

**LEGISLATIVE COUNCIL
OF
INDIA**

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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

January to December 1858

Published by the authority of the Council.

A. SAVINLE, CALCUTTA PRINTING AND PUBLISHING COMPANY (LIMITED),
NO. 1, WESTON'S LANE, COSSITOLLAH.

1858.

ing of the Bill "for the levy of Port-dues in the Port of Aden."

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

SUBORDINATE CRIMINAL COURT AT OOTACAMUND.

MR. ELIOTT moved that the Council resolve itself into a Committee on the Bill "to extend Act XXV of 1855" (to empower the Session Judge of Coimbatore to hold Sessions at Ootacamund on the Neilgherry Hills).

Agreed to.

The Bill passed through Committee without amendment; and the Council having resumed its sitting, the Bill was reported.

MR. ELIOTT then moved that the Standing Orders be suspended to admit of the Bill being read a third time and passed.

MR. HARRINGTON seconded the Motion, which was then agreed to.

MR. ELIOTT moved that the Bill be now read a third time and passed.

Agreed to.

The Bill was then read a third time.

MR. ELIOTT moved that Mr. Grant be requested to take the Bill to the President in Council in order that it may be submitted to the Governor-General for his assent.

Agreed to.

PORT-DUES (ADEN).

MR. LEGEYT moved that Mr. Grant be requested to take the Bill "for the levy of Port-dues in the Port of Aden" to the President in Council in order that it may be submitted to the Governor-General for his assent.

Agreed to.

ESTATE OF THE LATE NABOB OF THE CARNATIC.

MR. PEACOCK moved that the Bill "to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic" be referred to a Select Committee consisting of the Chief Justice, Mr. Elliott and the Mover.

Agreed to.

SETTLEMENT OF ALLUVIAL LANDS (BENGAL).

MR. CURRIE moved that the Bill "to explain Regulation XI 1825 of the

Bengal Code, and to prescribe rules for the settlement of land gained by alluvion" be referred to a Select Committee consisting of the Chief Justice, Mr. Elliott, Mr. Harrington, and the Mover.

Agreed to.

MR. PEACOCK moved that the Select Committee on the Bill be instructed to submit a preliminary Report suggesting any alterations which they may deem expedient to make in the Bill previously to the publication thereof, and that they omit such parts as are declaratory of the existing law.

Agreed to.

The Council adjourned.

Saturday, April 10, 1858.

PRESENT:

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

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| Hon. the Chief Justice, | P. W. LeGeyt, Esq., |
| Hon'ble J. P. Grant, | E. Currie, Esq., |
| Hon'ble B. Peacock, | and |
| D. Elliott, Esq., | H. B. Harrington, Esq. |

RESTORATION OF POSSESSION OF LANDS (N. W. P.)

THE CLERK brought under the consideration of the Council a Petition of the British Indian Association suggesting amendments in the Bill "to facilitate the recovery of land and other real property, of which possession may have been wrongfully taken during the recent disturbances in the North-Western Provinces of the Presidency of Bengal."

MR. HARRINGTON moved that the above Petition be referred to the Select Committee on the Bill.

Agreed to.

SETTLEMENT OF ALLUVIAL LANDS (BENGAL).

MR. CURRIE presented the preliminary Report of the Select Committee on the Bill "to explain Regulation XI. 1825 of the Bengal Code, and to prescribe rules for the settlement of land gained by alluvion."

AUTHENTICATION OF GOVERNMENT STAMPS.

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

provide for the authentication of Government Stamped Paper."

EXCLUSIVE PRIVILEGES TO INVENTORS.

MR PEACOCK also presented the Report of the Select Committee appointed to consider the Despatches from the Court of Directors disallowing and desiring the repeal of Act VI of 1856 (for granting exclusive privileges to inventors.)

FORT OF TANJORE.

MR ELIOTT postponed the Motion (which stood in the Orders of the Day) for the first reading of a Bill for bringing the Fort of Tanjore and the adjacent territory under the Laws of the Presidency of Fort St. George.

REGULATION OF PORTS (FORT ST. GEORGE).

MR ELIOTT moved that the Council resolve itself into a Committee on the Bill "for the regulation of certain Ports within the Presidency of Fort St. George;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee without amendment.

The Council resumed its sitting.

LIGHT-DUES (GULF OF CAMBAY).

MR LEGEYT moved that the Council resolve itself into a Committee on the Bill "to repeal the laws relating to the levy of Light-dues within the limits of the Gulf of Cambay."

Agreed to.

Section I was passed as it stood.

MR LEGEYT moved that the following Section be added to the Bill;—namely, "This Act shall commence and have effect from and after the 1st day of May 1858."

The Section was agreed to.

The Preamble and Title were passed as they stood.

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

SETTLEMENT OF ALLUVIAL LANDS (BENGAL).

MR CURRIE moved that the Report of the Select Committee on the Bill "to explain Regulation XI. 1825 of the Bengal Code, and to prescribe rules for the settlement of land gained by alluvion" be adopted.

MR PEACOCK said, he should not object to the Motion; but in assenting to the adoption of the Report, and the publication of the Bill in the form in which it was now presented, he must not be considered as binding himself to the alterations made in the Bill by the Select Committee. The first part of Section I authorized the assessment of alluvion as part of the estate, provided the Government should agree to that arrangement; whereas it appeared to him that the zemindar had a right to insist upon such an assessment. The second part withheld from the Government the right of dissent in cases in which he thought it ought to have that right. The Section said:—

"If the proprietor or proprietors object to such an arrangement, or if the Revenue Authorities are of opinion that a settlement of the alluvial land cannot properly be made for the same term as the existing settlement of the original estate, the alluvial land shall be assessed and settled as a separate estate with a separate jumma."

So that, if the proprietor should object to the alluvion being settled as part of the original estate, the Government would be bound to settle it as a separate estate; whereas he thought that the Government ought to have the right of objecting to such a settlement where the nature of the alluvion was such that the separation would injure the original estate. It appeared to him, therefore, that the Section was wrong—first in requiring the assent of Government to settlements to which zemindars were entitled of right; and secondly, in not giving the Government a right of dissent in cases in which it might be necessary to exercise it—a right which he believed was now vested in them by law.

MR CURRIE said, he would not discuss now the objections stated by the Honorable and learned Member. It seemed to him that this was not the time at which they could be properly

discussed. The Select Committee had altered the Bill in accordance with the instruction given to them when they were appointed last Saturday; and the objections now taken seemed to him to be objections of detail, which could properly be considered hereafter by the Committee. The recommendation in their Report was, not that the Bill should be adopted by the Council in the form which it now bore, but that it should be published in that form. Upon its publication, suggestions would doubtless be received from Revenue Officers and others interested; and the Committee would then be in a position to determine whether any further alteration was necessary.

The motion was then put, and agreed to.

LIGHT-DUES (GULF OF CAMBAY).

MR. LE GEYT moved that the Standing Orders be suspended to admit of the Bill "to repeal the laws relating to the levy of Light-dues within the limits of the Gulf of Cambay" being read a third time and passed.

MR. CURRIE seconded the Motion, which was agreed to.

MR. LE GEYT moved that the Bill be now read a third time and passed. Agreed to.

The Bill was read a third time.

MR. LE GEYT moved that the Vice-President be requested to take the above Bill to the President in Council in order that it may be submitted to the Governor-General for his assent.

Agreed to.

LUNATIC ASYLUMS.

MR. ELLIOTT moved that a communication received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill "relating to Lunatic Asylums."

Agreed to.

The Council adjourned.

Saturday, April 17, 1858.

PRESENT:

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

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| Hon. the Chief Justice, | P. W. LeGeyt, Esq., |
| Hon'ble J. P. Grant, | E. Currie, Esq., |
| Hon'ble Major General | and |
| Sir J. Outram, | H. B. Harrington, |
| Hon'ble B. Peacock, | Esq. |
| D. Elliott, Esq., | |

The following Messages from the Governor-General were brought by the Vice-President and read:—

CORPORAL PUNISHMENT.

MESSAGE No. 132.

The Governor-General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 27th February 1858, entitled "A Bill to authorize the infliction of Corporal punishment in certain cases."

G. F. EDMONSTONE,
Secy. to the Govt. of India,
with the Governor General.

ALLAHABAD,
The 4th April 1858. }

MUNICIPAL ASSESSMENT (SUBURBS OF CALCUTTA, AND HOWRAH).

MESSAGE No. 133.

The Governor-General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 27th February 1858, entitled "A Bill for raising funds for making and repairing roads in the Suburbs of Calcutta and the Station of Howrah."

G. F. EDMONSTONE,
Secy. to the Govt. of India,
with the Governor-General.

ALLAHABAD,
The 4th April 1858. }

CONCEALMENT OF GOVERNMENT PROPERTY.

MESSAGE No. 134.

The Governor-General informs the Legislative Council that he has given his assent to the Bill which was passed