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## PART V.

### PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA.

*Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations, under the provisions of the Act of Parliament 24 & 25 Vic., cap. 67.*

The Council met at Government House on Friday, the 13th March 1868.

#### PRESENT:—

His Excellency the Viceroy and Governor General of India, *presiding*.  
 His Honour the Lieutenant Governor of Bengal.  
 His Excellency the Commander-in-Chief, G.C.S.I., K.C.B.  
 The Honourable G. NOBLE TAYLOR.  
 The Honourable Major General Sir H. M. DURAND, C.B., K.C.S.I.  
 The Honourable H. SUMNER MAINE.  
 The Honourable JOHN STRACHEY.  
 The Honourable E. L. BRANDRETH.  
 The Honourable M. J. SHAW STEWART.  
 The Honourable J. SKINNER.  
 The Honourable KHWAJA 'ABD-UL-GHANI.  
 The Honourable F. R. COCKERELL.  
 The Honourable J. I. MINCHIN.  
 The Honourable RAJA SHIORAJ SINGH, C.S.I.  
 The Honourable H. CROOKE.  
 The Honourable Sir R. TEMPLE, K. C. S. I.

The Honourable Mr. CROOKE and the Honourable Sir R. TEMPLE took the oath of allegiance, and the oath that they would faithfully discharge the duties of their office.

#### COMMISSIONER'S POWERS' (SIND) BILL.

The Honourable Mr. SHAW STEWART moved that the report of the Select Committee on the Bill to enable the Government of Bombay to delegate to the Commissioner in Sind certain of the powers of a Local Government be taken into consideration.

The Motion was put and agreed to.

The Honourable Mr. SHAW STEWART also moved that the Bill be passed.

The Motion was put and agreed to.

## MUNICIPAL COMMITTEES' (N. W. P.) BILL.

The Honourable Mr. BRANDRETH moved that the report of the Select Committee on the Bill to make better provision for the appointment of Municipal Committees in towns in the North West Provinces, and for other purposes, be taken into consideration. He said that the most serious and important step which the Select Committee took was to cut out of the Bill all the sections which related to borrowing on debentures. They took this step, if Mr. BRANDRETH correctly understood what was urged at their meeting, for these reasons. They considered that the Government of India would be virtually responsible for any failure on the part of Municipal Committees to fulfil their engagements, and they thought, therefore, that the Government ought not to be committed to such a responsibility by the acts of any subordinate authority.

The Committee doubted, also, whether the Municipal Committees, without a direct guarantee from the Government of India, would be able to raise money at any moderate rate of interest, and finally, the Committee attached considerable weight to an opinion expressed by the Right Honourable Mr. Massey, who was a member of the Committee, that the Government of India would, in all probability, receive in a favourable manner any proposition that might be made to it for an advance of money, to be repaid with moderate interest, for any important local improvement. As his Right Honourable friend was not there to confirm the opinion which he understood him to have expressed, he (Mr. BRANDRETH) wished to recommend the proposal on his own account to the consideration of the Governor General in Council. He mentioned this proposal also because he thought that all the explanation that could be given was due to the Council, and also to the Lieutenant Governor of the North-Western Provinces, of the grounds on which the Select Committee had omitted altogether from the amended Bill the promise that had been made for raising money for works of public utility, to which the Lieutenant Governor apparently attached so much importance. Large sums of money, as the Council were doubtless well aware, were spent every year on public works out of the general revenues, for which the Government derived no direct return whatever, and from some of which works it might possibly be thought that the indirect advantage had been hardly worth the cost. Now an important local improvement in a large town could hardly be without its advantage to the public in general; and if the Government, by lending money for such an improvement, was able, not only to confer a benefit on the public at large, but also to secure the repayment of any advances made, with interest, he could not but think that any proposal for borrowing money from the Government under such circumstances would be favourably received. With reference to the question whether this Bill should be made applicable to military cantonments, which was touched on by several Members during the debate which ensued on the introduction of the Bill, it would be seen that the Committee had provided, in the fourth section, that no cantonment should be deemed a town for the purposes of the Act without the previous sanction of the Governor General in Council. The Council was informed during that debate (Mr. BRANDRETH thought it was by His Excellency the Commander-in-Chief), that under the orders of the Governor General, a circular had recently been directed to the different Local Governments, inquiring their opinions in regard to military cantonments being made subject to municipal taxation. If the original draft of the Bill had been left unaltered, though no special allusion was made to military cantonments, it was possible that the Lieutenant Governor might have considered himself legally empowered to subject cantonments to municipal taxation: on the other hand, it would not have done to exempt cantonments unconditionally and absolutely from such taxation; because it appeared that the octroi had already been introduced into three cantonments in the North-West Provinces, and it was evident that the octroi system could not be carried out in any satisfactory manner, if those cantonments which immediately adjoined towns subject to octroi were exempted from the tax. The provision, therefore, made by the Committee appeared the best that could be made under the circumstances. When the replies of the Local Governments to the circular to which His Excellency the Commander-in-Chief referred had been received, the Governor General in Council would then be in a position to decide about the treatment of military cantonments.

Another provision of some importance, which had reference more especially to military cantonments in case they were subjected to octroi taxation, appeared in the eleventh section of the Bill, to which it was worth while alluding. It was here provided that the Lieutenant Governor should have power to exempt from the octroi any articles intended for consumption or use by any class of persons or animals. This provision was made in consequence of its having been brought to the notice of the Committee by His Excellency the Commander-in-Chief, that in one cantonment in Upper India, what appeared a most disproportionately large share of the octroi was paid by the Commissariat Department. There seemed no reason why Government should not pay its fair share of the municipal taxation, and the exempting of

commissariat supplies from town duties might give rise to much inconvenience and even to fraud; but still, if for any reason town duties pressed unequally on any Government stores, it seemed right that the Government should have the power of exempting them. In another provision of the same section, which was introduced by the Select Committee, he did not entirely concur. The Committee had restricted the taxation for municipal purposes to certain description of taxes which were specified in the section, and no other taxes were to be levied without the consent of the Governor General in Council. They had omitted from this list an assessment of persons according to their circumstances and the property to be protected, which was apparently a sort of rough income tax, and was a tax which was, he believed, at present in force in many places. They had included in the list, and thus specially proposed to the Municipal Committees, a tax on carriage, a tax which, considering the great scarcity of carriage in a great part of Upper India, appeared to be of doubtful propriety. In the Panjáb, he knew the Government had lent considerable sums of money at different times for the construction of carts. The Committee, moreover, had prepared the list without having had before it, as it seemed to him, any sufficient information as to the kind of taxation which had been hitherto resorted to for municipal purposes, and in opposition, apparently, to the opinion of the Lieutenant Governor, who had recorded that it was his wish to leave Municipal Committees free to tax themselves in the way they might consider most appropriate. He was constrained, however, to submit to the decision of the Committee on this point. In all other respects he thought the details of the Bill had been greatly improved by the labours of the Committee; but as the amendments made by the Committee were described in the report which he laid on the table last week, he need not take up the time of the Council by referring in detail to every alteration which had been made.

As, however, some doubts were expressed when this Bill was introduced, as to whether there was any necessity for it, whether the existing Municipal Act was not sufficient, or whether any case had been made out for superseding it by a new enactment, it seemed advisable, before asking the Council to pass the Bill, that he should state more fully than was done in the Statement of Objects and Reasons in what respects the existing Municipal Act was considered to be defective, and for what reasons a new Act was required. An excellent memorandum by the Under Secretary to Government, North-Western Provinces, setting forth the general principles on which it was thought that legislation for municipal government should proceed, had been received since the Bill was introduced, and circulated for the information of the Council. This memorandum, he trusted, had had some effect in removing the doubts that were entertained as to the necessity for further legislation. It might be worth while also reminding the Council that a period of eighteen years had elapsed since the existing Municipal Act in force in the North-Western Provinces (No. XXVI. of 1850) was passed, and that a good deal of experience had necessarily been gained during the years that had since intervened. Moreover, the Act of 1850, which was formerly applicable to the whole of India, had remained in force in its entirety in the North-Western Provinces only up to the present time; in every other part of the empire, he believed it had been superseded or amended by subsequent legislation. Bengal and Madras had their separate Municipal Acts. In Bombay, he understood, though Act XXVI. of 1850 had not been entirely superseded, yet it had been supplemented and amended, and its deficiencies supplied, by two or three subsequent enactments. For the Panjáb, a Municipal Act was passed by this Council only last year, and the same Act was made applicable to Oudh and the Central Provinces. This consideration of itself was sufficient, *prima facie*, to support the claim of the North-Western Provinces to a revision of the existing law by which municipalities in the North-Western Provinces were governed. In regard to the particular points in which the provisions of the existing law appeared to be deficient or to require amendment, in the first place, he would mention that the existing Municipal Act could not be introduced into a town unless it appeared to the Lieutenant Governor (so the Act was worded) that the inhabitants were desirous of repairing and cleaning their streets, preventing nuisances, and so on; but it seemed to him to be well remarked by Mr. Robertson, in the memorandum to which he had already alluded, that it would be about as wise to withhold the establishment of schools until the mass of the people were clamouring for education, as to decline to introduce municipal government until the mass of the people urgently demanded it. If an efficient municipal administration was really for the good of a town—which, he imagined, no one would question—its introduction ought surely to rest with the Local Government, and should not be made to depend upon the wishes of the mass of the inhabitants, most of whom were probably ignorant persons, quite unable to appreciate beforehand the advantages they would derive from it. Again, it was considered that some alteration in the constitution of the Committees was absolutely necessary. By the existing Act, only the Magistrate of the District, and such number of the inhabitants

of a town as the Lieutenant Governor considered necessary, could be appointed Municipal Commissioners by the Lieutenant Governor; the appointment by election of any of the Commissioners was not recognized at all: but though the election of Municipal Commissioners was not recognized in the Act, it appeared from Mr. Robertson's memorandum that a system of election had been established in some towns. In one place under the Government of the Panjáb, he remembered, to which Act XXVI. of 1858 had been extended, recourse was had to the somewhat extraordinary method of allowing the Committee to alter its own constitution by a by-law which provided for the appointment of members by election. But, surely, if the election of Municipal Commissioners was desirable, it ought not to be established in such an irregular manner, but should be distinctly recognized by the legislature. Provision had therefore been made for the appointment of Municipal Commissioners by election wherever the Lieutenant Governor thought fit to sanction the system. It was not thought desirable to require the appointment of Municipal Commissioners in all cases by popular election; but as the system had already been introduced into some towns, though there was no recognition of it in the existing Act, it might fairly be concluded after its recognition by this Bill, that the Lieutenant Governor would extend it to all towns to the circumstances of which it might appear to be suited, and where it was in accordance with the wishes of the inhabitants.

As regarded the number of *ex-officio* members, it ought not to be limited to the Magistrate of the District as in the existing Act, but should certainly include also the Executive Engineer, the Civil Surgeon, the Resident Magistrate, as well as any other Government servants likely to be useful members of the Committees. Provision had accordingly been made in this Bill for the appointment of additional *ex-officio* members; but to prevent any undue preponderance of the official element, it was laid down not only (he referred to section 6 of the Bill) that the number of *ex-officio* members should not be more than one-third of the total number of the Committee, but also, in section 9, that the quorum necessary for the transaction of business at a special meeting, that was to say, when the most important business had to be transacted, should consist of non-official members in the proportion of at least two-thirds to the official members.

Another omission in the existing Act was, that the Committees were not placed under any obligation to provide out of their funds for the maintenance of a police establishment—the Government could raise the necessary funds by putting in force another Act, XX. of 1856, which did not require the Committee to be consulted in any way—nor did it give them any option as to the kind of taxation by which these funds were to be raised. It appeared better, however, as this Bill did, to lay it as a first duty on the Committees to provide funds for the municipal police. Moreover, this Bill required that the Committees should be consulted in regard to the strength of the police force required; while, by the existing law, it was not necessary to consult them in any way whatever. Again, by this Bill, the Committees might provide for educational institutions and for poor-houses, dispensaries, and other things not contemplated in the existing Act. The utility of such institutions was not very like to be questioned, he imagined, in these days, even for India. For instance, unless provision was made for the infirm and helpless, a by-law so desirable as one which should prohibit begging and the exhibition of sores and loathsome diseases in the streets could hardly be justified. Again, the existing Act contained no provision for appeals on the part of individuals against the unequal distribution of any rate or assessment that might have been decided on. Section 12 of this Bill, however, gave the Lieutenant Governor power to make rules for the confirmation of any assessments imposed by the Committees. Again, the power of cancellation and suspension of the acts and proceedings of Committees and of abolishing taxes, which was not given by the existing Act, but was given by section 21 of this Bill, appeared really necessary, considering the number of places in which Municipal Committees would probably be appointed if this Bill became law, and the ignorance that would probably be displayed by some of these Committees during the earlier period of their existence. It would be seen, however, that the Select Committee to which this Bill was referred had been careful not to give the Lieutenant Governor any greater control over the Municipal Committees than was thought absolutely necessary, from their having omitted from the Bill the provision made in the original draft for the limitation of the powers of Municipal Committees by the Lieutenant Governor. He was disposed also to look upon the provision made in section 27, for the submission by the Committees to the Local Government, of budgets of estimated income and expenditure, which was not in the existing Act, as one of some importance, not only as enabling the Government to exercise a better control over the proceedings of the Committees with reference to their expenditure, but also with reference to the amount of any new taxation that might be proposed. It was evident from the papers accompanying Mr. Robertson's

memorandum which he had there, that the most popular mode of taxation was the octroi. Now, the danger as well as the benefit of this mode of taxation was the popularity of the tax, and the ease with which it was collected; and he was afraid that, when increased rates were proposed, it was often with a view of seeing how much money could be got, without any reference to the particular objects on which it was to be expended, which were sought for afterwards.

It was remarked that the municipal income under the octroi system was greatly in excess of what it was under the former system of taxation. In one or two places, the increased income yielded by the octroi was incidentally mentioned; for instance, in Etáwa, they were told that the Commissioners now levied six times as much as they were ever able to do by the house-tax: and again, in Farrukhábád, it was noted that the octroi income was upwards of Rs. 80,000, whereas the income from the old *chaukidárá* was about Rs. 25,000 per annum. It was by no means clearly shown that there was any distinct necessity for such a large increase of taxation: the Local Government, however, with a budget of proposed expenditure before it, would, he should hope, be better able to determine how far it was advisable to sanction any proposed increase of taxation, or whether it might not be proper even to abolish, or reduce, the rate of some existing tax. It was evident that considerable pains were taken in the North-Western Provinces for preventing the octroi from becoming a transit-duty, though he was afraid, whatever arrangements were made, the duty could never entirely be confined to goods consumed within the towns. Most towns were great commercial centres in which the produce of the surrounding country was brought up, to be exported, perhaps after a considerable interval of time, to other places. No attempt appeared to have been made in any municipality to give a drawback on such exports, nor perhaps was there any objection, even in principle, to the octroi being taken under such circumstances, provided the rate was kept low. The octroi rate, it seemed to him, ought always to be kept as low as possible; it should rather be regarded as a substitute for other modes of taxation, than as a means of raising six times as much revenue.

In several other respects also, he thought, this Bill would be found to be an improvement on the existing Act, but those he had adverted to would, he trusted, be sufficient to show the Council that further legislation in regard to municipal matters was really necessary; and if the Council was satisfied that the provisions of this Bill were as good as the knowledge and experience of which they were at present in possession could make them, then he trusted it would not hesitate to give its sanction to this Bill.

The Motion was put and agreed to.

The Honourable Mr. SHAW STEWART begged to express his full concurrence with the Honourable Mover when he said that the Bill had been much improved by the Select Committee. Mr. SHAW STEWART thought it immensely improved. There were only two material points in which he differed from the conclusions arrived at by the Select Committee. One of those was the fifth section of the Bill, which provided that the operation of Act XXVI. of 1850 should cease in the North-Western Provinces, and that municipal corporations established under that Act should be reconstituted under this Act. As he said before, he could not but regard this as an unauthorized interference, and if he was right in judging of the people of one part of India by what he knew of them in another, he thought that they would regard this as a grievance. But in consideration of the strongly expressed opinion of the present Lieutenant Governor of the North-Western Provinces (who was a Member of the Select Committee), that it would be very difficult and inconvenient if some towns held under one law and some under another, he did not consider it desirable to press the point. The other matter was referred to in the amendments of which he had given notice, and which he would proceed to move.

The Honourable Mr. SHAW STEWART then moved that the following two sections be substituted for section 6:—

“6. In any municipality to which this Act is extended, the Lieutenant Governor shall, at the time of declaring its introduction, appoint a Committee for the purpose of carrying out the objects of the Act, of which not less than two-thirds shall be persons resident within the limits of such municipality.

The resident members so appointed shall not be fewer than six, and shall consist of a number evenly divisible by three; and one-third of them shall be nominated to hold office for the period of two years from the first of January immediately after the date of appointment; one-third for four years, and one-third for six years, in such wise that one-third of them shall retire in rotation every two years.

Any vacancies caused by such retirements in rotation shall be filled up by election under the rules to be prepared and sanctioned in the manner hereinafter prescribed, or failing such election, by the appointment of the Lieutenant Governor.

Any vacancy caused by the death, resignation or removal of a member during the period for which he is appointed, may be filled up by a person to be chosen by the Municipal Committee, and any member so chosen shall hold office for the unexpired portion of the period of office of the member so deceased, resigned or removed.

The Lieutenant Governor may remove any member who shall have been convicted of an offence punishable under the India Penal Code with imprisonment for a period of not less than six months, or any member who shall have become disqualified or shall express his unwillingness to act as a Municipal Commissioner.

The Lieutenant Governor may at any time, if he shall see fit, on the requisition of the Committee, increase the number of Commissioners in any manner not inconsistent with the provisions of this Act. The additional members shall be elected under the provisions hereinafter contained, or failing such election may be appointed.

The Lieutenant Governor may appoint any other persons to be members by virtue of their offices, or otherwise, provided that such members shall at no time exceed one-third of the whole number of the Committee; and the Lieutenant Governor may at any time revoke and annul any such appointment, and may appoint other persons.

"7. As soon as practicable after their appointment the Committee shall prepare and submit for the sanction of the Lieutenant Governor rules for the biennial elections of Municipal Commissioners in the place of those who retire in rotation, and such rules, when sanctioned by the Lieutenant Governor, shall remain in force until altered or amended by the Municipal Commissioners, with the sanction aforesaid.

These rules shall fix the qualification required to entitle a person to vote for the election of a Municipal Commissioner, and shall provide for the registration of such electors and the place and mode of election.

Every such election shall be completed not less than thirty days before the expiration of the period of office of the retiring members, and shall be reported by the president or vice-president of the Committee to the Lieutenant Governor, and failing such election and report, the Lieutenant Governor may appoint duly qualified persons to be Municipal Commissioners in the place of those retiring in rotation.

Until rules for such elections shall have been prepared by the Municipal Commissioners and sanctioned by the Lieutenant Governor as aforesaid, the Lieutenant Governor shall appoint duly qualified persons in succession to the members who retire in rotation: provided that if the Lieutenant Governor refuses to sanction any rules duly prepared and submitted by the Municipal Commissioners, he shall record his reasons for such refusal, and shall communicate them to the Municipal Commissioners.

No Municipal Commissioner who retires in rotation shall be eligible for re-election or re-appointment for the space of two years from the date of such retirement. This shall not, however, apply to the election by the Municipal Committee, under clause 4 of the preceding section, of any person to fill vacancies other than those caused by retirement in rotation.

Every member elected or appointed to fill a vacancy caused by the retirement in rotation of another member, shall hold office for six years from the date of such appointment or election."

Also that, in line 20 of section 9, the word "resident" be substituted for the word "non-official."

He said that the first attempt to establish the germ of Municipal self-government in India was made in 1850, by Act XXVI. of that year. This Act provided in the most general manner for carrying out the principle of entrusting to the people of the town the duties of raising money for municipal purposes and expending the municipal funds. All details were left to be filled up by order of the executive. As this Act was extended to the various provinces of India, it might have been expected that the principle of popular representation and self-government would have been carried further and further; but this had not been the case, and almost all legislation that had taken place since 1850 had had the tendency of arresting the growth of popular influence and increasing the official influence. He (Mr. SHAW STEWART) thought that this was much to be regretted, and that the forgetfulness of the principle of the Act of 1850 would strike a blow at the success of the municipal institutions they were attempting to create. It was true that, in this Act, the Lieutenant Governor had the option of appointing the Com-

missioners, or directing their appointment by election; but he was not confident as to the mode in which that option would be used. In the case of the Panjáb Act of last year, when a similar option was given, he was disappointed to find that, in a circular order issued almost immediately after the passing of that Act, the Panjáb Government deliberately rejected the alternative of election. He would read an extract from the order of the 17th April last, published in the Administration Report of the Panjáb—"Ordinarily a system of appointment by careful selection and nomination will be preferred to one by popular election." And throughout the circular referred to, which was of great length, and went into minute details on all points, there was not a word about election. He feared that something like this would be the case with the present Bill, and had therefore proposed this amendment. He was sorry that it had not the benefit of the Select Committee's consideration. The scheme was not ready on the day that section 6 was considered and passed; and when, on a subsequent day, he submitted his amendment to the Committee, it seemed to be thought generally desirable that he should bring it up before the Council. The amendment provided that, on the first introduction of the Act into any town, a Committee should be appointed by the Lieutenant Governor in the same manner as was proposed in the Bill; and that one of the first duties of the Committee so appointed should be to draw up rules for regulating the election of their successors, and that when these rules were sanctioned by the Lieutenant Governor, vacancies in the Committee caused by the retirement of members should be filled up by election. He had purposely left the widest scope for the mode of election to be prescribed by the rules. The election might be general, by the whole tax-payers, or the town might be divided into wards, and each ward have one or two representatives, or each influential caste or guild might have its representative. The mode best adapted to each town would doubtless be selected by the first Committee and the Local Government. He had been intimately connected for several years with the municipal commission of one of the largest towns in the Bombay Presidency, and one in which municipal institutions had succeeded better perhaps than in most. He meant Karáchi. Twelve years ago the principle of election was applied to Karáchi, and rules were laid down under which each important guild or fraternity of the inhabitants obtained the right of electing its representative or representatives. The result was that, in Karáchi there was a maximum of self-government and a minimum of official interference. Being personally unacquainted with the North-Western Provinces, he was unable to judge how far the example of Karáchi should be followed there, but unless there were strong objections, based on local grounds, to the proposal, he trusted the Council would approve of it.

The Honourable Mr. MAINE was not in India when the Select Committee came to a decision adverse to the principle of his Honourable friend's amendments. He was therefore desirous to state the reasons which had led him, independently, to the same conclusions as the Committee. When the Bill was originally submitted to the Council, there appeared to have been a certain lack of information, but there had subsequently come a memorandum from the North-Western Provinces, which Mr. MAINE did not think had been misdescribed by his Honourable friend Mr. Brandreth as excellent. In that memorandum there was used a term which had become of late politically famous—'educate.' It was said to be the object of the Lieutenant Governor of the North-Western Provinces to educate the Natives of that part of India for municipal institutions. The view did not seem to differ from that which appeared to have been recently expressed in that room by his Excellency the Governor General. The Natives of India cared little antecedently for the objects sought to be obtained by municipal institutions; but after being for a time accustomed to cleanliness and decency, it was alleged that they began to appreciate them, and the improvement in the public health which was their result, and that in the end they would even co-operate in giving effect to sanitary measures. Now, the true effect of the amendments proposed by his Honourable friend Mr. Shaw Stewart was to fix an arbitrary period within which this education was to be completed. As Mr. MAINE read the amendments, they proceeded on the assumption that all municipalities in the North-West would in two years at most be prepared for municipal institutions, and beyond this, that the Municipal Committees would be prepared to lay the foundations for a system of popular self-government. Now speaking as an English Member of Council, he must say that it was surprising that the Natives of India should be fit for municipal government at all. While municipal institutions on the European model were here of recent date, they had had in Europe an almost unbroken history of two thousand years, and yet those who most recognized their advantages could not help confessing that they were compensated by many disadvantages and drawbacks. Sometimes municipalities were corrupt, sometimes they were guilty of petty tyranny; sometimes they erred on the side of extravagance, sometimes on that of parsimony. It was impossible not to see that, even in England, where there was a disposition to give them fairest trial, the Acts called the Local Government Acts, which had given

extension to the area of self-government on one side, had greatly controlled and limited it on the other. As, then, all the temptations and misleading influences, which produced the occasional miscarriage of municipal institutions in England operated with far greater force in this country, it was a matter of surprise that those institutions could be established here with useful result. As, however, gentlemen of great local experience assured Mr. MAINE that it was possible here to have municipal institutions with no more than a reasonable amount of corruption and mismanagement, he of course bowed to their opinion. But if it was surprising that municipal institutions should flourish at all in this country, still more wonderful was it that they should in any case be based on a system of popular representation. Surely this, at all events, might be asserted on the strength of English experience, that it was a most difficult, if not an insoluble, problem, to create a constituency or set of constituencies, in which one class should not have the power to oppress the others, or to protect itself at their expense. Considering how Native society was divided into castes and sects, and religions and races, it was surprising that there should be practicable, anywhere, a system of municipal election at once fair and free. As however, Mr. MAINE found such passages as the following in the memorandum from the North-West, he was bound to attach weight to them :—

“ Towns like Bolundshuhur, Meerut, Banda, Allahabad, and others have been divided into wards, each returning its member or members annually, and the qualification of membership and of the electoral franchise have been defined, and in every sense the Committee is a representative one, freely selected.”

Whether the *s* at the beginning of ‘ selected ’ was a clerical error, or a stroke of irony, Mr. MAINE could not say ; but assuming that the meaning was that there was free election in these North-Western cities, he could only believe it, though his faith was feeble. When however, his Honourable friend Mr. Shaw Stewart came and told them that there was no Native city in India, however divided and however dirty, in which the materials for founding within two years a system of popular election did not exist, Mr. MAINE must say he began to doubt. His Honourable friend had, in fact, concealed from himself the magnitude of his proposal by throwing off the burden of solving the problem on other persons. Clause 1 of section 7 of the amendments ran as follows :—

“ As soon as practicable after their appointment the Committee shall prepare and submit, for the sanction of the Lieutenant Governor, rules for the biennial elections of Municipal Commissioners in the place of those who retire in rotation, and such rules, when sanctioned by the Lieutenant Governor, shall remain in force until altered or amended by the Municipal Commissioners, with the sanction aforesaid.”

What was the exact system which his Honourable friend contemplated did not appear clear to Mr. MAINE. His Honourable friend’s language left it doubtful whether he had in view a system of universal suffrage, or a system of rotten boroughs. But at all events it was to be taken for granted that, in all Indian cities, there was a number of intelligent Natives who were capable of solving the problem which had perplexed the British Parliament for thirty years. It was true that, under clause 4, the Lieutenant Governor might reject these rules. But let the Council see what might occur. Mr. MAINE knew little personally of the North-West ; but he did know that, in some of the North-Western cities, Hindús and Muhammadans were mixed together, and it was all that the administrative skill and vigour of English officials could do to keep peace between them. Now, suppose the Lieutenant Governor had appointed originally, under the provisions of his Honourable friend’s amendments, a Committee of respectable gentlemen who were all or mostly Hindús, and suppose that they had submitted a set of rules which would have the effect of entirely excluding the Muhammadans. The Lieutenant Governor would reject these, and would record his reasons for so doing. But they might be perpetually re-submitted by the Committee, which would soon learn its advantage. Surely it would be seen that this perpetual submission and rejection might cause a chronic irritation and fret, which would constitute a grave political danger. What the opinions of the late Lieutenant Governor of the North-West were (and they were shared by the present Lieutenant Governor) would be seen by the passage which he would quote :—

“ There are towns in which the system of a popular election would not conduce to good government. Either the number of citizens who, by their intelligence and public spirit, are capable of serving is so limited, that there is little room for selection if a working Committee is to be had, or those whose influence must be respected would not act with persons chosen indifferently. Especially is it necessary on the first introduction of a system to conciliate those who are the leaders of society, and to use only the material which, by education and natural ability, is most fitted to perform the duties of the post. It is only to the care in attending to



this that, in not a few instances, the success in the working of the Act is due. Very recently, when the Act was introduced into the important town of Benares, the Lieutenant Governor was anxious that at least a portion of the Committee should be elected by the citizens, and suggested this to the Committee of the leading residents appointed to draw up the rules, but the proposal did not meet with a favourable reception. Those Native gentlemen who were unquestionably the most public-spirited and intelligent in that large town, thought that it would be unwise to introduce such a system until the Act had been in operation for some time, and its objects and the duties of the Committee were better understood. The Lieutenant Governor, convinced that they were themselves the best judges on this point, consented to the postponement. Ultimately, even if the present Act remains in force, the rules now in force there will be popularized as they have been elsewhere. Had the Act rigidly prescribed that only by election shall the Committee be chosen, it is not rash to assert that the result would often have been failure, not success. It is the interest of Government that the system shall work smoothly. There is no desire to force improvements rapidly on the people against their will. Undue haste would defeat the wishes of the Government, but as the people understand and appreciate the system of municipal government and are fitted intelligently to take their part in it, their privileges have been and will be enlarged. It is not to be expected that the citizens can at one bound pass from the position of utter powerlessness, to the enjoyment of the fullest freedom as Commissioners or electors. Their powers must be increased gradually. By exercising a little, they become fitted to exercise larger powers, and the Government, assured of their fitness, will not be slow to enlarge them."

Was, then, the Council going to force on the Lieutenant Governor of the North-Western Provinces a system of which he did not approve? This was a particularly strong case. The only members of the Select Committee who had differed from its conclusions were his Honourable friend Mr. Shaw Stewart, and Mr. Minchin, who represented (if it was proper to use the word) Bombay and Madras. Mr. MAINE did not in the least doubt that, in alleging the general practicability of a system of popular election, they stated no more than their personal experience in the Southern and Western Presidencies warranted. Now when this Council was enacting a law for all India, it was sometimes inevitable that they should apply to parts of the country principles which had been more thoroughly tested in other provinces. But this Bill would affect only the North-West. The Council was in fact sitting as the local legislature of the North-Western Provinces. If the theory of the Indian Councils' Act were fully carried out, there would be a local Council for those provinces, within whose strict competence the present Bill would have fallen. It was only through an accident that the Supreme Council assumed jurisdiction over the Bill. Would, then, the Council make itself the instrument or agency for forcing on the North-West the results of Madras and Bombay experience? If they were sitting at Agra or Allahabad, and the Lieutenant Governor of the North-West occupying the chair now occupied by his Honour the Lieutenant Governor of Bengal, were to say (as in effect they knew he would say) that the scheme of his Honourable friend was dangerous or impracticable, Mr. MAINE felt sure it would be at once pronounced inadmissible.

The Honourable Mr. MINCHIN said that, as his name appeared as not entirely agreeing with the report of the Select Committee on this Bill, he wished to make a few remarks. He believed that no one reading the original Bill as presented in this Council two months ago, and comparing it with the revised Bill now brought forward, would think that the unusual amount of discussion and labour bestowed on this Bill in Committee had been thrown away. So great were the effects of those alterations that he could cordially support the Bill as it stood, with very slight, if any, exception. Some of those alterations had been effected silently, and had not even been alluded to in the report. In the original draft of the Bill, a municipality was defined to be a village or tract of country, words which he was glad to find omitted from the Bill as amended, in which the action of municipal law was strictly confined to towns. He thought that the power of imposing the municipal system, and municipal taxation, on any tract of country, and the agricultural communities, would be a most dangerous one to place, in this country, in the hands of any Local Government. He would not, however, take up the time of this Council by enumerating objectionable things removed, and again killing the slain. He remarked, however, that what in his opinion was one of the marked improvements effected in Committee—the limitation of the scope of taxation—was not approved of by his Honourable friend the Mover. He stated that, in his opinion, the tax called Haisiyat, which appeared to be a species of rough income-tax assessed by the people at will, should have been permitted, and that the tax on conveyances was of very doubtful propriety. These changes he considered the more objectionable as being in

opposition to the wish of the Lieutenant Governor. Upon this, Mr. MINCHIN was inclined to ask, under *which* king, Bezonian? *Le Roi est mort, Vive le Roi*, and it seemed to him that they had the name of the Lieutenant Governor attached to the report of the Select Committee as agreeing throughout with their recommendations. He thought, therefore, that his Honourable friend was in error in saying that those limitations on taxation were introduced in opposition to the wish of the Lieutenant Governor, who, as far as his own feelings went, worked cordially with the Select Committee throughout their discussions, and he thought, agreed with the result obtained. Mr. MINCHIN thought the specified limitation on taxation to be most valuable. The chief object, as he took it, in encouraging municipal action, was to relieve to some extent imperial taxation by taxes self-imposed; and he thought it was of the greatest importance that the two, imperial and municipal taxation, should not clash. He thought it would be a great boon if the Supreme Government were to allot certain classes of taxes for local purposes, which should never be included in the scheme of imperial taxation. They were doubtless all aware that, when the imperial license-tax was imposed last year in the Madras Presidency, some trouble, and disturbance even, was created from the fact of the tax having been already levied for municipal purposes. People did not like being taxed twice over, and he thought it would be a very great boon indeed, if, in order to foster the municipal system, the Imperial Government would set aside certain sources of taxation for local purposes.

He came now to the one point in which he apparently differed from the majority of the Committee, as to the best mode of appointment to Committees. And here, after the very strong expression of opinion from his Honourable friend Mr. Maine, he felt peculiarly the difficulty of his position, to have forced upon him the necessity of replying to such an antagonist:

*Infelix puer, atque impar congressus Achillis.*

His Honourable friend told them that it was allowed everywhere that the people must be educated up to the Act, and yet that, in the amendments proposed by his Honourable friend Mr. Shaw Stewart, an arbitrary time, and that the short period of two years, was fixed for such development. He confessed that he could not so read the amendments of his Honourable friend. It appeared to him that the sole difference between his proposals, and the Bill as amended by the Committee, was that here, after the first appointment by nomination, all vacancies that might occur according to the system devised were to be filled up by election, provided that the municipality drew up suitable schemes for selection, which would satisfy the Lieutenant Governor, and conduct their election accordingly within the period prescribed; while, under the Bill the system of nomination or election was at the will of the Lieutenant Governor. Did his Honourable friend's amendments say, in effect, as advanced by the Honourable Mr. Maine, that every town was already fit for popular representation? He could not see it in that light. It was left to such towns as wished for it to provide the scheme by which election could be granted to them; the cases of such towns as were quoted by the Honourable Mr. Maine from the Lieutenant Governor's report, where there was no desire for election, would be unaffected; where the people did not want election, they would not ask for it or provide a scheme for it, and it would not be imposed upon them. Under the provisions of the amendments proposed by his Honourable friend, such towns as would like the system of election would be more likely to obtain their wish than under the section of the Bill proposed by the Committee, and on that account he preferred the amendments. In this country, they knew that they could depend so perfectly on the honesty of purpose of English officials, from the highest to the lower ranks, that they trusted implicitly to that, instead of taking those safeguards against personal failings which were insisted on in constitutional countries. He thought it would be better for this country if the same principle were more acted on here, and he should like to see the introduction of the elective principle in municipalities less dependent on personal action of the authorities.

It might be said that the whole attempt to make municipalities elective was a sham; if he were not afraid of the charge of cynicism, he might allow it, and would say that it was a beneficial sham. In the Bill as now settled in Committee, there was an important provision under which no taxation could be imposed, and no expenditure sanctioned, except at a special meeting of the municipality, at which two-thirds of those present must be non-official members. This was a real commencement of the principle he advocated, of working *by* the people, and not only *for* them. By this provision, the non-official members of the municipality had in their own hands, if they chose to exercise it, the power of local taxation, and of the not less important field of local expenditure. As he said before, he took it that the chief object in fostering municipalities was to relieve imperial expenditure, and to meet certain necessary outlays by taxes levied by the people. By increasing the area of popular interest in these concerns,

this benefit was increased; and he was sure it would be a vast relief to his Right Honourable friend Mr. Massey, whose absence to-day he much regretted, if, in bringing forward his budget to-morrow, he were able to rely upon a large and increasing revenue from taxes imposed upon themselves by the people.

Mr. MINCHIN did not know whether his Honourable friend Mr. Shaw Stewart would persevere with his amendments: probably he would be contented with the discussion of this important subject which they had provoked. He considered that the closing argument of his Honourable friend Mr. Maine was definitive as to any action in this matter. He was sure that his Honourable friend Mr. Shaw Stewart and himself had no idea of forcing their own views upon Presidencies with which they were not connected. At the same time he would that Honourable gentlemen, who were afraid of the elective principle, would take courage, and open their eyes to the mighty support which popular co-operation gave to the performance of official duty.

The Honourable Mr. STRACHEY said that he so heartily agreed with the remarks made by the Honourable Mr. Maine, that but for one fact he would not have considered it necessary to say a word. Mr. STRACHEY had lived in the North-Western Provinces the greater part of his Indian life, and for that reason he ought not to remain altogether silent. The Council had heard a great deal, both in the present discussion and on a former occasion, about popular views and popular representation. It appeared to him, however, that under existing circumstances these were mere words; they meant nothing, absolutely nothing. The Honourable Mr. Minchin had observed that, although the proposed system might be a sham, still it might be looked on as a beneficial sham. It seemed to him (Mr. STRACHEY) that, although it often happened that old political institutions which once had a meaning in time degenerated into shams, yet to suppose that newly-created shams could ever develop into valuable institutions was altogether visionary.

The Honourable Mr. TAYLOR said that, as he was prevented from attending the Council, and joining in the debate which ensued on the occasion of the introduction of the Bill, he desired to state very briefly his views on the general question under discussion, and the reasons why he found it impossible to support the motion of his Honourable friend. He believed that the people of this country were as capable of representative government as any other nation of the world. But they were not as yet, as a general rule, sufficiently accustomed to the duties and responsibilities it imposed, even in municipal affairs administered according to our forms, to be able to stand altogether alone. No one, not even his Honourable friends Mr. Shaw Stewart and Mr. Minchin, would be willing to go further than himself in the direction of the elective principle. He had always maintained that it should be the aim of the Government to improve and strengthen independent municipal action to the utmost of its power, to encourage the people to undertake for themselves what they could do far better than the State, and by this means to develop a spirit of self-reliance and teach them self-government. He believed that the town and rural populations were easily reconciled to local cesses of various descriptions, even when they were innovations upon popular ideas and customs, provided these cesses were imposed for definite objects connected with their own interests, and their own convenience and well-being. And speaking from personal experience, he could also state with confidence that their acquiescence in any well-devised measure of taxation for purely local and municipal objects was usually very readily obtained when they were invited and trusted to take an active part in its administration. But the influence to which they must look to promote and foster this feeling of self-reliance, and to secure an active co-operation in measures of local reform, was the guiding hand of the head of the district. They must not attempt to strain the elective principle too far at first. The local administration and the district officers in the different provinces were the best judges when a spirit of responsibility was sufficiently matured to admit of the election of representatives independently of Government control. No doubt considerable tact and judgment were required, and a grave responsibility attached to the officers of Government in this matter. The more they popularised the system of local taxation, the greater would be their success; and, as Mr. Minchin had observed, the lighter and pleasanter would be their administrative duties. Two important principles, it seemed to Mr. TAYLOR, should ever be kept in view. One was that the contributions for the purposes of municipal improvement should be made in the form best suited to the convenience and wishes, the tastes and habits of each town community—whether it were a tax on houses or shops, an octroi, or a license-tax on trades and professions:—and the other was that, in whatever form it might be levied, the people should clearly understand that it was altogether separate and distinct from any tax for imperial purposes. The greatest danger to be apprehended was that, under a system which practically gave to the Local Government, and to the head of each district, a large power of control, and under which the municipal corporations would act under the

immediate influence of a European official, taxation might be pushed too far, irrespective of the general wishes of the Native community, and an extravagant expenditure be incurred upon objects in which they had no concern or interest, and independently of strict Government sanction. Such a result, it must be admitted, would best be avoided by conferring upon the chief tax-payers, wherever, and as soon as, they were fit for it, the right of nominating their own representatives; and by conceding to those representatives the power of examining the several charges, and pronouncing upon their moderation or otherwise, and of giving an opinion as to the suitability of the objects upon which the expenditure was incurred. The cause of our past failures to introduce anything approaching to healthy municipal action was, he feared, to be found in the fact that such action had hitherto been chiefly directed to the levy of taxes, without any real earnest attempt to confer upon the communities who provided the money any of the corresponding rights and privileges. The people were simply required to pay, and the money was spent without reference to their wishes.

A different state of things had, however, been successfully brought about in some parts of India, where a similar law to that which had now been introduced for the North-Western Provinces had been for some time in operation. In some districts of the Madras and Bombay Presidencies, and in the Panjáb, the people had been invited to elect their representatives, and might be said to have a real voice in the administration of their affairs. That such was the case also in the North-Western Provinces, they had the assurance of the Lieutenant Governor who had just retired, in the passages of the memorandum of the Under Secretary to which his Honourable friend Mr. Maine had especially referred. The Bill, as it now came from the hands of the Committee, expressly provided for the extension of the system of popular election, whenever the circumstances of a particular locality were favourable to its introduction, and it seemed to him therefore for the present to go far enough. They knew that the present Lieutenant Governor, who was himself a member of the Committee, heartily approved of its provisions, and under his administration they might confidently look for the gradual introduction of a real elective principle into the constitution of the municipalities throughout the country.

The Honourable Major General Sir H. M. DURAND had occasion, when this Bill was first introduced, to take exception, and very strong exception, to many of the provisions and some of the omissions of the Draft Act as at first submitted, for it appeared to him one of the worst drafts he had seen laid on this table. He had compared section by section the Bill as it had now issued from the hands of the Committee, with the original draft, and he entirely agreed with the remarks of the Honourable Mr. Minchin, that the Bill as now presented was a very different one from the first. The Committee had evidently gone very carefully into the details of the Bill, and had greatly amended and improved it in almost every point on which he had occasion formerly to animadvert. It insured returns of the municipal taxation to the Local Governments, and through them to the Government of India. The paper from the North-Western Provinces showed the importance of such information, and in future the Financial Member of the Governor General's Council would be able to judge of the incidence of this searching municipal taxation over the length and breadth of India, a matter of importance in connection with general or imperial taxation. The power of raising loans on debentures was taken away. Sufficient provision seemed made, in his opinion, for the development of the elective element, for which the Honourable Mr. Shaw Stewart contended in his amendments. Where circumstances were favourable, though it might prove a slow process, the people might be educated gradually to discharge elective functions in connection with their municipalities. Every thing considered, the Bill, as now laid on this table, was so improved that it commanded his willing assent.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF said, the discussion which had taken place had somewhat wandered from the amendment which was before the Council. HIS EXCELLENCY believed that it would have been more regular if Honourable Members had adhered to the course pursued by the Honourable Mr. Maine in keeping close to the subject of the Honourable Mr. Shaw Stewart's amendment. But as the discussion had wandered in that manner, and a discussion on the general principles of the Bill had taken place, his Excellency the President would excuse him if he followed the example that had been set, and offered a few remarks on the general subject. Like the Honourable Sir Henry Durand, HIS EXCELLENCY had taken a part more prominent than he could have wished in objecting to the Bill as it was originally sent down from the North-Western Provinces. Having been put on the Committee by the Honourable Member in charge of the Bill, HIS EXCELLENCY was able, in conjunction with the present Lieutenant Governor of the North-Western Provinces (Sir William Muir), with the Right Honourable Mr. Massey, and other Honourable Members, so to consider the various objections urged, which were more or less started in the previous debate, as to come to a

satisfactory compromise with the Honourable Mr. Brandreth. The result was that, while it appeared from the Bill as introduced, that what might be called the popular interests were not sufficiently attended to; while it appeared that the direct action of the Lieutenant Governor was to override anything like the views of the people in any form; while it appeared that, not only the Lieutenant Governor, but the Commissioner of the Division might walk into any Committee-room and strike out all that had been done, all those objections had been removed by the Committee. Consequently, His EXCELLENCY had no hesitation in thus meeting the views of Mr. Brandreth, assisted as the Committee had been by the very courteous and cordial manner in which His Honour the present Lieutenant Governor of the North-Western Provinces met the objections of those who, like His EXCELLENCY, had taken a part in the previous debate. His EXCELLENCY thought he was not in any manner committing the Lieutenant Governor in saying that the compromise which had resulted had his full assent, and this was an extremely important point with reference to the argument pursued by the Honourable Mr. Minchin.

As the Right Honourable Mr. Massey was not present, His EXCELLENCY would invite attention more particularly to the question of debentures. Great opposition was expressed on that question in the previous debate. Mr. Massey declared in very emphatic terms that the whole credit of the supreme Government would be engaged, and that, in the case of a defaulting municipality, the Supreme Government would have to make good the deficit. Such words from such an authority must carry an enormous weight, and if the Committee had been inclined to admit the principle in particular instances, His EXCELLENCY thought that, in the face of such a declaration, they would have been obliged to strike out the debenture clauses, as had in fact been done. But while the Committee had done that, His EXCELLENCY did trust that the supreme Government would listen to the counsels of his Right Honourable friend, and come to the assistance of municipalities for the prosecution of public works of a minor character, in a manner which was well-known in England, and of which we had an example in what was done in the city of Calcutta last year.

Reference had been made to the memorandum which had come from the North-Western Provinces. His EXCELLENCY cordially concurred with the observations which had been made as to the excellence of that memorandum; but he could only regret, on the part of the Government of the North-Western Provinces, that the information now placed before the Legislative Council had not come to the executive Government before the Bill was introduced, in order that Members circumstanced like himself might not have been allowed unnecessarily to enter into an opposition. His EXCELLENCY did not think it fair towards Honourable Members of Council, that they should be called on to pass measures involving important principles without ample information from the local authorities. That information came in the present instance, not spontaneously from the Government of the North-Western Provinces, but it was forced from them by the opposition raised to the very imperfect Bill sent down for the consideration of the Council.

Sundry remarks had been made on the question of local taxation, and more especially with reference to the octroi. His EXCELLENCY would go along with the Government of the North-Western Provinces; if the people choose to impose on themselves octroi duties, they should be allowed to do so. It was better for them to learn from experience, than that any arbitrary rules should be imposed on them by the Supreme or Local Government. On that point, however, there was some very important information in the memorandum which had already been referred to, and to which His EXCELLENCY wished to invite the attention of the Council. Thus it appeared that the cost of collection of that popular tax was in some instances something extraordinary. The cost of collection amounted almost to one-third of the proceeds of the tax. Let us take the case of Secundra Rao. It was stated that, there, the cost of collection was 33 per cent. At Besalpúr it was very nearly 21 per cent.; at Bijnur 20 per cent.; at Dhanaura 25 per cent.; at Mainpúri 31 per cent. That was not a matter of theory, but of practice. Here it was stated that, owing to their extravagant ignorance, the people set to work to pillage themselves in a manner beyond belief. As His EXCELLENCY said before, let the people have their octroi if they wanted it, but he would entreat the Government of the North-Western Provinces to watch it, and see that such monstrosities might not again meet the eyes of the Financial member of the Government if he should call for returns this time next year.

With regard to the question of cantonments, His EXCELLENCY might remark that, in that very memorandum, it was stated that the annexation (if he might use the term) of cantonments to towns for the purpose of municipal taxation, had in some instances given satisfaction to

enacted regarding which the Lieutenant Governor of such a territory might assert that its introduction would be dangerous or subversive of good government; but in the present case no such assertion was made by His Honour the present Lieutenant Governor of the North-Western Provinces. He disapproved of his amendment because he wished the option left the Lieutenant Governor of using either election or appointment, but he did not understand him to urge any such strong objection as would necessitate this Council to refrain from acting on their own opinions.

He had only to express his entire concurrence in the remarks that fell from his Honourable friend Mr. Noble Taylor; without an encouragement of the spirit of self-government, and of the representation of the tax-payers, no municipal institutions that they could introduce would succeed. He had hoped from his Honourable friend's remarks that he would have supported his amendment. He was, however, glad that he had brought it forward, as the principle involved in it was one that could not be too prominently brought into notice, and he trusted it would some day meet with a better reception. He would beg the permission of the Council to withdraw the amendments.

The Amendments were then withdrawn.

The Honourable Mr. STRACHEY said there was one point on which he thought the Bill was open to serious objection, and he therefore desired to propose an amendment. But under the Rules of the Council, he believed he was unable to do so, because no notice of the amendment had been given by him. He had only lately joined the Council, and was not a member of the Select Committee, and he had had no opportunity till yesterday of looking into the Bill. The matter on which he thought the Bill open to objection was one of considerable importance, and he did not think it would be right (unless His Excellency the President wished him to do so) for him to ask the Council to consider the question until his amendment had been circulated, and the Council had had an opportunity of examining the matter. The amendment which he wished to propose was in section 11. It appeared to him that the section as it stood gave—or he ought rather to say delegated—a power of taxation, which was practically, he thought, unlimited, to Municipal Committees and the Lieutenant Governor. For example, he would take clause 2—taxes on professions and trades. They all knew of the discussions that had been going on during the last year about the License Act. They were now giving to the Local Committees and to the Lieutenant Governor a power of imposing taxes similar to the License Tax with only this difference, that they gave the power absolutely, without any restrictions at all. He thought also that a great deal might be said of the necessity of placing some limitation on the octroi-tax, with respect to which he agreed entirely with what he understood to be the opinion of His Excellency the Commander-in-Chief. But he did not think it would be right now to ask the Council to take his (Mr. STRACHEY'S) amendment into consideration without notice. His amendment would be to the effect that, not only should the consent of the Local Government be necessary to the imposition of those taxes, but also the consent of the Governor General in Council. All that he now had to propose was that the further discussion of the Bill be adjourned to the next meeting of the Council.

HIS EXCELLENCY THE PRESIDENT understood that some of the Members of the Council were prepared to consider the amendment at once, but that others desired that the Council should be adjourned. Under those circumstances, HIS EXCELLENCY thought it his duty to put to the Council the question of adjournment. HIS EXCELLENCY was himself in favour of adjournment, in order to allow the Council time for consideration. He understood that the question was considered in Committee, and that the ground of its rejection was that, by its adoption, an unduly large amount of work would be thrown on the Supreme Government. Nevertheless, considering the importance of the question, the course which he thought it most satisfactory to adopt would be an adjournment.

But before adjourning, HIS EXCELLENCY wished to say a few words on some other matters discussed by some of the Members, more particularly His Excellency the Commander-in-Chief. In the first place, THE PRESIDENT thought it right, as a matter of fair play to the Lieutenant Governor who had just vacated office in the North-Western Provinces, to say that, while HIS EXCELLENCY quite admitted that it would have been very much better had the information subsequently supplied been in the first instance sent to the Supreme Government, nevertheless, the whole fault did not lie in the Government of the North-Western Provinces. There was a mistake here, in the Home Department, first, in allowing the case to be sent to the Legislative Department without the preparation of a Note, which would have supplied a great deal of the information subsequently brought forward. Secondly, there was some degree of laches on the part of the Honourable Member entrusted with the Bill in not seeing that such information was obtained.

There was another point to which His EXCELLENCY wished to draw attention. He thought Mr. Massey's view, that to grant these Municipal Committees power to raise money by debentures would render the Supreme Government liable for their payment, might be open to misconstruction. His EXCELLENCY would not himself admit that, by giving that power to Municipal Committees, the Government of India would have undertaken in any way, directly or indirectly, to make good the payment of moneys so raised. The question might appear unimportant, because the power had been struck out of the Bill; but Mr. Massey's remark might apply to loans already contracted by other municipalities, and His EXCELLENCY, on the part of the Government of India, with all respect due to the Financial Member, could not admit that the Government would have been pledged to the payment, and must repudiate the assertion that the Government were in any way responsible. Those loans were made on the responsibility of the municipalities by which they were respectively contracted, and must be discharged by them from the proceeds of local taxation.

The last point to which THE PRESIDENT wished to refer was that which His Excellency the Commander-in-Chief had again mentioned, namely the action of the Lieutenant Governor of the North-Western Provinces with regard to the introduction of taxes in cantonments. Under Act XXII. of 1864, it was never maintained that the military authorities could have any voice in the question of local taxation in military cantonments, but the taxation under that Act was limited to a rate on houses, and it did not empower the Lieutenant Governor to introduce new descriptions of taxation, such as the octroi. It was an error on the part of the Government of the North-Western Provinces to have introduced the octroi in cantonments without reference to the military authorities and the Government of India. But while, under the Act of 1864, the consent of the military authorities was not necessary, provided the taxation was limited as laid down in the law, THE PRESIDENT still thought that, as a matter of policy and good taste, it would have been right and proper for the Local Government to have referred the matter to the military authorities as well as to the Government of India. And until he had heard the contrary from the Commander-in-Chief, THE PRESIDENT supposed that it had always done so.

The Honourable Mr. BRANDRETH said that, before His Excellency the President adjourned the meeting, he wished to say a word or two of explanation in regard to the remarks which fell from His Excellency the Commander-in-Chief, with reference to the apparently excessive cost of collecting the octroi in some towns, on which His Excellency animadverted as indicating great mismanagement.

The cost of collection in the different towns varied, it appeared, from ten to upwards of thirty per cent. It was possible, however, that this difference might be owing to the octroi rates being higher in one place than in another, and not to any extravagant expenditure on establishments in one town, as compared with another. He remembered fixing the octroi rate in a town of which he had been Magistrate—Firozpur, in the Panjáb—on all commodities at a quarter per cent. Everywhere, the rates were low at the commencement, but afterwards they were raised in many places, he believed, to one or even two per cent. If the rate were only a quarter per cent., it was probable that the actual cost of collection would be very little less than if the rate were two per cent., though the percentages of cost on the amounts collected would of course exhibit a very great difference. He knew nothing of the particular rates in force in the towns in the North-Western Provinces into which the octroi had been introduced; he merely offered this as a possible explanation, derived from his own experience in the Panjáb, of the great apparent difference in the cost of collecting the octroi in the different towns in the North-Western Provinces. It might be that the Municipal Commissioners of the town of Secundra Rao, to which His Excellency the Commander-in-Chief especially referred on account of the apparently excessive cost of collection—thirty-three per cent.—far from mismanaging, had deserved well of their fellow-townsmen, by keeping the taxation within reasonable limits, and in not raising money to be spent on merely ornamental work.

The further consideration of the Bill was then postponed.

The Council adjourned till the 14th March 1868.

CALCUTTA,  
The 13th March 1868. }

WHITLEY STOKES,  
Asst. Secy. to the Govt. of India,  
Home Department (Legislative).