

Saturday, 20th December 1856

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

VOL. II.

Published by the Authority of the Council.

175.

CALCUTTA:

PRINTED BY P. M. CRANENBURGH, MILITARY ORPHAN PRESS.

1857.

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The Bill passed through Committee with two verbal amendments.

The Council having resumed its sitting, the Bills settled in Committee were reported.

MESSENGER.

MR. GRANT was requested to take the following Bills to the Right Hon'ble the Governor General for His Lordship's assent :—

The Bill "to comprise in one Act the provisions necessary for the assessment and collection of municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

The Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Madras.

The Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

And the Bill "to provide for the dissolution of the Bengal Mariners and General Widows' Fund Society, and the distribution of the funds belonging thereto."

NOTICE OF MOTION.

MR. CURRIE gave notice that, on Saturday next, he would move that the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta" be read a third time and passed; and further that the said Bill be re-committed, principally for the purpose of introducing into it a new Section which had been strongly pressed by the Municipal Commissioners in their last Paper relative to this Bill. They said :—

"The Commissioners would strongly recommend to the notice of the Legislative Council the insertion of a new Section for the gradual liquidation of charges incurred in the execution by them of the drainage and improvements to private premises as alluded to in their remark, page 7. After the public works of drainage, &c. are completed, the benefits thereof will only be felt when the private works of improvement are executed; to compel the summary payment of these expenses under the powers of the Act XIV of 1856, Sections XXIV, LI, LIII, will be in many cases a hardship, and operate as a serious impediment to the improvement of the sanitary condition of the Town. The effect of the provision now suggested has been very beneficial in English Towns, where, under the Public Health Act, precisely similar powers are given."

MESSENGER.

THE VICE PRESIDENT moved that Mr. Grant be requested to take to the Governor-General in Council the Message of the Legislative Council, requesting that application be made to the Honorable the Court of

Directors for a Portrait of the Marquis of Dalhousie to be placed in the new Chamber of the Council.

Agreed to.

UNCOVENANTED AGENCY (FORT ST. GEORGE.)

MR. ELIOTT moved that the Bill "for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George" be referred to a Select Committee, consisting of Mr. Allen, Mr. Currie, and the Mover.

Agreed to.

NATIVE PASSENGER SHIPS.

MR. LEGEYTT moved that two further communications received by him from the Government of Bombay be laid upon the table and referred to the Select Committee on the Bill "for the regulation of Native Passenger Ships."

Agreed to.

The Council adjourned.

Saturday, December 20th 1856.

PRESENT :

The Right Honorable the Governor General, *President*, in the Chair.

Hon. J. A. Doris,	C. Allen, Esq.
Hon. Major Genl. J. Low.	
Hon. J. P. Grant.	
Hon. B. Peacock.	
D. Elliott, Esq.	
	P. W. LeGeyt, Esq.
	E. Currie, Esq. and
	Hon. Sir A. W. Buller.

MESSAGES FROM THE GOVERNOR GENERAL.

The following Messages from the Governor General were brought by Mr. Grant and read :—

MESSAGE No. 88.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 13th December 1856, entitled "A Bill to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

By order of the Right Honorable the Governor General.

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM, }
The 20th Dec., 1856. }

MESSAGE No. 89.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 13th December 1856, entitled "A Bill for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Madras."

By order of the Right Honorable the Governor General.

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM, }
The 20th Dec., 1856. }

MESSAGE No. 90.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 13th December 1856, entitled "A Bill for appointing Municipal Commissioners, and for levying rates and taxes, in the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

By order of the Right Honorable the Governor General.

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM, }
The 20th Dec. 1856. }

MESSAGE No. 91.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 13th December 1856, entitled "A Bill to provide for the dissolution of the Bengal Mariners' and General Widows' Fund Society, and the distribution of the funds belonging thereto."

By order of the Right Honorable the Governor General.

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM, }
The 20th Dec., 1856. }

MUNICIPAL ASSESSMENT (CALCUTTA.)

THE CLERK presented a Petition from the British Indian Association, stating that the Petitioners had observed in the newspaper reports of the proceedings of the Council that material alterations, both as to the principle and the details, had been made in the Bill "for appointing Municipal Com-

missioners, and for levying rates and taxes, in the Town of Calcutta;" and therefore praying that the Bill, as amended, should be published for general information.

Also a Petition from rate-payers and occupiers of houses and lands in Calcutta with the same prayer.

MR. CURRIE said, as the Bill stood for the third reading to-day, it might be as well to hear exactly what the British Indian Association and the rate-payers and occupiers said. He should therefore move that the Petitions be read at the table.

Agreed to.

THE CLERK then read the Petitions.

PROTECTION OF CARRIERS BY LAND.

THE CLERK presented a Petition from the Manager of the North Western Dāk Company, praying for the extension to India of the provisions of the Statute XI Geo. IV and I William IV c. 68, for the protection of carriers by land.

HINDOO POLYGAMY.

Also the following Petitions for the abolition of Hindoo Polygamy:—

A Petition of Inhabitants of Bengal.

Two Petitions of Inhabitants of Bancoorah.

MR. GRANT moved that these Petitions be printed.

Agreed to.

MILITARY PAY CODE.

THE CLERK reported that he had received a communication from the Secretary to Government in the Military Department relative to an alteration in the present system of making over the money of deceased European Non-Commissioned Officers and soldiers to their families or next of kin in India, which it is intended to embody as a Rule in the revised Pay Code.

MR. PEACOCK moved that this Communication be printed.

Agreed to.

CATTLE TRESPASS.

MR. CURRIE presented the Report of the Select Committee on the Bill "relating to Trespasses by Cattle."

NATIVE PASSENGER VESSELS (BAY OF BENGAL.)

MR. ELIOTT presented the Report of the Select Committee on the Bill "to prevent

the overcrowding of vessels carrying Native Passengers in the Bay of Bengal."

THE INDIAN PENAL CODE.

MR. PEACOCK moved the first reading of "The Indian Penal Code." In doing so, he said it was not his intention to enter into the details of the Code. It would be wholly out of place so to do, or to enter into a discussion of the principles which had been so clearly expressed and so admirably discussed and elucidated by the learned authors of the Code in the Notes which were appended to it.

The Code, as prepared by the Indian Law Commissioners, had already been before the Council, and had been referred by them to a Select Committee, for the purpose of making such amendments therein as might appear to them to be necessary, and of reporting generally thereon.

The Committee had had numerous meetings; but, in consequence of other important avocations, it had been found impossible for every Member to be present at each Meeting, and it could not be said that each Member had considered the several alterations and additions which had been made in his absence. The Committee thought that it would occasion great and unnecessary delay, if the reading of the Bill were deferred until each Member could consider every alteration and addition so as to pledge himself to its accuracy. Except during his absence from Calcutta for a short period, he had been present at every Meeting of the Committee, and had carefully considered the alterations which had been made in his absence. He felt himself, therefore, responsible for all the alterations and additions which had been made.

The Committee concurred generally in the principles upon which the Code had been framed, and which were very clearly expressed in the introductory Letter, and in the Notes appended to the Code. It was, therefore, unnecessary for him to enter upon those points. But he thought it right to call attention to two substantial alterations which the Select Committee had made in the Code, in relation to subjects upon which they ventured to differ with the Indian Law Commissioners by whom it was prepared.

The authors of the Code had, in many cases not heinous, fixed a minimum as well as a maximum punishment. The Committee were of opinion that, considering the gener-

al terms in which offences were defined, it would be inexpedient, in most cases, to fix a minimum punishment; and they had accordingly so altered the Code as to leave the minimum punishment for all offences, except those of the gravest nature, to the discretion of the Judge, who would have the means in each case of forming an opinion as to the character of the offender, and the circumstances, whether aggravating or mitigating, under which the offence had been committed. But with respect to some heinous offences—such as offences against the State, murder, attempts to commit murder, and the like—they had thought it right to fix a minimum punishment.

The other point, on which the Committee dissented from the authors of the Code, had reference to the expediency of providing, by the Code, penalties for offences against special or local laws. It was intended and hoped that this Code, when completed, should be of a permanent nature; and the Committee had, therefore, thought it unadvisable to provide penalties for offences against special laws which might be constantly varying according to circumstances. They had, consequently, determined to omit from the Code the Chapter relating to Offences against the Revenue. The counterfeiting of stamps, which was provided for by Clauses in that Chapter, was included in the revised Code in the Chapter of Offences relating to Coin and Government Stamps. With regard to the provisions for offences against the Customs, it appeared to the Committee that it would be better to leave the punishment to the special laws by which those offences were created. The Code, as prepared by the Indian Law Commissioners, did not so define offences against the Revenue that any person looking to it alone could ascertain whether a particular act would subject him to a penalty or not; but it would be necessary to refer to two laws, the Customs Law and the Penal Code—the former in order to ascertain whether the act were prohibited, and the latter to learn what was the penalty. He would illustrate this by a few instances.

Clause 211 of the Original Code provided as follows:—

"Whoever, being in charge of any vessel, places that vessel in any situation in which he is forbidden to place it by any public servant, or body of public servants, employed in the collection of the Revenue, and empowered by Law, as such public servant, or body, to forbid the placing of such vessel in such situation, shall be punished with fine which may extend to Rupees 1,000."

Here, the Code did not define the offence for which it provided a punishment. So that any one who wished to know what the Law was on the subject, must first find the special enactment which empowered a public officer to forbid the placing of a vessel in a particular situation; and when he found that enactment, he must go to the Penal Code to see what punishment was attached to the offence.

Again, Clause 212 of the Code provided that

"Whoever cultivates, collects, or manufactures any article in contravention of any law by which the cultivation, collection, or manufacture of that article is prohibited or regulated, shall be punished with simple imprisonment for a term which may extend to three months, or fine which may extend to 500 Rupees."

Here, again, a person must search the Regulations to know whether the cultivation, collection, or manufacture of a particular article was prohibited or not: if he found a Regulation making such prohibition, then he would know, from this Code, that the violation of the Law would be punishable with imprisonment for a term of three months, or fine to the extent of 500 Rupees. The "Illustration" annexed to the Clause said—

"A, contrary to Law, cultivates the poppy. A has committed the offence defined in this Clause."

But the offence defined in the Clause was, not the cultivation of the poppy, but the cultivation of any article in contravention of Law. No one could ascertain from the Code alone, whether the cultivation of the poppy was prohibited. All that he could learn from the Code, was, that if it was prohibited by the Law, and he cultivated it, he would be liable to a certain term of imprisonment or a certain amount of fine. It appeared to the Select Committee that all persons interested in the cultivation of the poppy should be able to learn from one Law, not only that it was an offence to cultivate it without a license, but also the penalty to which a person so cultivating it would be liable.

The Act lately passed, relating to Ports and Harbours, furnished another illustration. He thought that, in such cases, it would be far more convenient that the Law, which defined the offence, should also declare the punishment, than that the Ports and Harbours Act should define the offence, and that the punishment should be regulated by the Code.

On the same principle, the Committee had thought it expedient to omit the Chapter on Offences relating to the Press. The proprietor of every Press was required by Act XI of 1835 to make a certain declara-

tion. The Chapter on this subject in the Original Code was Chapter XVII; and Clause 291 provided as follows:—

"Whoever keeps in his possession a Press for the printing of books or papers, not having made and subscribed the declaration required by Law to be made and subscribed by every person keeping such a press in his possession, shall be punished with simple imprisonment for a term which may extend to two years, or fine which may extend to five thousand Rupees, or both."

Consequently, the proprietor of a Press would have to go to the special Law of 1835 to see what the declaration was which he ought to make, and to the Penal Code to see what would be the punishment for not making it; whereas in the special Law, he would find at once both the required declaration and the penalty for default.

Then Clause 293 of the original Code provided as follows:—

"Whoever prints or publishes any periodical work whatever containing public news, or comments on public news, otherwise than in conformity to the rules of Law whereby the printing and publishing of such works is regulated, shall be punished with simple imprisonment for a term which may extend to two years, or fine which may extend to five thousand Rupees, or both."

Here, again, a person must go to the special Law to ascertain what were the rules in conformity to which such works must be printed and published. Whereas it appeared to him to be much more convenient to leave Act XI of 1835 as it stood, than to repeal so much of it as related to the penalties, and to fix them by the Code in the general terms to which he had alluded.

Besides, the Code was intended to be applicable to the whole of India, whereas many special Laws were applicable only to the circumstances of one particular Presidency or place. Many acts, which would be offences in Bengal, would not be offences in Madras, or Bombay, or the Punjab, and vice versa; and it would be very inconvenient that a Judge in the Punjab, for instance, should be obliged to study a special Law applicable only to Bengal, or Madras, or Bombay.

There was another Chapter which the Select Committee recommended should be omitted—namely Chapter XVI, "Of Illegal entrance into, and residence in the territories of the East India Company." The Commissioners who had prepared the Code, stated in the Note K. annexed to that Chapter, as follows:—

"The Indian Legislature is required by the Act of Parliament 3 and 4 Wm. IV., as soon as conveniently may be, to make Laws or Regulations providing for the prevention or punishment of the illicit entrance into or residence in the said territories of persons not authorized to enter or reside therein."

By the Statute referred to, there were certain parts of the territories belonging to the East India Company into which neither British subjects nor foreigners had a right to enter without a license. The original Code provided a punishment for unlicensed entry or residence; but it might not be necessary that the prohibition of such entry or residence should be permanent. The Select Committee had, therefore, thought that, if it were necessary to make any provision for the punishment of persons who entered into or resided in any part of the East India Company's territories without a license, it ought to be left to a special Law, which might be repealed as soon as it was found expedient to repeal it, rather than to the Penal Code, which was intended to have permanent duration.

These were the principal points in which the Select Committee had made any material alterations as regarded the principle of the Code. The other alterations related merely to matters of detail.

In the Chapter of Offences relating to Marriage, the Committee had included the offences of bigamy and adultery. They were not unanimous on these points, but thought that they should be left open for future discussion in Council. Papers had very recently come up from the Punjaub and from the North Western Provinces from which it appeared that it was very necessary that there should be a Law for the punishment of adultery. The Mahomedan Law, as it existed, provided for the punishment of that offence. But whether it was right or wrong that adultery should be made criminal, the Committee had thought it proper, not being unanimous, to introduce a provision making it an offence; and thus to elicit the opinions of those who were best able to form a judgment upon the question.

In revising the Code, the Select Committee had derived great assistance from a very luminous and excellent Report prepared by Mr. Cameron and Mr. Daniel Elliott, to whom the original Code, together with the various opinions thereon received from the several Presidencies, had been referred in the year 1846. They had also consulted the 7th Report presented to Parliament in March 1843 by Her Majesty's Criminal Law Commissioners, and the 4th Report of Her

Majesty's Criminal Law Commissioners appointed in 1845, which was published after the Penal Code, and embodied many of its suggestions. They had also referred to the revised Statutes of several of the States of America. From these sources, and from the Indian Penal Code as revised by the late Mr. Bethune, the Committee had derived many valuable suggestions.

He felt it to be due to the Clerk Assistant of the Council, who had acted as Clerk to the Select Committee, to acknowledge the valuable assistance which the Committee had derived from his great knowledge and experience, and from his indefatigable exertions and readiness in carrying into effect the views of the Committee.

These were the principal points upon which he thought it necessary to explain what the Select Committee had done. Doubtless, every Member of the Council had read and studied the original Code, and the excellent Notes which were appended to it. He thought that it would only be a waste of time if he were to attempt to repeat what had been so much better expressed by the learned gentlemen who had written those Notes.

In a work of this kind, there must necessarily be many imperfections; but, as a whole, the Committee had no hesitation in recommending that the Code as revised should be read a first and second time, and published for general information. They hoped that the Code was now in such a shape that the Council would have no difficulty in availing themselves of any suggestions which its publication might elicit from those whose experiences in such matters would render their assistance very valuable.

The Bill was read a first time.

MUNICIPAL ASSESSMENT (CALCUTTA.)

MR. CURRIE moved that the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the town of Calcutta," be re-committed for the purpose of considering certain proposed amendments.

After a verbal alteration in Section VI—

MR. CURRIE said, when the Bill had passed through Committee last Saturday, a new Section had been introduced on the motion of the Honorable and learned Member to his right (Mr. Peacock) after Section XXVII. The Committee was an adjourned Committee for the purpose of considering certain reserved Sections; and the new Sec-

tion had been introduced after Section XXVII, not because that was the proper place for it, but because it was the only place in which, at that time, it could be introduced; and if it stood part of the Bill, it ought to be transposed and inserted after Section XXXI. But he would ask the indulgence of the Council to say a very few words upon the Section itself.

The Honorable and learned Member had rather taken the Council by surprise in moving its introduction, since it referred to an entirely new subject; and he (Mr. Currie) should, therefore, be the more excused for reverting to it now.

The Section was to the following effect:—

"The Commissioners, under direction of the said Lieutenant Governor, shall, with as little delay as possible, cause to be made and constructed such tanks, reservoirs, or other works, as shall be necessary to provide, in convenient parts of the said Town, for the use of the inhabitants thereof, a proper supply of good and wholesome water for drinking and domestic purposes. And until such tanks, reservoirs, or other works, shall have been made and constructed, and all the expenses thereof defrayed, and all monies borrowed for the payment of such expenses on the security of the rates, and interest thereon, shall have been repaid, shall set apart for the purpose above mentioned an annual sum not less than Rupees 30,000 out of the proceeds of the rate provided by Section XII of this Act. If such supply of water shall have been provided and all the expenses thereof, and all monies borrowed for the payment of such expenses and interest thereon, shall have been repaid before the complete system of sewerage and drainage mentioned in Section XXIX of this Act, shall have been completed, the said annual sum of 30,000 Rupees shall be added to the annual sum of 1,50,000 Rupees directed to be set apart by the said Section XXIX of this Act.

He had said, when this Section had been first proposed, that he did not think a provision of this sort was necessary, because the scheme of the Drainage Committee contemplated also a scheme for supplying water to the Town; and the more that he had considered the subject, the more persuaded did he feel that it was not expedient to have a separate provision of this kind in the Bill. Since the Meeting, he had had an opportunity of learning that the Drainage Committee had very carefully considered the question of water-supply; and he had seen some of their papers regarding it, which would, no doubt, form part of the Appendix to their Report. They gave very copious extracts from authorities on the subject of drainage and water-supply; and, amongst them, he had

Mr. Currie.

marked some which referred to the close and necessary connection which existed between a copious supply of water and an efficient system of drainage. Mr. Dempsey, a Civil Engineer, who seemed to be a great authority in such matters, said—

"According with our definition, we propose to treat of the supply of water to Towns and buildings as a branch of the general subject of drainage, since the purposes of the act cannot be effected without an adequate and regulated supply of water, &c."

And Captain Vetch, one of the Metropolitan Commissioners for sewerage and drainage, said—

"The drains but furnish the ways or vehicles for transportation; the water is the moving power or carrier, and it is the cheapest that can be procured. In fact, the supply of water to a Town, and the discharge of refuse, are two branches of the same subject; and unless the water is abundant enough, and distributed enough to cleanse the drains, the last would be more offensive than useful."

An ample supply of water, therefore, was (and had been so treated by the Drainage Committee) a necessary part of any efficient system of drainage and sewerage; and it did seem to him that, when the Council were making provision for carrying out such a system, it would be very undesirable to introduce a Section containing a special provision for water-supply altogether irrespective of the scheme of drainage in contemplation. He should have no objection to providing that Rupees 30,000 should be set apart annually for water-supply in connection with the system of drainage; and he would therefore ask his Honorable and learned friend whether he would agree to strike out the present Section, and introduce some words into the Section respecting drainage which would specifically provide for a supply of water as part of the drainage scheme. The sum to be appropriated to drainage was set down at Rupees 1,50,000, not because Rupees 1,50,000 was the highest sum which ought to be appropriated to that purpose, but because that was the amount which the increased taxation provided by the Bill was estimated to produce, and he had thought it right, in providing for increased taxation, to indicate the purpose to which the proceeds of such increase were to be applied. He did not therefore think that it was really necessary to make any addition to the sum already specified, but at the same time, he had no objection to meet his Honorable and learned friend's wishes on that point.

Mr. PEACOCK said, he felt very strongly on this subject, because he knew that the poor inhabitants of this City suffered great distress from want of a proper supply of pure and wholesome water. In their Report for 1855, the Commissioners said:—

"Several localities in the Town stand greatly in need of good tanks for the convenience of supplying the neighbourhood with water. Not having adequate funds at our disposal, we have been unable to effect such desirable objects."

A Petition had been presented to the Council from a large number of the inhabitants, when the question of gas-lighting was before it, stating that the Petitioners were unable to obtain any wholesome water for drinking and domestic purposes. It did appear to him that it would be a great waste of public money if, at a time when the people were contracting disease from the want of pure and wholesome water, upwards of a lac of Rupees were expended annually in lighting, and no provision whatever were made for securing to them that important necessary of life, at the earliest possible period. The Honorable Member had said that he (Mr. Peacock), in moving the Section for a water-supply last Saturday, had taken the Council by surprise. But the Honorable Member would recollect that he had brought in on that occasion a new Clause by which a rate of 2 per cent was to be imposed in addition to the increase already made to the house-rate. He (Mr. Peacock) had shewn that the Commissioners now received more than they expended; that last year they had invested Rupees 30,000; that they had also invested considerable sums in 1853 and 1854; and that, altogether, they now had in Company's Paper a sum of Rupees 1,56,000, which they had accumulated from the surplus proceeds of the rates of the last three years.

To invest in this manner rates paid by present occupiers for some unknown improvements by which the present occupiers might never be benefited, or by which they would be but very partially benefited, was not the proper mode of administering the Municipal Funds. The Honorable Member had stated, in his Memorandum, that the available annual surplus might be estimated at Rupees 23,000; in addition to that, there would be the Rupees 17,000 which was now expended for lighting, but which would be no longer necessary when a general lighting-rate was imposed. Therefore, the Commissioners would have annually Rupees 42,000 beyond what was necessary for the purposes

of the town. The Honorable Member had stated in his memorandum that it would be necessary to appropriate this sum to the scheme in addition to the Rupees 1,50,000 for sewerage and drainage. He now said that the Rupees 1,50,000 a year which the Council had determined should be set aside for that purpose, would be sufficient; and he (Mr. Peacock) proposed that Rupees 30,000 out of the Rupees 42,000 which would remain in the hands of the Commissioners every year, should be devoted to another object of almost equal importance to the public health—an adequate supply of pure and wholesome water for drinking and domestic purposes. The Honorable Member said he had learnt, since the last Meeting of the Council, that there was a close and necessary connection between water-supply and efficient drainage; but the question was, when was the water-supply to be furnished? From the extracts which the Honorable Member had given in his Memorandum, it appeared that the Drainage Committee—

"consider a diffused system of water-supply over the Town to be an indispensable adjunct to efficient drainage."

But whether the water to be supplied by this system was to be pure and wholesome water for drinking and domestic purposes, or merely water for flushing the drains, the Drainage Committee did not say. Reading on, he found that—

"Although the drainage would be defective without water-supply, the Committee think that the works for the former need not be delayed on that account."

So that the works for drainage were to go on first, and the works for water-supply would then be undertaken. This would delay the supply of water for nine years; the period estimated for completing the drainage; and during the whole of that period, the Inhabitants were to suffer from the want of this necessary of life and health. What he wanted was, not that the Inhabitants should wait for pure and wholesome water for nine or ten years, when the drainage works would be completed, but that a sufficient supply should be furnished to them at once; and it was with that view that he proposed that Rupees 30,000 should be set apart of the available annual surplus of Rupees 42,000 for the excavation of tanks or the construction of such other works as were necessary for the supply of water. Then that object would be obtained at once. If these works could be used hereafter for flushing drains,

well and good, if not, there would be no waste. But if they were not to be commenced upon until the drainage works were completed, the inhabitants would continue to suffer and to contract disease for the next nine or ten years for want of pure and wholesome water.

He, therefore, wished that the Section should remain as it was. No harm could possibly arise from it. If the Commissioners were now to construct works which could be eventually used, well and good. In such case they would have a larger amount to devote to the purposes of drainage. The Honorable Member had said that he wanted this money and the Rupees 1,50,000 for drainage and for water. He (Mr. Peacock) wished that, having provided Rupees 1,50,000 a year for drainage exclusively, the Council should now take care that Rupees 30,000 a year should be annually appropriated without delay to the supply of water.

Mr. CURRIE said, he had no wish to press his motion, which, as far as he could judge from the manner in which the observations of the Honorable and learned Member had been received, was opposed to the views of the Council.

He must say, however, that his own opinion remained unchanged. No doubt, it was desirable, as observed by the Honorable and learned Member, that water should be provided for the inhabitants as soon as possible; but the digging of tanks and reservoirs would be a work of time; and unless these communicated with the river, their use would be comparatively small. Of course, all works connected with the diffused water-supply would have such communication. However, as the Section had been adopted last Saturday by a majority, and as it seemed to be the wish of the Council that it should stand, he would not press his motion. He would merely move that the Section be omitted from its present place, with a view to its being inserted after Section XXXI.

Agreed to.

After an amendment in Section XXXI—

Mr. CURRIE said, since the Bill had passed through Committee last Saturday, he had given notice that he would move the introduction of a new Section for enabling the Commissioners to recover by instalments any sum which they might have expended in improvements on private account. The Conservancy Act authorized the Commissioners to require that owners of houses should run drains from their houses to the

Mr. Peacock.

town sewers, and also make other improvements, such as metalling, channelling, and sewerage private streets, &c. It further provided that, if the works should not be executed on the requisition of the Commissioners, they might be executed by the Commissioners themselves, and the money expended be recovered from the owners. The provision in one of the Sections was, that the money should be paid forthwith, and, if not so paid, the Commissioners might recover it by complaint to the Magistrates, who would make an order for payment. It had been suggested by the Commissioners that, when a complete system of drainage was introduced, and the provisions of the Act were extensively put in force, it might be very hard to call upon owners to pay at once large sums expended upon improvements which were not of their own choice, but required for the general benefit of the town. According to the notice he had given, he now moved that the following new Section be inserted after Section XXXI—

"Whenever the Commissioners shall have incurred any expenses in the execution of any of the works which, under Sections XXIV, LII, and LIII of the said Act XIV. of 1855, the owners of any premises, houses, or buildings are required to execute, the Commissioners may either recover the amount of such expenses in the manner therein provided, or, if they think fit, may take engagements from the said owners for the quarterly payment of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of 6 per cent per annum, within a period not exceeding five years, and such sums when due may be recovered by the same process by which rates may be recovered under the incorporated Act."

The Section was agreed to.

On the motion of Mr. Currie, a verbal amendment was made in the Section relating to water-supply, and Mr. Peacock's Section was inserted after the above new Section.

The Council having resumed its sitting, the Bill was reported with amendments.

Mr. CURRIE said, in moving the third reading of the Bill, he thought it right to refer to the Petitions which had been read at the table to-day respecting it.

He did not propose to move that the Bill should be republished, as the Petitioners requested, for this reason—that he did not think the republication could be attended with any useful result; and, on the other hand, it was extremely desirable that there should be no further delay in passing the Bill, since it ought to take effect from the commencement of the next year, and the

proposition was near its close. It was true that, in the Report of the Select Committee, it had been said that, if any change were made in the constitution of the Municipal body, it might be proper to republish the Bill. But though such change had been made, he did not, upon consideration, think that it furnished any sufficient ground for republication. It was to be remembered that the question of the best mode of providing for the appointment of Municipal Commissioners had been under agitation for the last three years, and several associated bodies who might be considered to represent the principal classes of the inhabitants, had, during that period, expressed opinions regarding it, and proposed schemes of their own. The Council had had an opportunity of considering these opinions and schemes, and had formed their own judgment as to the course which ought to be followed. It was not likely that their judgment would be affected by any thing that could now be adduced; and he saw no benefit, but rather the reverse, in a further agitation of the subject.

The only other alteration of moment made in the Bill was as to the lighting-rate. The Bill had provided a partial lighting-rate on those streets which would be lighted with gas. That provision had been altered in Committee, the alteration being that there should be a general lighting-rate on the whole town, including streets lighted with oil as well as streets lighted with gas. The question of a lighting-rate had been even more agitated than the question of the formation of a Municipal body. When he had first suggested the introduction of a lighting-rate in the Gas Bill, he had provided that there should be a rate upon his whole town. The inhabitants then had had an opportunity of expressing themselves upon that provision, and had availed themselves of it. The Council had had before them the Petitions received; they had fully discussed the question; and the subject was now exhausted. He did not, therefore, think that, either as to the formation of the Municipal body or as to the lighting rate, there was any sufficient reason for the republication of the Bill; and he should at once move the third reading.

The motion was carried, and the Bill read a third time.

OATHS OF OFFICE.

MR. ALLEN moved that the Bill "concerning the taking of Oaths of Office by

Registrars of Deeds" be read a third time and passed.

The Motion was carried, and the Bill read a third time.

MESSENGER.

MR. GRANT was requested to take the above Bill and the Bill "for appointing Municipal Commissioners and for levying rates and taxes in the Town of Calcutta" to the Governor General for his assent.

Agreed to.

NOTICE OF MOTION.

MR. PEACOCK gave notice that he would, on Saturday next, move the second reading of the Indian Penal Code.

The Council adjourned.

Saturday, December 27th, 1856.

PRESENT:

The Honorable J. A. Dorin, Vice-President, in the Chair.

Hon. Major Genl. J. Low,	C. Allen, Esq.
Hon. J. P. Grant.	E. Currie, Esq. and
Hon. B. Peacock,	Hon. Sir A. W. Buller.
D. Elliott, Esq.	

MESSAGES FROM THE GOVERNOR GENERAL.

The following Messages from the Governor General were brought by Mr. Grant and read:—

MESSAGE No. 92.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 20th December 1856, entitled "A Bill for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta."

By order of the Right Honorable the Governor General.

CECIL BEADON,

Secy. to the Govt. of India.

FORT WILLIAM,
The 26th Dec., 1856.

MESSAGE No. 93.

The Governor General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 20th December 1856, entitled "A Bill