



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 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 Poona on Saturday the 26th July 1879, at 4 P.M.

PRESENT:

The Honourable L. R. ASHBURNER, C.S.I., *Presiding.*
 His Excellency the Honourable Lieutenant-General HENRY JAMES WARRE, C.B.
 The Honourable E. W. RAVENSCROFT, C.S.I.
 The Honourable the ADVOCATE GENERAL.
 The Honourable Colonel W. C. ANDERSON.
 The Honourable DOSABHOY FRAMJEE, C.S.I.
 The Honourable SYUD HUSSAN EL EDROOS, C.S.I.
 The Honourable M. BALFOUR.
 The Honourable Colonel C. J. MERRIMAN, C.S.I., R.E.
 The Honourable M. MOWAT.

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

1. Letter from the Secretary to the Government of India, No. 478, dated 19th April 1879, returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the "Bill to facilitate the introduction of the Bombay District Municipal Act into Sind."
2. Letter from the Secretary to the Government of India, No. 532, dated 14th May 1879, returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the "Bill to provide for the levy of fees for the use of Government landing-places in the Port of Kurrachee."

3. Letter from the Secretary to the Government of India, No. 589, dated 31st May 1879, returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the "Bill to prohibit the practice of inoculation, and to make the vaccination of children in the town of Kurrachee compulsory."
4. Letter from the Secretary to the Government of India, No. 695, dated 4th July 1879, returning, with the assent of His Excellency the Viceroy and Governor General signified thereon, the authentic copy of the "Bill to consolidate and amend the law relating to Revenue Officers and the Land Revenue in the Presidency of Bombay."

The Honourable Colonel MERRIMAN :—Mr. President, since the Irrigation Bill (No. 11 of 1878) was read a second time and considered in detail by this Council on the 15th April last, the Revenue Code Bill of 1879 has passed into law. In order, therefore, to prevent any conflict hereafter, the Legal Remembrancer has pointed out that a new section should be inserted as section 2 (following section 1) in the Irrigation Bill, amending section 55 of the Land Revenue Code, and also other sections of that Code which refer to section 55. The effect of the alteration will simply be to enable Government to sanction the levy of rates under either section 55 or section 101 of the Land Revenue Code for any use of water which does not fall within the provisions of the Irrigation Act, and at the same time to prevent all such rates being levied in respect of any water chargeable under the latter Act. Briefly, Government will be protected on the one hand, and the ryot, or the person using the water, on the other hand. This addition does not affect the principle of the Bill in any way, and I propose, therefore, when the amendment shall have been carried, to ask you, Sir, to suspend the Standing Orders, so that the Bill may be read a third time, as was originally intended, to-day. I now beg to move that the following new section be inserted (as section 2) after section 1 in the Bombay Irrigation Bill:—

"2. In Section 55 of the Bombay Land Revenue Code, 1879, for the words 'or which has been made available in consequence of the construction, improvement or repair of any irrigational or other work by, or at the instance of Government,' the words 'and in respect of which no rate is leviable under the Bombay Irrigation Act, 1879,' shall be substituted;

and in section 101 of the said Code for the word 'leviable' the word 'levied' shall be substituted, and the words 'or under the Bombay Irrigation Act, 1879,' shall be inserted after the figures '55' ;

and to section 105 of the said Code the words 'or of the Bombay Irrigation Act, 1879,' shall be added."

The amendment was adopted.

The Honourable Colonel MERRIMAN :—I will now ask you, Mr. President, to suspend the Standing Orders, so that I may move that the Bill be read a third time.

The Standing Orders having been suspended,

The Honourable Colonel MERRIMAN moved that the Bill be read a third time and passed.

Bill read a third time and passed.

The Bill was accordingly read a third time and passed.

The Honourable Mr. RAVENSCROFT :—Mr. President, I have to draw the attention of the Council to the Bombay Port Trust Bill. It will be perhaps necessary to explain how it is that the Bill, having passed this Council in the month of March last, and having been sent for the assent of His Excellency the Governor General, is now returned for the consideration of this Council. Section 39 of this Bill, as it at present stands, lays down how money is to be borrowed should the Port Trustees require to raise any funds. It was not brought to the notice of the Council, when that portion of the Bill was being passed, that it militated to a certain extent against one of the provisions of Act XXIV. of 1871. When, therefore, the Bill was under the consideration of His Excellency the Governor General with a view to his assent being given, it was intimated to him that that portion of the Bill was *ultra vires*, and that as long as Act XXIV. of 1871 remained in its then condition, it was impossible for His Excellency to give his assent which was necessary to our Bill. Having brought this matter to the notice of His Excellency the Gover-

nor, and having asked how the difficulty, which was a mere technical one, could be best overcome, His Excellency the Governor explained that the easiest way of avoiding this technical point which had been discovered, was for His Excellency the Viceroy to so amend Act XXIV. of 1871 that it should not militate against the provisions of section 39 and the following sections of our Act. I understand now from the Secretary that a telegram has been received from His Excellency the Governor General, saying that he has so modified Act XXIV. of 1871, that there is no objection now to the Bill being re-passed exactly in the same words as it was passed by this Council in March last. Under these circumstances, I shall propose to the Council that, in the formal manner required by the rules, the Standing Orders be suspended, and the Bill be run through its different stages at once. The whole question of the principle of the Bill and all its sections having been exhaustively discussed at the late meetings, there will be no necessity, I presume, for re-opening any of the points which were then thoroughly examined. I beg to propose now, with the permission of the President, that the Bill be read a first time.

The Standing Orders suspended,
and the Bill read a first time.

The Bill was then read a first time.

The Honourable Mr. RAVENSCROFT asked for leave to suspend the Standing Rules in order that the Bill be read a second time; and the President having accordingly suspended the rules, the honourable member moved that the Bill be read a second time.

Bill read a second time and considered in detail.

This motion was adopted, and the Council proceeded to consider the Bill in detail. This was accordingly done, and on the motion of the Honourable Mr. Ravenscroft the Bill was read a third time and passed.

Bill read a third time and passed.

The Council was then adjourned *sine die*.

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

C. G. W. MACPHERSON,
Acting Under Secretary to Government.

Poona, 26th July 1879.