

**LEGISLATIVE COUNCIL
OF
INDIA**

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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

January to December 1858

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the progress of the Governor General; but perhaps that was unnecessary; for no one could doubt the expediency of the Governor General, vested with full powers of the Governor General in Council, being on the spot to support the Military Authorities in the great operations which were about to be undertaken.

All these considerations were of a temporary character, and he therefore proposed that the duration of the Bill should not exceed six months. The Governor-General hoped to be able to return in considerably less time; but as it was impossible to foresee precisely what might occur in these unsettled times, he thought it would be prudent to fix six months as the period during which the Bill should have effect.

With these observations, he should move that the Standing Orders be suspended, to enable him to carry the Bill through all its stages forthwith.

MR. PEACOCK seconded the Motion, which was then carried.

THE VICE-PRESIDENT then moved the first reading of the Bill.

The Bill was read a first time.

THE VICE-PRESIDENT moved that the Bill be now read a second time.

MR. LEGEYNT asked, if it was not the intention of the Bill to except the power of making Laws?

THE VICE-PRESIDENT said, no such exception was expressly made in the last Act passed by the Council for the absence of the Governor General from the Supreme Council. The assent of the Governor General would be necessary to every Law, but the power of making Laws would remain in the Legislative Council.

MR. PEACOCK said, under the Charter, the Legislative Council might authorize the Governor General alone to exercise all the executive powers which might be exercised by the Governor General in Council, but it clearly could not authorize him to make Laws and Regulations.

THE CHIEF JUSTICE said, the exception of the power to make Laws and Regulations appeared in Acts similar to this passed between 1834 and 1855, but had been omitted from the Act passed in the latter year. That omission was probably in consequence of the existence of the Legislative

Council as a distinct body from the Supreme Council. He was reminded by the Honorable Member for Madras, however, that the question had been considered and solemnly decided by the Council in connection with the Act of 1855; and it would be advisable to refer to the record of the proceedings.

THE VICE-PRESIDENT read the report referred to.

MR. LEGEYNT said, he was not present at the debate of which the Report had been just read. Having heard the Report, he should move no amendment in the Bill before the Council.

The Motion for the second reading was then put and carried, and the Bill read a second time.

THE VICE-PRESIDENT moved that the Council resolve itself into a Committee upon the Bill.

Agreed to.

The Bill passed through Committee without amendment.

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

THE VICE-PRESIDENT moved that General Low be requested to carry the Bill to the Governor General for his assent.

Agreed to.

THE VICE-PRESIDENT moved that the Council adjourn for a few minutes.

Agreed to.

The Council resumed its sitting pursuant to adjournment.

GENERAL LOW reported that the Governor General had given his assent to the Bill.

The Council adjourned.

Saturday, January 30, 1858.

PRESENT:

The Hon'ble J. A. Dorin, *Vice-President*,
in the Chair.

Hon. the Chief Justice,	P. W. LeGeyt, Esq.,
Hon. Major General J.	E. Currie, Esq.,
Low,	Hon. Sir A. W. Buller,
Hon. B. Peacock,	and
D. Elliott, Esq.,	H. B. Harington, Esq.

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

The Vice-President

ESCAPED OFFENDERS.

MESSAGE No. 126.

The Governor-General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 23rd January 1858, entitled "A Bill for the punishment of certain offenders who have escaped from Jail, and of persons who shall knowingly harbour such offenders."

By order of the Right Honorable the Governor-General.

CECIL BEADON,

Secy. to the Govt. of India.

FORT WILLIAM, }
The 29th Jan., 1858. }

IMPRESSMENT OF LABORERS, &c.

MESSAGE No. 127.

The Governor-General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 23rd January 1858, entitled "A Bill to authorize the impressment of artisans and laborers for the erection of Buildings for the European Troops in India, and for works urgently required for Military purposes."

By Order of the Right Honorable the Governor-General.

CECIL BEADON,

Secy. to the Govt. of India.

FORT WILLIAM, }
The 29th Jan., 1858. }

PORT-DUES (FORT ST. GEORGE).

MR. ELIOTT postponed the presentation of the Report of the Select Committee on the Bill "for the levy of Port-dues and fees at Ports within the Presidency of Fort St. George."

CONCEALMENT OF GOVERNMENT PROPERTY.

MR. PEACOCK moved the first reading of a Bill "for the punishment of persons who knowingly receive or conceal arms or other property belonging to the East India Company." During the rebellion, he said, a large quantity of arms and other property belonging to Government had been taken away by the mutinous Sepoys and others,

and it was necessary to provide for the punishment of all persons who should be found to be knowingly in possession of any such arms or property. As the law stood at present, where any person purchased or received plundered or stolen property knowing it to have been obtained in the perpetration of robbery by open violence, or of theft, accompanied by certain aggravating circumstances described in the Regulation, the Magistrate might commit him for trial before the Sessions Court, and the Sessions Court had the power to sentence him—formerly, to fourteen years' imprisonment and corporal punishment—at present, to fourteen years' imprisonment and two years' additional imprisonment in lieu of corporal punishment. In cases in which the amount of the stolen property knowingly received exceeded the value of three hundred Rupees, the Magistrate was also bound to commit the receiver for trial before the Sessions Court. In other cases, the Magistrate had himself the power to try and punish receivers by imprisonment for a term not exceeding two years. Wherever arms, horses, or other property of that description belonging to Government had been taken away by mutineers or rebels, persons coming into possession of the property must know, or at least have good reason to believe, that the property had been obtained in that way. He had, therefore, thought it right by this Bill to authorize the punishment of such persons by transportation for life, or imprisonment for a term not exceeding fourteen years.

In order to avoid the necessity of committing offenders of this class to the Sessions Judge, he had also provided that they might be tried by a Special Commissioner appointed under Act XIV of 1857, and in cases in which a case was committed to and tried before a Sessions Court, the sentence was to be final.

The Bill was read a first time.

BOMBAY WATER-WORKS.

MR. LEGEY moved that the Bill "to give effect to an agreement between the Government of Bombay and Her Majesty's Justices of the Peace for the Town and Island of Bombay and Cola-

ba in relation to certain water-works in the Islands of Salsette and Bombay" be now read a second time.

MR. ELIOTT said, he begged the Honorable Member for Bombay would postpone the second reading of this Bill, in consideration of the short time for which the papers connected with it had been in circulation. The Bill was a short one; but it referred to a great controversy, the merits of which it was difficult to arrive at without a careful study of the correspondence relating to it.

MR. CURRIE said, the Bill had an immediate connection with the Bill for levying municipal taxes in Bombay. In fact, it was dependent on it. Perhaps, it might be as well to read the Bill a second time to-day, and refer it to the Select Committee on the Municipal Bill, with instructions to make a special Report upon it previous to publication.

MR. LEGEYNT said, he thought the suggestion of the Honorable Member for Bengal a very good one. It was a suggestion which he had intended himself to make. Perhaps this Bill could hardly be said to be dependent on the Municipal Bill. The object of the Bombay Government was to have it passed independently of that Bill, and to let it remain standing in case the funds proposed to be raised under the Municipal Bill should fall short. But that and all other circumstances connected with the measure could be considered and made clear by the Select Committee on the Municipal Bill.

The Motion for the second reading was then carried, and the Bill read a second time.

CONFISCATION OF VILLAGES, &c.

The Order of the Day being read for the second reading of the Bill "to authorize the confiscation of, or the imposition of fines on, Villages and other places for offences committed by the Inhabitants"—

MR. PEACOCK said, it had been his intention to move the second reading of the Bill this day, and, after the suspension of the Standing Orders, to refer it to a Select Committee with instructions to report upon it before the usual time; but as he believed the Bill had been circulated only yesterday,

and his Honorable friend opposite (Mr. Elliott) wished to have further time to consider it, he would postpone his Motion until next Saturday.

MR. PEACOCK gave notice that he would, on Saturday next, move that the Standing Orders be suspended to enable the Select Committee to whom the above Bill might be referred, to present their Report before the expiration of the period prescribed by Standing Order No. LXIX.

MUNICIPAL ASSESSMENT (SUBURBS OF CALCUTTA, AND HOWRAH).

MR. CURRIE moved that the Council resolve itself into a Committee on the Bill "for raising Funds for making and repairing Roads in the Suburbs of Calcutta and the Station of Howrah;" and that the Committee be instructed to consider it in the amended form in which the Select Committee had recommended it to be passed."

Agreed to.

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

BOMBAY WATER-WORKS.

MR. LEGEYNT moved that the Bill "to give effect to an agreement between the Government of Bombay and Her Majesty's Justices of the Peace for the Town and Island of Bombay and Colaba in relation to certain Water-works in the Islands of Salsette and Bombay" be referred to a Select Committee consisting of Mr. Elliott, Mr. Currie, Sir Arthur Buller, and the Mover, with an instruction to submit a preliminary Report on the Bill previously to its publication in the *Calcutta Gazette*.

Agreed to.

RECOVERY OF RENTS (BENGAL).

MR. CURRIE moved that a communication received by him from the Government of Bengal be laid upon the table and referred to the Select Committee on the Bill "to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal."

Agreed to.

The Council adjourned.