since been in operation, modified from time to time by different Acts, introducing amendments which experience had shown to be necessary. In the matter of sanitary improvement I think there can be no doubt that great progress has been made and much good effected; but it was shown last year that the financial defects that marked the old system of Municipal administration still continued in the new, notwithstanding the control that was attempted to be exercised by the Bench of Justices and the Government. When the Act of 1865 was introduced there was a deficit, as Mr. Cassels supposed, of 14 lakhs of rupees, but really, as has since been proved, of a considerably larger amount, and similar large deficits have recurred periodically, and the Municipality has been obliged on two occasions to raise large loans of 15 lakhs to meet its current expenditure. It was obvious that such a state of affairs could not be allowed to continue, and at the request of the Bench of Justices last year a Committee was appointed to inquire into the financial condition of the Municipality, and the result of the report of that Committee, which showed that the Municipal expenditure had largely exceeded its income, led to our reconsidering again the whole system of self-government, and indicated the necessity of grafting upon the old law such improvements and alterations as were necessary to strengthen the part which was weak, and to limit and restrain where too much latitude was allowed under the old Act. I am not prepared to say that the failure of the scheme of 1865 was solely attributable to defects in the law. There were defects certainly, which we have now tried to remedy, which contributed to that result, but I am quite willing to admit—and I may say I speak personally, and not on behalf of Government—that for part of the failure Government was responsible, partly in consequence of what I may term an unfortunate selection of executive officers by the Government, and partly for not having seen with sufficient clearness the state of affairs at an earlier date. As I said before, the object of Mr. Cassels, in 1865, and of the gentlemen who supported him in this Council, was to create a strong Executive Commissioner, who would be able to provide promptly for the needs of the city, and would not be trammelled either by colleagues or any other authoritative interference except to a limited extent. It was intended that in financial matters there should be control, and a special officer was appointed for that purpose. If that Controller really had controlled, it is possible we might have been spared a great deal of what has happened, but unfortunately for the city and the Government, and for all concerned in this matter, the Controller did not control, but became subordinate where he should have been superior; and, as I said before, Government must bear the responsibility of the selection of such a Controller. Latterly no doubt the Bench of Justices have made a strong effort to control the Municipal Commissioner; but for a long time, either from want of experience, or want of persistence in their efforts, or from certain inherent defects in the constitution of the Corporation, they were unable to effect their object. I have made these remarks because I conceive my own views on this matter have been incorrectly represented. I consider that there were three powers or authorities united in the administration of Municipal affairs under the existing law, and that all are more or less to blame for the imperfect manner in which that law has been carried out. But there were also some defects in the law itself which prevented or impeded that efficient action on the part of the Justices which might have been anticipated. One defect was the undefined and uncertain number of members of which the Corporation consisted. There were between 300 and 400 Justices, and at any meeting it was quite uncertain what number might be brought forward either on one side or on the other. It was therefore impossible that there should be any recognised system of opposition, or any of that systematic organization by which assemblies at home maintain regular and consistent action, and this was certainly a defect in the scheme as it emanated from

the Council of 1865. We purpose now to remedy that defect first by limiting the number of those who are to constitute the Corporation. It seems to have been an accident originally that the Bench of Justices were selected as representatives of the citizens of Bombay: They were a body which contained a fair proportion of the most enlightened and intelligent residents of Bombay, the men best fitted generally to take a share in the government of the city, and being at hand they were taken as the readiest and most efficient body available. It has been found that they have been too large a body, and too variable in number, for practical purposes, or to be an efficient instrument of control, and we therefore now propose to take a limited number of them, of whom half will be selected by Government, and half will be elected by the Justices themselves. We have thus in fact turned the Bench of Justices into an electoral college. I may here mention that it is proposed to enlarge the Bench by the addition of more Trustees, who will be selected from classes who are not now represented; and we think that in their enlarged capacity the Bench will be a good body from which to elect a certain number of persons to be trusted with a portion of the government of this city. It is necessary however before a man is appointed a Justice he should have certain qualifications, and it is supposed that it will be beneficial to introduce a class of rate-payers who would not be eligible for Justices. It is proposed therefore to add sixteen rate-payers, of whom eight will be elected, and eight will be appointed by Government. Now, Sir, there seems to be an earnest desire on the part of a section of the public—I won't say a large section but an influential section—for an extension of the elective principle for the government of the city; but this is a matter which before it can be widely adopted requires the most careful consideration. It must not be forgotten that the systems of election and popular representation which obtain in England have been the growth of centuries, and that the point which has been reached in Great Britain has been only attained after much conflict and much self-sacrifice, and I for one think that it is impossible in this country, situated as we are, to adopt in their integrity English institutions. For myself I may say I am not averse to the introduction of self-government among the natives of India and personally I would be glad to see self-government extended; but I think this must be done not by sudden jumps or leaps in the dark, but by gradual progress, by well-considered concessions which may be progressively enlarged and increased as the persons or classes to whom they have been granted show themselves fit for the boons given to them. It is only in this way that I think self-government can be introduced in India, where the people have been accustomed for centuries to Oriental despotism. I am therefore not opposed to self-government, but I am opposed to its inconsiderate extension. Every step in advance should be carefully considered before it is made, and time taken to see the effect of it before a further step is taken, and it is in this spirit that this bill has been framed. We have conceded a limited power of election to certain rate-payers, and have confided it to a class who are likely to use it and to exercise it well. These are the class who own houses and land in Bombay. They form a large class, which not only contains wealthy natives who have invested their savings in house-property, but also a number of people in a smaller way of living, who, following out the idea of the Hindoo family, have invested their small capital in a family house, in which they live with their families. Most of this class are more or less intelligent. They constitute a class who are engaged in clerical and other industrial and commercial pursuits to a large extent, and it may be supposed that they will introduce an element which will be advantageous in the Corporation. Another of the difficulties of the last scheme was that there was no definite head to the Bench of Justices, and that there was no means of carrying out a great many of the measures which they thought necessary. For this object we have made an inner assembly or Town Council, whom we propose to charge mainly with the control of the finances. This Council is to keep the accounts and regulate the moneys which are to be paid over to the executive officers to carry out the works which they are required to perform, and we propose to give it such powers as we think will enable it to prevent any expenditure which they have not sanctioned. They will have the charge of the municipal fund, and they will only dispense it according to the rules and laws which are made for their guidance. We propose, by way of making a small incentive to work, and to secure regular attendance, to give them a small gratuity or *honorarium* for their attendance. It is considered that there should be a weekly meeting, but there is nothing to prevent more than a weekly meeting if the interests of the Municipality require it, and it is proposed that for this work each Town Councillor, if not an Executive Officer of the Municipality, should be paid. We hope by this way to get a regular supervision by skilled men who will act under a sense of responsibility. I may say also that, as an additional check upon the persons who will be entrusted with these powers, it is provided that each member of the Corporation shall go out after two years, so that either Government or the Bench of Justices who nominate

them, or the ratepayers who elect a certain limited number, will be able to change their nominees if they find they do not constantly attend and give their attention to the affairs of the Corporation, which alone can ensure success to any great undertaking. The Municipal Commissioner, the executive officer, will be left with complete executive power within the limits assigned by the Budget and such other limitations as are in this Act. The only manner in which he will be controlled is that he will not be able to spend money on any scheme unless it has previously been approved and sanctioned, and unless a vote for it has been assigned by the Budget. Of the outer assembly of the Corporation, I may say their duties will be limited to fixing the rates in every year, and also to voting the Budget. They will also possess general powers of inquiry, which they will be able to exercise through the Town Council. There will therefore be now a double supervision, both by the Town Council and by this outer body, who will supervise the Council as well as the Executive to a certain extent, and above all there will be the Government, so that it is to be hoped that with this arrangement in future there will be no such improvident or extravagant expenditure as has hitherto been incurred. I do not know that it is necessary I should go into any further details of the various alterations made in the Act. I may, however, say, as far as the executive parts of the Act are concerned, that the Government has not acted entirely upon its own experience, but has consulted persons who are extremely competent to give an opinion. We have considered the recommendations of the Committee appointed by the Bench in 1870 on sanitary matters, of which Dr. Lumsdaine was President; then there was a Commission at Poona last year, of which the late Commissioner was a member; and we have yet more recently had the benefit of the investigations of General Marriott's Committee, in which the present Municipal Commissioner, General Marriott, and Mr. Scoble, have made suggestions for the improvement of the executive part of the administration, with the object of making the process of collection more simple and efficient, and have recommended certain alterations which they have considered necessary for the public health and comfort of the city. We have not adopted all the suggestions made by these committees where we thought they would be harassing to the people, or were rather in advance of the actual state of things in Bombay; but we have endeavoured to insert in the bill such alterations as we thought desirable and expedient. There are many minor alterations, and it would take up a very long time if I were to go through them in detail, and I do not think it necessary to do so, especially as the bill will be submitted to a Select Committee. I would say that I do not claim to be the author of the measure to which I stand sponsor. It has been the work of several hands, and the product of more than one head. It is a compromise of certain extreme opinions, and is intended to be one step on that progressive march of improvement on which I hope all matters connected with Municipal Government of the city are now proceeding. It is not to be supposed that the elective principle now introduced to a very limited extent will stop here and be not extended hereafter, but it is considered better that the rate of advance should be limited than that any rash and inconsiderate step should be taken which might afterwards prove mischievous and lead to retrogression. With these few words, Sir, I introduce Bill No. III. of 1872, and I would express the hope that in the shape it will ultimately leave this Council it will really prove an useful and wise measure for the improvement of this city. I beg to move that the bill be now read for the first time.

The Honourable APPA SAHEB OF KOORUNDWAR said that he wished to extend the number of rate-payers to one-half, and also to limit the number of Justices appointed by Government out of the Bench of Justices to one-third.

The Honourable the ADVOCATE GENERAL.—This is the most important Bill the Legislative Council has had before it for a long time, and I wish to make a few observations upon certain matters referred to by my honourable friend who moved that it be read a first time. I would first remark that no reason has been shown why this Council should be compelled to undergo the laborious process of considering a bill amalgamating the Acts relating to the municipal affairs of this city. The greater portion of this bill, indeed I may say about 200 of its sections, if not more, relate to matters to be found in the four Acts passed between 1865 and 1870. I may mention that the Act of 1865 was itself an amalgamation bill, into which were put all the previous sections relating to conservancy to be found in the prior Acts. That bill was introduced into the Council in August 1864. In the same month it was referred to a Select Committee, who only brought up their report in the beginning of the year 1865; in the latter part of the month of January the bill was read a second time and considered in Council for about six weeks, and finally passed, I think,

on the 11th March 1865. Altogether it was an affair which took the Council about six months to pass. I am aware that two committees have sat since upon the bill—Dr. Lumsdaine's and General Marriott's. The amendments that were proposed appear to me to have been of a slight character, and might have been easily introduced into the measure without imposing upon the Council the very onerous duty of considering all the legislation that has previously taken place in this Council with reference to municipal affairs. No necessity appears to me to be shown for a bill of such enormous dimensions being submitted to Council, and I may observe that if amalgamation has been an object, certainly condensation has not. Although it would seem possible to reduce these several Acts into some succinct form, no attempt has been made to do so; on the contrary we have all the old sections served up again, together with certain amendments, and the bill has been drawn out to the great length of 298 sections. I suppose it is now too late to ask the Council to divide the bill into two parts, but if it is not, it certainly would appear to me to be advisable that we should do so, and first consider that portion which relates to the municipal constitution, and the reformation of which was the real reason for setting the Legislature in motion in the first instance. With regard to the important part of the bill—namely, that which relates to the municipal constitution—I must confess I feel much disappointment at the scheme which is here proposed for the sanction of the Legislature. I object to it upon two grounds. It appears to me to give a very small share of representation to the persons who are most interested in seeing that the municipal funds are well administered—that is, to those who pay rates and taxes. In the second place, it seems to give an enormous, excessive, and unnecessary amount of control to Government. It is admitted by my honourable friend Mr. Tucker that there is a considerable desire among an influential section of the community for the introduction of the elective principle. My honourable friend, by framing such a bill as this, also admits that some concession must be made to that wish, and he accordingly has introduced the principle, but to such an exceedingly limited extent than I am unable to perceive that the bill can be said to embody a fair experiment. If it is worth while to recognise the principle at all, if some concession must be made to the feeling out of doors on the subject, I think the concession should be sufficiently large to enable one, after the measure has been in operation for a year or two, to pronounce upon the result. But what do we find here? We find that the Municipal Corporation is to consist of eighty members, of whom sixteen—only sixteen—are to be other than Justices of the Peace. The Justices of the Peace are, as you are aware, the nominees of Government, and of the sixteen others, which will form only one-fifth of the entire Corporation, the framers of this bill are unable to concede more than eight as the number to be elected by the rate-payers. It therefore appears that only a tenth of the large number forming the Corporation are to be elected by the rate-payers—out of every ten men entitled to vote one only will be the representative of the rate-payers. But the smallness of the concession does not end there, for, instead of allowing these men to be elected by the rate-payers generally, or even by rate-payers paying a certain amount of taxes, the constituency is restricted to those who pay owner's house-rate. Thus the large body of rate-payers who pay lighting rates, water rates, police rates, the halacore cess, and wheel taxes is left out. Furthermore the voters are limited to owners who pay not less than fifty rupees. As I am informed, this will limit the constituency to about 3,000. I do not give these figures as the precise figures, but I may say that the bill certainly reduces those who are to benefit by the new principle to a very small portion of the house-owners in Bombay. The picture which my honourable friend Mr. Tucker presented to us of the Hindoo who invests a small portion of his means in purchasing a house has little or no bearing upon the point, because the greater portion of those people will be excluded from voting by this restrictive qualification of fifty rupees. Moreover, the constituency is confined to a class of persons who are already exceedingly well represented in the present Bench of Justices. What is wanted is that those who are not owners, but are only rate-payers, should be able to make their voice heard in the question of the administration of the local funds. It should be also observed that this limitation of the constituency will exclude, I may say, nearly every European gentleman in Bombay, of whom I believe very few become owners of house property here. Then we have introduced to us a new feature—viz., the appointment of a Town Council. One would feel more confidence in the working of the Act if we found provision had been made there for a considerable number of the elected rate-payers. But what do we find? We find that out of this Town Council, which is to consist of twelve members, six are to be nominated by Government.

The Honorable Mr. TUCKER pointed out that they were to be nominated from the Corporation.

The Honourable the ADVOCATE GENERAL said he might have made a mistake, but at any rate Government nominated six of the Town Council, and out of the entire twelve two only were necessarily to be persons who had been elected by the rate-payers.

HIS EXCELLENCY THE PRESIDENT thought his honourable friend Mr. White had misquoted. Mr. White had said that two only were to be rate-payers, but the words of the Act were—"Two of the members of the said Town Council so to be nominated by Government, and two of the members so to be elected by the Corporation, shall be rate-payers appointed under section VII. of this Act."

The Honourable the ADVOCATE GENERAL said this was precisely what he had said, and continued—Two only out of the twelve must necessarily belong to those elected by the rate-payers. I think it might have been observed that I used the word "necessarily." Therefore, we have a Corporation out of which eight only out of a body of eighty are to be elected by rate-payers and a Town Council, out of which two only are necessarily to be so elected. That is what it comes to. My honourable friend intimated that this was the introduction of a very important principle, and that therefore we must be very cautious how we act. Well, I must admire the extreme caution with which my honourable friend has introduced the principle into this measure. I think any possible fear or danger that might be apprehended would be laid at rest at once by a consideration of what the duties are which are to be thrown upon this Corporation and Town Council. These duties are extremely limited. Take the Town Council, in which, I think, there should be the largest amount of the elective principle. The duty of the Town Council is to secure the due administration of the municipal funds, as stated in the 22nd section, and by other sections they are made to act as a check upon the expenditure of money by the Municipal Commissioner. I should like to know what body of men are so likely to form an efficient check upon expenditure as those who have to find the money, and what fear can there be in introducing into this Town Council a much larger number of this class of men than has been done? I can see no danger if the whole of the Town Council were elected by the rate-payers. Then turn to the Corporation itself. Their duties are to watch the due administration of the funds, to pass the Budget, and fix the amount of rates and taxes, although I may be permitted to mention that their power with regard to these matters is confined within the strictest limits. They can impose no new taxes—they cannot go outside the schedules—they must find enough money for the Commissioner, and, as he is not their officer, and has express powers conferred upon him by the Act, so long as he keeps within his money grant and spends the money as directed by the Act, there is nothing for them to do. What harm could be done by a liberal introduction of the principle of election by rate-payers I am unable to see. I believe that the principle is not new in India in connection with Municipalities. In some Acts relating to the North-West Provinces and the Punjab, the principle has already been recognised by the Supreme Government at Calcutta of allowing Municipalities to be governed by members a considerable portion of whom are elected by the community itself, and I understand that in some cases this principle is carried out to the extent of two-thirds of the whole. My honourable friend Mr. Tucker said that this was a tentative measure, and that we must be careful how we give to any class this new power unless we are certain they will use it well. I think that my honourable friend deceives himself if he thinks that anything in the way of experience will be gained as to the working of representative institutions in this country by this bill. It introduces such an extremely small number of elected members that there will be no chance for the experiment to be fairly tried. It is impossible to say that these eight will not be completely smothered by the larger number of men who are nominated or elected upon different principles. With regard to the other question about Governmental control, I am at a loss to understand why such pains should have been taken to introduce such elaborate sections to provide the Government with powers of control, when already they possess under the old Acts most ample control by reason of their appointing the executive officers of the Municipality, and by reason that hardly anything could be done by the Justices out of their immediate path without the sanction of Government. Here, however, we have such complicated provisions for control that I would put it to my honourable friend if it would not be better for Government at once to take all the municipal affairs of this city entirely into its own hand. It appears to me Government might just as well do that, and I do not know whether I would not be as ready to support a measure which had that object in view as one like what is now before us. Government secures to itself, in the first place, the nomination of the whole Bench of Justices, and then it secures to itself the nomination of thirty-two members of the new Corporation; then it secures to itself the nomination of eight of the rate-payers who are to be members of the Corporation but who are not to be Justices; then in the matter of the Town Council

it appoints six of the members, including the chairman. Bye-laws for the regulation of the business of the Corporation are to be made by Government, so that the Corporation is not even to be allowed to make its own rules for the conduct of its own proceedings. Then Government provides not only for audit by the Corporation auditors, but also provides for a further examination of accounts by Government auditors.

HIS EXCELLENCY THE PRESIDENT asked the Honourable the Advocate General to be kind enough to look at section CCLX., where he would find that not Government but the Commissioner has to make the bye-laws.

The Honourable the ADVOCATE-GENERAL said he did not refer at all to the section quoted by His Excellency the President, but to section XX., wherein it was laid down that "the Governor in Council shall, within two months from the passing of this Act, frame bye-laws for the regulation of the conduct of business at the meetings of the said Corporation." He continued—Thus, Government do not allow the Corporation the power usually conferred upon public bodies—the power of making their own rules for the conduct of public business. By section XXXIV., in addition to audit by auditors appointed by the Corporation, a further audit is to be performed by Government auditors, who are, however, to be paid out of the Municipal funds. By sections XLII. and XLIII., Government secures to itself general powers to make everybody do his duty, instead of confiding that matter to Her Majesty's Courts. Thus in section XLII. it is provided that "upon complaint made to the Governor in Council that the Municipal Corporation, or Town Council, or Municipal Commissioner, appointed by and under the provisions of this Act, has made default in carrying out and enforcing the provisions of this or any other Act for the time being in force for the Municipal administration of the city of Bombay, the said Governor in Council, if satisfied after due inquiry that the alleged default has been committed, shall make an order intimating a time for the performance of its duty by the authority implicated in the matter of such complaint; and if such duty is not performed within the time limited in the order, the said Governor in Council shall appoint some person to perform the same, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed to perform the same, and amounting to a sum specified in the order, together with the cost of the proceedings, shall be paid by the authority in default." I think this is a very extraordinary and unnecessary power to confer upon Government. In addition to this, however, Government has the power of appointing all the Municipal Officers—the Commissioner, the Executive Engineer, the Health Officer, and the Municipal Accountant General. I should have thought that with so much power conferred upon them by reason of having these appointments, Government could have afforded to be much more liberal in the admission of elected rate-payers into the Corporation. I can hardly fancy that if this measure passes into law in its present form we can expect any useful result or any change for the better. It no doubt is a measure which to some extent divides certain work between the Town Council and the Corporation, and also imposes upon them a certain responsibility; but, excepting for the purpose of dividing responsibility, it appears to me that Government might just as well have kept to itself the whole of the work connected with the Corporation, and directed its own officers in the Accountant General's Department to check the Municipal Commissioner and see that he did not exceed the amount set apart for him to spend. On the whole, it appears to me that this bill comprises the minimum of representation with the maximum of Governmental control. You may call it a homœopathic dose of the popular elective principle and an overwhelming dose of Governmental supervision. Furthermore, the scheme which this bill sanctions is a very complicated and highly artificial one, and as a necessary consequence there will be increased cost thrown upon the Municipality. We find, for instance, that the Town Council are to be paid. My honourable friend called the sum thus to be paid a small gratuity, but as I make it out, it will cost the Municipality Rs. 1,500 a month—in other words, the rate-payers will have to pay Rs. 1,500 a month because the Municipal Accountant appointed by Government may not be a sufficient check, or the auditors appointed by the Corporation may not be a sufficient check, or even the Government auditors may not be a sufficient check. These are the observations I have to make upon this measure. The bill being an amalgamation bill, there are a good many of its sections which are transcribed from the old Acts, and are unobjectionable. I wish that the part referring to the municipal constitution had been separated from the rest of the bill; if it had I might have taken a vote upon it. However, I can only hope that ample time will be allowed to the Council, and the Committee to whom this bill may be referred, to consider its propositions. The sections are very numerous, and many of them are calculated to provoke a good deal of criticism.

The bill read a first time.

The bill was then read a first time.

The Honourable Mr. TUCKER in moving "that this Bill be referred to a Select Committee," said:—I would wish to make a few observations regarding what has fallen from my honourable friend the Advocate General. His first objection to this bill is that in making alterations in the municipal constitution we have also taken the opportunity to consolidate and amend the Acts which formerly existed. This was done, Sir, at the urgent request—

HIS EXCELLENCY THE PRESIDENT, interrupting the Honourable Mr. Tucker, pointed out that the motion before the Council was simply that the bill be referred to a Select Committee.

The Honourable Mr. TUCKER—But am I not at liberty to make any observations?

HIS EXCELLENCY THE PRESIDENT—I do not wish to prevent the honourable gentleman from making any observations if there is a motion before the Council on which the observations can properly be made, but the principle of the bill comes on for discussion at the second reading. The question now before the Council at this meeting is whether this bill be introduced and whether it be read a first time. The discussion of the principle on which certain clauses are founded more properly comes on at the second reading. I do not wish to interrupt the honourable gentleman, but I may say that I am going to reserve the observations I have to make till the second reading. Still I do not desire to shut out the honourable gentleman, and he may make any observations he thinks fit.

The Honourable Mr. TUCKER—I do not think the remarks of the Honourable the Advocate General should go forth as if they were not susceptible of being answered. I therefore supposed myself to be in order in making certain observations in reply—

HIS EXCELLENCY THE PRESIDENT—No; I do not mean to say you have no right to make the observations. You have a perfect right to make any observations you think fit.

The Honourable Mr. TUCKER—But I understand your Excellency to say—

HIS EXCELLENCY THE PRESIDENT—I only mention how I am going to do about my own observations.

The Honourable Mr. TUCKER—Then I will follow your Excellency's example, and reserve my observations till the second reading comes on.

The Honourable Mr. TUCKER then moved that the Bill be referred to a Select Committee consisting of—

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. RAVENSCROFT.

The Honourable Mr. BYRAMJEE JEJEEBHOY.

The Honourable Mr. MUNGULDASS NATHOOBHOY, and The Mover.

The Honourable the ADVOCATE GENERAL objected to being appointed a member of the Committee, on the ground that he could not spare the time which would be necessary to attend the meetings of the Committee, but at the request of His Excellency the President he consented to serve.

After some further conversation, the Bill was referred to a Select Committee, composed as follows:—

The Honourable the ADVOCATE GENERAL.

The Honourable Mr. RAVENSCROFT,

The Honourable Colonel KENNEDY.

The Honourable Mr. BYRAMJEE JEJEEBHOY.

The Honourable Mr. MUNGULDASS NATHOOBHOY; and The Mover.

The Committee was instructed to present its report on 24th April, and it was ordered that the report should be translated into the Marathi and Guzerati languages.

His Excellency the President then adjourned the Council.

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

JOHN NUGENT,

Acting Under-Secretary to Government.

Bombay Castle, 27th March 1872.