



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 Tuesday, the 5th September 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. RAVENSCROFT, C.S.I.

The Honourable RAO SAHEB VISHVANATH NARAYAN MANDLIK.

The Honourable NACODA MAHOMED ALI ROGAY.

The Honourable DONALD GRAHAM.

The Honourable RAO BAHADUR BECHERDASS AMBAIDASS, C.S.I.

The Honourable SORABJI SAPURJI BENGALI.

The Honourable COLONEL W. C. ANDERSON.

The following papers were presented to the Council :—

Papers presented to the Council.

Report of the Select Committee appointed to consider and report on the Bombay Revenue Officers and Land Revenue Code Bill, No. 1 of 1875, on the first five Chapters of the Bill.

Letter from the Secretary to the Government of India No. 369, dated the 31st May 1876, expressing the regret of His Excellency the Viceroy and Governor-General that, owing to a serious flaw in Section 6 of the Bill to amend the Law relating to the Land Revenue Administration of the City of Bombay, he is obliged to withhold his assent to the Bill as passed by the Bombay Legislative Council, and suggesting that the Bill may be re-passed in a correct form and then sent for the assent of the Governor-General.

Letter from the Secretary to the Government of India No. 365, dated 29th May 1876, stating that His Excellency the Viceroy and Governor-General has carefully considered the provisions of the Bill to consolidate and amend the law relating to the powers and procedure of Mámlatdárs' Courts and has reluctantly come to the conclusion that he cannot give his assent thereto, communicating the reasons which have led His Excellency to withhold his assent, and suggesting that the Bill be re-passed with certain modifications.

Report of the Select Committee appointed to consider and report on the Bill No. 6 of 1875, being a Bill to amend Bombay Act II. of 1868 (The Ferries' Act):

The Honourable Mr. RAVENSCROFT:—Your Excellency will remember that some time ago we passed a Bill to amend the law relating to the Land Revenue Administration of the city of Bombay. This Bill was sent for the approval of His Excellency the Viceroy and Governor-General in Council, and in the letter from the Secretary to the Government of India, Legislative Department, dated 31st May 1876, it is pointed out that there was no objection to the general principle of the Bill, which in all respects met with the concurrence of the Government of India, but that in Section VI. there was a flaw which compelled His Excellency the Viceroy to withhold his assent. The flaw referred to was in these words:—The third paragraph of the 6th Section ran—"Subject to the previous sanction of Government, the Collector may delegate any of his powers under this Act, or under any other law for the time being in force, to any of his assistants," &c. The words "under any other law for the time being in force" were the words taken objection to, and therefore, to meet that objection, we have altered the sentence to this—"under any law which the Governor in Council is able to repeal or affect." This is the only alteration which exists in the present Bill upon that which has been passed by the Council; and His Excellency the Viceroy having expressed his willingness to pass the Bill if those words were altered, it only remains for me to move that the Bill be now read a first time. The details and the principle of the Bill having been considered carefully when we went through the Bill in the spring, I do not think it is necessary to go through them again.

The Bill read a first time.

The Bill was then read a first time.

The Honourable Mr. RAVENSCROFT—As it is a mere formal matter of the alteration of half a dozen words, it seems unnecessary that the Council should postpone the further consideration of the Bill to another meeting, and unless there is any objection, I propose that the standing orders be suspended so that the Bill may be passed through its different stages at the present time.

The Bill read a second and third time and passed.

The word "alter" was substituted for "affect" in the amended sentence, and the Bill was read a second and third time and passed.

The Honourable Mr. ROGERS:—The Council are aware that on the 23rd of March last we passed a Bill No. 5 of 1875, a Bill to consolidate and amend the law relating to the powers and procedure of Mámlatdárs' Courts; and when this Act went up for the sanction of the Government of India they objected to certain provisions in it. The letter from the Secretary to the Government of India in which the objections were stated has been produced before the Council. The chief objections taken were that some of the sections of the Bill, as the local Council had passed it, were not exactly in accord with the Criminal Procedure Code. I beg now to introduce Bill No. II. of 1876, which will amend all those sections that the Government of India have taken objection to; and I beg to propose that, as there are one or two questions which it would be advisable to discuss more in detail than they could be discussed before the whole Council, a Select Committee should be appointed to consider it and to discuss those particular subjects. At present, I move merely that the Bill be read a first time.

The Bill read a first time and

The Bill was then read a first time.

The Honourable Mr. ROGERS :—I now beg to move that a Select Committee be appointed to consider this Bill in detail and present their report to the Council as soon as possible, the Committee to consist of the Honourable Messrs. J. Gibbs, V. N. Mandlik, the Advocate-General, and the Mover.

The Bill was referred to the Select Committee named with instructions to report within seven days.

The Honourable Mr. GIBBS :—I have to move that Bill No. 6 of 1875, being a Bill to amend (Bombay) Act II. of 1868 (the Bombay Ferries' Act), be withdrawn. I make this motion in accordance with the recommendation of the Select Committee. The Council will remember that the object of this Bill was to enlarge the powers which were given under the old Act, and to include certain coasting ferries, if one may so call them, or, rather, to make certain existing voyages into ferries; and the Select Committee found that there were such practical difficulties in the way of extending the meaning of the word "ferries," used in Act II. of 1868, in the manner set forth in the second section of the Bill, that they were quite satisfied it had better be withdrawn. For instance, it was proposed to declare that there was a public ferry between Bombay and Bankot, and the Committee found the steamer that performs the journey only goes, I think, every alternate day. Considering that fact, and the time the journey takes, it would be an immense hardship to prevent all other boats carrying passengers, which was the object with which this Bill was brought in. Without saying anything with regard to goods, the interference with the passenger traffic alone, even if there was daily communication, would be simply creating an enormous hardship on the people inhabiting the Bankot district, and no public convenience could be conferred which would anything like compensate for it. It was also wished to declare the run between Surat and Gogo to be ferry, and the Committee came very much to the conclusion that we might just as well declare the voyage from Bombay to Aden, or from Bombay to Southampton, to be a ferry. These are some of the practical difficulties the Committee met with at the outset, and which quite satisfied them that the Bill had better be withdrawn, and that if legislation were necessary for the improvements of the ferries—for instance, those across the harbour of Bombay—some fresh proposal should be brought before the Council to effect such improvements. Therefore, in accordance with the recommendation of the Select Committee, I beg now formally to move that Bill No. 6 of 1875 be withdrawn.

The Honourable Rao Bahadur BECHERDASS AMBAIDASS :—I have great pleasure in supporting the recommendation of the Select Committee, and the motion of my honourable friend Mr. Gibbs, to withdraw the Ferries' Bill No. 6 of 1875. In cases like those contemplated by this Bill, I think it would in all probability be more advantageous and convenient to follow the free-trade system throughout the Presidency, and as regards other ferries, to rest content with the existing law, Act II. of 1868. I think we should not extend monopolies which are opposed to public interests. I have the sanguine hope that other honourable members will concur in this view and do away with the Bill altogether.

The Bill withdrawn.

The Bill was then withdrawn.

On the motion of the Honourable Mr. ROGERS, the Honourable Colonel Anderson, and the Honourable Messrs. V. N. Mandlik and Mahomed Ali Rogay were re-appointed members of the Select Committee appointed to consider and report on the Bombay Revenue Officers and Land Revenue Code Bill (No. I. of 1875).

His Excellency the President then adjourned the Council until Wednesday, the 20th of September, at noon.

By order of His Excellency the Governor in Council,

G. C. WHITWORTH,

Poona, 5th September 1876.

Acting Under-Secretary to Government.