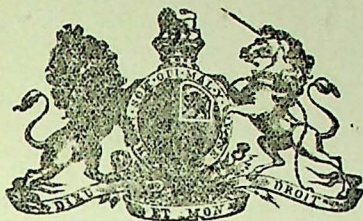


THE



Bombay Government Gazette.

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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 Extract from the Proceedings of the Government 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 Tuesday the 4th December 1876, at noon.

P R E S E N T :

His Excellency the Honourable Sir PHILIP EDMOND WODEHOUSE, K.C.B., Governor of Bombay, *Presiding*.

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

The Honourable A. ROGERS.

The Honourable J. GIBBS.

The Honourable the ACTING ADVOCATE-GENERAL.

The Honourable MAJOR-GENERAL M. K. KENNEDY.

The Honourable E. W. RAVESCROFT, C.S.I.

The Honourable RAO SAHEB VISHVANATH NARAYAN MANDLIK.

The Honourable NACODA MAHOMED ALI ROGAY.

The Honourable DONALD GRAHAM.

The Honourable RAO BAHADUR BECHERDAS AMBAIDAS, C.S.I.

The Honourable SORABJI SHAPURJI BENGALI.

Paper presented to the Council.

The following paper was presented to the Council:—

1. Second report of the Select Committee appointed to consider and report on the Bill to consolidate and amend the law relating to the powers and procedure of Mámlatdárs' Courts.

The Honourable Mr. ROGERS:—Sir, I beg to propose the second reading of Bill No. 2 of 1876,—A Bill to consolidate and amend the law relating to the powers and procedure of Mámlatdárs' Courts. The Council will recollect that on the last occasion when this

Mr. Rogers moves the second reading of the Mámlatdárs' Courts Bill (Bill No. 2 of 1876).

Bill was before us it was found that in consequence of certain legal difficulties arising from the prohibition of the Local Councils to amend or modify any Act of the Government of India passed since the passing of the Indian Councils Act, we could not interfere with the High Courts' Fees Act in such a manner as to provide for retaining the same fees for suits brought in Mámlatdárs' Courts as are now levied. A reference to the Government of India on the point was necessary, and the Bill was referred back to the Select Committee in order that the reference might be made. I hope my honourable friend the Advocate-General will explain the legal aspect of the difficulty that arises in consequence of this prohibition of the Local Councils to interfere, even verbally, with Acts passed by the Government of India; but in the meantime, I may state that the difficulty with regard to the fees has been got over by the Government of India agreeing that, if we pass this Act in its present shape, they will be prepared, on the application of the Government of Bombay, to reduce the rate of fees so as to leave the amount as it has been under the old Acts. Of course, there will be no difficulty on the part of the Bombay Government in making this application, and there is no fear that the rate of fees now levied on suits brought in the Mámlatdárs' Courts will be in any way enhanced. The other alterations that the Select Committee have thought it necessary to make do not affect any question of principle, but are mostly verbal alterations and alterations such as were required to make the arrangement of the Act more accurate and more methodical, and I need not further allude to them. They have been explained in the report of the Select Committee. I beg now to propose the second reading of this Bill.

The Honourable the ACTING ADVOCATE-GENERAL :—As the Honourable Mr. Rogers has suggested that I should explain to the Council the legal difficulty that arose with reference to the Bill as previously drafted, I will endeavour to do so. The Council are probably aware that the Local Legislative Council have no power, in any Act they may pass, to modify or affect any Act of the Government of India. For instance, if the Government of India, in one of their Acts, refers to any Act of the Bombay Government,—say Act V. of 1864,—the Local Council, in any subsequent Act they may pass repealing Act V. of 1864, have no right to say that the reference in the Government of India's Act to Act V. of 1864 shall be read as referring to the subsequent repealing Act. A similar reference was originally proposed to be made by this Bill to the Courts' Fees Act, 1870, and the Government of India objected that such reference would be a modification of that Act. The amount of fees to be paid on plaints presented in the Mámlatdárs' Courts was fixed by Act V. of 1864 and Act XVI. of 1838 at 8 annas, and to the Courts' Fees Act passed by the Government of India a schedule is attached in which there is an express provision directing that the fees to be paid in these Courts should be regulated according to Acts XVI. of 1838 and V. of 1864. The repeal of these Acts by the present Bill wipes them off the Statute Book, and renders the reference to them in the Courts' Fees Act inoperative; and as we cannot say—as was intended in the first instance—that this Bill is to be read as the Act referred to by the Courts' Fees Act, no special fee is fixed for suits instituted in the Mámlatdárs' Courts, and instead of the original nominal fee of 8 annas, the fee ordinarily charged on plaints in Civil Courts would have been payable. Of course, it is impossible that heavy fees can be levied upon suits such as those instituted in these Courts; if that were done, the intentions of the Government in framing the Act would be entirely frustrated; but the difficulty has been got over by the Government of India expressing its intention, under the power given by the Courts' Fees Act, of reducing the Fees payable in plaints instituted in Mámlatdárs' Courts to the original nominal amount.

His Excellency the PRESIDENT :—The practical effect appears to be that the Local Government will be debarred from altering any of its own Acts which has been thus adopted by the legislation of the Government of India.

The Honourable Mr. GIBBS :—We can pass any new Act of our own or repeal any Act passed by this Council, but we cannot say that the number and year of any new Act of ours shall be read instead of the number and year of a previous Act mentioned in any Act of the Government of India that has been passed since the Indian Councils Act. We have full power to repeal our own Acts, or do what we like with them; but if the Government of India in one of their Acts passed since the Indian Councils Act, should have referred by number to, say, Act V. of 1864, and we repeal that Act V. of 1864 and pass another in its place in 1876, we cannot say that wherever Act V. of 1864 is mentioned in the Government of India's Act, our new Act shall be read for it. We can repeal our own Act, but we must leave it to the Government of India, if they please, to strike out from

their Act, say Act V. of 1864, wherever it may occur and substitute, say, Act II. of 1876 in its place. The only other part of this Bill requiring reference to the Government of India was the last section, as to which we had some doubt whether we had power to limit the term for the institution of suits against orders of the Mámlatdárs' Courts to three years, but the section as drafted was referred to the Government of India, Legislative Department, and they replied that the section might stand, and, therefore, there is no further difficulty in that respect.

The Bill read a second time, and considered in detail.

The Bill was then read a second time, and the Council proceeded to consider it in detail.

The Honourable Mr. ROGERS, in respect of Section I., said :—The reason for the change that has been made in this section since the Bill was last before the Council is explained in the 5th paragraph of the report of the Select Committee. In addition to this, Mr. Naylor suggests a slight alteration in the wording of the section. The old Act is followed although not nominally in force in Sind, and the wording of this section, as it at present stands, regarding the Scheduled Districts, will, I apprehend, have the effect of excluding Sind from the working of the new Act. There is no reason why it should not be enforced in that district, and I propose the section should be altered so as to include it. Mr. Naylor suggests a difficulty as to the Panch Máháls and the Mewasi villages, which are not under the direct Revenue management of the officer in charge of the district. I can see no reason why the Act should not apply to these places. Disputes with regard to possession of fields, &c., are as liable to arise there as in other portions of the district that are directly under the management of the 1st Assistant Collector in charge, and there is no reason why the Mámlatdárs should not have power to settle such disputes with regard to temporary possession in these places as well as elsewhere. I beg to propose that instead of the words "except the City of Bombay and the Scheduled Districts as defined by Act XIV. of 1874," the section should read "except the City of Bombay and Aden." The result of this alteration will be that the Act will be enforced in Sind and in the whole of the Panch Máháls, including the Mewasi villages.

The Honourable Mr. GIBBS :—I may state that in the notification which has been under consideration since the passing of the Scheduled Districts Act and the Laws Extent Act, showing what laws are in force and have been in force in Sind and other parts of what we should call the Non-Regulation Districts, such as the Panch Máháls and the Mewasi villages, the old Acts V. of 1864 and XVI. of 1838, which we repeal by the present Act, are both included as having always been in force, not legally but by custom, in these places, and when that notification is issued they will be legally enforced there. It is necessary, therefore, that this Act should not exempt those portions of the Presidency from its operation; otherwise we shall have to keep the old Acts on the Statute Book for the purpose of Sind, the Panch Máháls, and the Mewasi villages; and as the present Act is an improvement on the previous ones, there is no reason why it should not repeal them there as elsewhere in the Presidency.

The words "the Scheduled Districts as defined by Act XIV. of 1874" were then struck out and the word "Aden" inserted after "and" in line 7, and the section was passed as amended.

Section III. was amended by the word "their" being struck out and the words "of either" inserted after the word "behalf" in the 19th line.

Section IV. was amended by the substitution of the word "brought" for the word "made" in the 35th line.

The Honourable Mr. RAVENSCROFT, regarding Section V., said he did not think the description of the plaintiff and defendant required according to the section as drafted would be sufficiently clear, because a Christian, a Parsi, or a Masalman had no caste.

It was resolved to amend the section by inserting the word "religion" after the word "name" in the 9th line and also in the 11th line.

In regard to Section VIII., the Honourable the Acting ADVOCATE GENERAL observed that three days' allowance for the amendment of a plaint seemed to be a very short time.

The Honourable Mr. GIBBS :—That is the law as it at present stands, and it prevents great and unnecessary delays. I think the point was fully discussed before.

The section was then passed as drafted.

The Honourable Mr. ROGERS:—Before proceeding to consider Section XV., I beg to point out that there appears to be no provision in the Bill for enforcing the attendance of witnesses in cases where they may not be inclined to attend.

The Honourable Mr. GIBBS pointed out that the Mámlatdars' Courts had been held by the High Court to exercise the powers of subordinate Civil Courts for the purposes of the Act.

The Honourable Mr. ROGERS:—Then the declaration of the High Court will, I presume, be sufficient, without its being specially enacted.

His Excellency the PRESIDENT pointed out that Section XXI. as drafted referred only to the possession of property, and did not include the enjoyment of uses, &c.

It was resolved to amend the section by striking out the words "respecting the possession of property" from the 3rd and 4th lines, and also the words "to recover the property comprised in such order" from the 6th and 7th lines, and to substitute the word "any" for the word "an" in the 2nd line.

Schedule A. was amended by the insertion of the word "religion" after the word "name" in the descriptions of plaintiff and defendant.

Schedule C. was amended by striking out the words in parenthesis "(or use, as the case may be)" in the 4th line, and the insertion of the words "(or enjoyment of use of water, or right of road, or otherwise as the case may be)" after the word "property" in the 5th line; and also by striking out the words "(or use)" and the insertion after the word "property" of the words "(or enjoyment of the said use)" in the 7th line.

The Bill read a third time and passed. The Bill was then read a third time and passed.

The Honourable Mr. ROGERS moved the first reading of Bill No. 4. of 1876,—A Bill

Mr. Rogers moves the first reading of Bill No. 4. of 1876, to amend Bombay Act IV. of 1868. He said:—The objects of this Bill are explained in the Statement of Objects and Reasons, but I may briefly explain the circumstances under which it was found necessary to bring it forward. The Council are aware that Bombay Act IV. of 1868 provided chiefly for the survey of towns and cities. Under this Act, disputes have occasionally arisen as to whether the taking out of sanads or title deeds for properties was obligatory or not. A good deal of litigation has taken place on the subject, and, as the Statement of Objects and Reasons will have informed the Council, according to the advice of our law officers, we have given way on the point and conceded that it is not obligatory upon persons owning property to take out title deeds under Bombay Act IV. of 1868. The doubt arose from the wording of Clause 2, Section I., and of Section X. of that Act, and was as to whether the sanad mentioned in the one was the same sanad as was mentioned in the other, that is to say, whether the Collector, in deciding on titles, could enforce the production of a title deed after an inquiry made by the City Survey. There can be no doubt that the intention of the Legislature when they passed Act IV. of 1868 was to make the taking of the title deeds compulsory, in order partly to pay for the expense of these City Surveys. Everybody must be aware that the survey of a large city in the detail which is necessary to mark out each little property is a very complicated and expensive matter. Residents in Bombay have seen the survey of their city proceeding before their eyes for several years, and they must be aware of the very complicated nature of the process; and also, I have no doubt, every one here will agree with me that when the work is really well done, as it has been done in Bombay, it is most valuable for the owners of property to have such a map to refer to, in which every little property is marked out and defined with the greatest accuracy. In Bombay itself no inquiry has been made into titles, but under Act IV. of 1868, in the Mofussil, when cities have been surveyed, in addition to the survey, measurement, and mapping of all property, there has been an inquiry into titles, for which certain rules are laid down in the Act, and title deeds have been issued for each separate property. In Surat particularly, the proceeding has been disputed and certain parties have affirmed that it is not obligatory on them to take out these title deeds at all. As I said before, however, it was the original intention of the Legislature that the taking out of the title deeds should be compulsory, and this Act now brought forward is simply for the purpose of making it compulsory, and to enable Government, when this very expensive process of a City Survey is carried out, to partly recoup themselves. In Bombay, the Municipality paid a certain sum (Rs. 5,000) towards the ex-

penses of the survey, and in cases of surveys in the mofussil towns the Municipalities have also by agreement paid certain proportions ; but what they have paid has been insufficient to cover the cost of the surveys, and as the benefits to the owners of house-property and other property within the limits of towns are undeniable, I think it is quite fair the cost should be partly met from the proceeds of the sanad fees. The original Act IV. of 1868 limited the cost of the sanad or title deeds to Rs. 5, and it is not proposed to increase it, but merely to impose a very moderate fee, as I said before, partly for covering the expenses of the surveys. I beg to propose the first reading of this Bill.

The Honourable Rao Saheb VISHVANATH NARAYAN MANDLIK said he understood this matter was to have been dealt with in the new Revenue Code. As for the Bombay town survey having been successful, as the Honourable Mr. Rogers had told them it was, he did not think it had been particularly successful. The Honourable Mr. Scoble, late Advocate-General, when speaking on that subject on one occasion, expressed an opinion of the survey far from favourable. Mr. Scoble said he was quite ready to admit the survey was a very valuable addition to the means of knowledge they possessed of the boundaries in the town and island of Bombay, but in a most important case in the High Court (the Towers of Silence Case) it had been found absolutely unreliable. His (the Honourable Rao Saheb's) opinion was that if owners of property wished to have their title deeds investigated, it should be done, but to compel them to pay for a survey unless they chose to do so through their Municipalities was not a fair proceeding. If people wanted a survey, let them pay for it; but that was quite a different matter from compelling owners of property who might have rested secure in their titles for hundreds of years to have a survey and to pay for it. He did not see why persons should be required to pay for sanads to support titles of ancient standing.

The Honourable Mr. ROGERS :—I understand the Honourable Rao Saheb not to object to the first reading of the Bill.

The Honourable Rao Saheb VISHVANATH NARAYAN MADLIK :—No, I do not object to the first reading; I point out a matter for the consideration of the Select Committee.

The Honourable Mr. ROGERS :—With regard to the remarks of the Honourable Rao Saheb in reference to provision being made in the Revenue Code which is now under the consideration of the Council, the Revenue Code is a very extensive affair indeed, and will occupy some time before it is passed, and in the meantime, in the interests of Government as well as of the public, it has been considered advisable to bring forward this Bill at once.

The Bill read a first time,

The Bill was then read a first time.

On the motion of the Honourable Mr. Rogers, the Bill was referred to a Select Committee consisting of the Honourable Mr. Ravenscroft, C.S.I., and referred to a Select Committee. the Honourable Rao Saheb Vishvanath Narayan Mandlik, the Honourable Rao Bahadur Becherdas Ambaidas, C.S.I., the Honourable the Advocate General, and the Mover, with instructions to report on the 29th January 1877.

The Honourable Mr. GIBBS proposed the first reading of Bill No. V. of 1876,—A Bill to prohibit the practice of inoculation, and to make the vaccination of children in Bombay compulsory. He said :—The history of this Bill is as follows. In the year 1869, the Bombay Association asked the then Health Officer of Bombay, Mr. Lumsdaine, to favour them with a report on the effects of the system of compulsory vaccination in European countries, in order that they might consider whether the adoption of such a course would be likely to answer in this country ; and Mr. Lumsdaine, in October 1869, forwarded to the Secretary of the Bombay Association a very elaborate report in the shape of a letter, which gave, with a great many details, a short history of vaccination from the earliest times, and also showed the results of compulsory vaccination in certain parts of Europe where it had been introduced. This letter was illustrated by a number of very valuable tables, and the result of the whole was that the Bombay Association came to the determination that such a course as Government have now determined to adopt, viz., to introduce a Bill providing for compulsory vaccination in the City of Bombay, would be a matter to be desired. On the receipt of this information, Mr. Lumsdaine prepared a draft Bill, which was, I find, introduced into the Legislative Council at a meeting held on the 17th October 1872 by the Honourable Mr. Tucker, who, however, merely formally moved the first reading, and stated that he should defer any further remarks till the second reading. The motion was carried and the Bill read a first time, and referred to a Select Committee

consisting of the Honourables the Advocate General, Sir Jamsetji Jijibhai, Mr. Bythell, Mr. Narayan Vasudeo, and the Mover, who were to report on the Bill. However, a reference was made at the same time by this Government to the Government of India, and the result was a lengthy reply from that authority stating that, while admitting how very desirable it was that compulsory vaccination should be introduced if necessary, there was considerable doubt in the opinion of the Governor-General in Council as to whether the time had arrived for such a measure. The result of that letter appears to have been to cause the Bill to lie over, and nothing further has been done from that time to this, and as far as this Council is concerned, the Bill which was read a first time and referred to a Select Committee, who were to report on the 20th December 1869, has not proceeded further; and it will be my duty, if the Council accede to my present proposition in regard to the new Bill, to move that that old Bill be withdrawn. The letter from the Government of India which stated the doubts and difficulties that had occurred to the Governor-General in Council, said his Lordship had no doubt the question raised therein had received the attention of the Government of Bombay, but the Government of India were not in a position to judge whether the City was yet ripe for the measure, and desired the Governor of Bombay in Council to satisfy himself that there was a real and pressing necessity for rendering vaccination compulsory by law, when, should His Excellency the Governor in Council, on the principles of general policy indicated, still desire to proceed with the Bill, the Government of India directed attention to a memo. which had been prepared by their Secretary in communication with their Sanitary Commissioner. These papers led to the Bill being put aside for a time, but Dr. Pinkerton, who had very ably presided over the Vaccination Department for some years, after the very serious outbreak of small-pox which took place in the early part of this year again moved in the matter, and Government then came to the conclusion that, however well voluntary vaccination had worked, still the time had come when, to preserve the health of the city generally from the scourge of small-pox, it was desirable to introduce a Compulsory Vaccination Bill. This Government communicated their views on this subject both to the Secretary of State and also to the Government of India, and from both these authorities they received permission to introduce the present measure. Since the matter has been under consideration, the position of the Vaccination Department and of the Sanitary Department of this Government has also been under the review by this Government as well as the Government of India, and the result has been that a combination between the two departments has taken place, and the old Office of Superintendent General of Vaccination has been done away with, and the whole of the vaccination as well as the sanitary matters of the Presidency are now combined under one officer, the Sanitary Commissioner, under whom the present vaccination establishments have been placed. Therefore, throughout this Bill, in lieu of the term "Superintendent General of Vaccination" you will find the term "Sanitary Commissioner" used, that being necessary in consequence of the Government of India's decision to combine both these establishments in one under the superintendence of the Sanitary Commissioner. Dr. Pinkerton, who was Superintendent General of Vaccination, has, I believe, obtained another appointment, and the whole matter will now remain in the hands of the Sanitary Commissioner. The subject has been thoroughly discussed, both in the Municipality, as well as by the Bombay Association in former days, and there has been no objection raised to it,—in fact it is a measure which meets with the general consent of all parties. I should mention that shortly after the receipt of the Government of India's letter, His Excellency the Governor communicated with 27 native gentlemen of position and intelligence in Bombay, representing the Hindu, Mahammadan, Jewish, Parsi, and Portuguese communities, who were asked to give an unreserved opinion on the subject of the desirability of introducing compulsory vaccination in view of the religious prejudices and superstitions of the natives on the subject of small-pox, and out of the 27 references that were made, I may state the replies were entirely favourable in all the cases except three, two Parsi gentlemen and one Mahammadan alone objecting. In April 1876, after the great outbreak of small-pox in this city, when the Superintendent General of Vaccination again urged on Government the necessity of proceeding with the measure, the matter was brought to the notice of the Municipal Commissioner, and at a meeting of the Town Council held on the 13th June 1876, it was resolved that in the event of the Bill being passed the Town Council would recommend the Corporation the extra expense within the City of meeting the requirements of the Bill. The measure that I have now the honour to propose the first reading of has, therefore, met with the consent and approval of the Secretary of State, of the Government of India, and I may say of the citizens of Bombay, including the Municipal Corporation, and, therefore, it comes before the Council under

very favourable auspices. In the Statement of Objects and Reasons attached to the Bill will be found a short history with some few statistics. I will not now take up the time of the Council by reading the statement, but will merely refer the members of the Council to it, and will without further delay move the first reading of "Bill No. V. of 1876, to prohibit the practice of inoculation, and to make the vaccination of children in the city of Bombay compulsory."

The Honourable Rao Bahadur BECHERDAS AMBAIDAS:—The objects and reasons of the Honourable Mover of this Bill are very good, being directed to the prevention of the great loss of life by small-pox. The statistics show the number of deaths in Bombay from small-pox to have been in 1870, 556, in 1872, 1,854, and in the first four months of 1876, 2,717, which is an enormous increase. The season when this disease is generally most disastrous is now close at hand, and I think it would be prudent to take immediate measures with a view to checking it. At the same time, it would be advisable, as was recommended by the Bombay Association, that people should not be submitted to any annoyance or extortion.

The Honourable Nacoda MAHOMED ALI ROGAY:—The Bill is good in principle, but I think it should be very carefully considered in detail. One proposition made in it is rather unpopular with the native community. So far as the Mahammadan community are concerned, I may say they do not object at all about vaccine matter taken from animals, but the taking of lymph from children to vaccinate other children is thought very objectionable, especially by the poorer classes, among the natives. I only mention it as a matter of detail for the consideration of the Select Committee.

The Honourable Mr. SORABJI SHAPURJI BENGALI:—I think the people of Bombay are quite prepared for the measure now proposed to be introduced, and I also think that the intelligent portions of the several sections of the native community of the city will give their hearty co-operation to the measure, as it deserves. The Bill appears to me to be framed in such a way that it will not work harshly or in an oppressive manner on the people with one exception, viz., the point referred to by my honourable friend Mr. Mahomed Ali Rogay, the giving authority to the public vaccinator to take lymph from a child by force. Section 8 says:—"and, if he see fit, take from such child lymph for the performance of other vaccinations."

The Honourable the ADVOCATE GENERAL:—That is framed according to the English law.

The Honourable Mr. SORABJI SHAPURJI BENGALI:—No doubt, but the circumstances are different. The people here have a feeling that the lymph taken from some children would breed disease. The ignorant portion of the people object to the lymph being taken from their children, and the intelligent portion object to the lymph taken from others being put into their children, because bad lymph is held to generate disease, according to the constitution of the child from whom it is taken. I think, also, the Act should provide in some way for the punishment of public vaccinators who use lymph not fit for use. If the Act is to make it compulsory for children to be vaccinated, children should be protected by law from injury to their health or constitution by the acts of vaccinators who do not use proper lymph and who do not exercise their profession properly.

The Honourable the ADVOCATE GENERAL:—That might give rise to considerable difficulty. A vaccinator might innocently use lymph which was not pure.

The Honourable SORABJI SHAPURJI BENGALI:—I mean that punishment should be provided for acts of wilful carelessness or neglect.

The Honourable the ADVOCATE GENERAL said he thought such acts as those would be punishable under the Penal Code.

His Excellency the Honourable SIR CHARLES STAVELEY:—A certain amount of discretion must be accorded to a vaccinating officer. He must be supposed to understand his duty.

The Honourable Mr. SORABJI SHAPURJI BENGALI:—We have heard of complaints even in England.

His Excellency the PRESIDENT:—Yes, there may be complaints enough, but have they been investigated?

The Honourable Mr. SORABJI SHAPURJI BENGALI said cases of eruptions after vaccination had often occurred and were attributable to the use of bad lymph.

The Honourable Mr. GIBBS :—I should doubt whether it has been proved.

The Honourable Rao Saheb VISHVANATH NARAYAN MANDLIK :—I was one of those who were asked to give their opinions on this subject to the Bombay Association. I think most of the complaints that will arise among the native communities, if the Bill were passed as it stands, could be avoided if vaccination were made compulsory only with vaccine matter taken from animals. There is no doubt a diseased animal would be just as apt to communicate disease as a diseased human being; but there are some human diseases, like syphilis, when transmitted from the parents, which are not observable except in certain cases, and in animals there are no such diseases, but only eruptions and sores which can be easily detected. If clean animals are selected there is not the slightest danger in vaccination. However, I think this is a point the Select Committee will be perfectly competent to deal with; and as the measure is simply for the City of Bombay, I should certainly feel inclined to give the Bill my support.

The Bill read a first time, The Bill was then read a first time.

On the motion of the Honourable Mr. Gibbs, the Bill was referred to a Select Committee, consisting of the Honourable the Advocate General, the Honourable Rao Saheb Vishvanath Narayan Mandlik, the Honourable Nacoda Mahomed Ali Rogay, the Honourable Sorabji Shapurji Bengali, the Honourable Donald Graham, and the Mover, with instructions to report by the 29th January 1877.

The Honourable Mr. GIBBS :—I have now, with your Excellency's permission, to move that Bill No. IV. of 1872— "A Bill to extend and make compulsory the practice of vaccination in the City of Bombay"—be withdrawn.

The Bill was accordingly withdrawn.

His Excellency the PRESIDENT then adjourned the Council till the 30th January 1877.

By order of His Excellency the Governor in Council,

G. C. WHITWORTH,

Acting Under-Secretary to Government.

Bombay Castle, 4th December 1876.