

Saturday, 26th April, 1856

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

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Council, and the revenues to be collected thereunder be considered. Six thousand Rupees per annum was a large sum for the Municipal Fund, in its present state, to lose; but if it should be determined to repeal Chap. 6 of Regulation XIX of 1827 by the Municipal Bill, he hoped to have provision made in that Bill for making good from other sources the loss of the amount now realized under the Regulation.

He therefore moved that the Clause in question be omitted from the Schedule.

The question being put, the Council divided :—

Ayes 4.

Noes 8.

Sir Arthur Buller.
Mr. LeGeyt.
Mr. Peacock.
Sir James Colville.

Mr. Currie.
Mr. Elliott.
The Chairman.

The motion was carried, and the Schedule, as amended, passed.

The Schedule of Forms was then put, and agreed to.

The Council then resumed its sitting, and adjourned, on the motion of Sir James Colville.

Saturday, April 26, 1856.

PRESENT :

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

Hon. Sir J. W. Colville, His Excellency the Commander-in-Chief,
Hon. Major Genl. J. Low, Hon. J. P. Grant, C. Allen, Esq., E. Currie, Esq. and Hon. Sir A. W. Buller.

MARRIAGE OF HINDOOS.

THE CLERK presented a Petition from certain Brahmins of Poonah against the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows."

MR. GRANT moved that this Petition be printed.

Agreed to.

SALE OF UNDER-TENURES (BENGAL).

MR. CURRIE presented the Report of the Select Committee on the Bill "to amend the Law relating to the sale of Under-tenures."

MARRIAGE OF HINDOO WIDOWS.

MR. GRANT presented the Report of the Select Committee on the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows;" and gave notice that, on Saturday next, he proposed to move the committal of the Bill.

REVENUE OF CALCUTTA.

MR. CURRIE moved the first reading of a Bill "relating to the Administration of the Public Revenues in the Town of Calcutta." The object of this Bill, he said, was to assimilate the administration of the Public Revenues in Calcutta with the system which prevailed in all other parts of the Presidency of Bengal. The present state of the Law was this. By Regulation XII of 1826, it was provided that a Civil Servant of the East India Company should be specially appointed to take charge of the Stamp Duties in the Town of Calcutta: by Act XI of 1849, the charge of the Akaree Revenue was expressly vested in the Collector of Calcutta: and by Act XXIII of 1850, the Collector of Calcutta, or any Officer legally appointed to exercise the powers of Collector, had the management of the Land Revenue. If, therefore, these three branches of revenue were to be administered by one person, that person must be a Civil Servant appointed Collector of Calcutta, and specially vested with the charge of the Stamp Duties. Until lately, there had been such an Officer: the Office of Collector of Calcutta was a substantive appointment, held by a Civil Servant: but recently, it had been thought advisable that the Collectorship of Calcutta should be united with the Collectorship of the Twenty-four Pergunnahs; and it was considered that, under the new system, the best mode of providing for the administration of the several branches of the town revenue would be to entrust the duties to one or more Deputy Collectors, acting under the general control of the Collector.

It was to legalize an arrangement of this kind that this Bill was introduced. It modified that part of Regulation XII of 1826 which required that the collection of Stamp Duties should be in the charge of a Civil Servant specially appointed, and extended to Calcutta the general law applicable to the office of Deputy Collector.

The Bill was read a first time.

AMEENS (BENGAL).

On the Order of the Day for the third reading of the Bill "to amend the Law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William," being read—

MR. CURRIE moved that the Bill be recommitted.

Agreed to.

MR. CURRIE said, after the Bill had passed through Committee, an intimation was received from Agra that the Lieutenant Governor wished some alteration to be made in it; and the third reading was postponed in consequence. A communication had since been received from the Secretary to the Government of the North-Western Provinces, the substance of which was, that the Lieutenant Governor desired that the practice which obtained in the Civil Courts of those Provinces of calling for Reports from the Revenue Officers in cases which involved investigations and adjustments of accounts connected with land paying revenue to Government, should be continued; and with this view, he proposed that Section V of the Bill should be modified so as to run thus:—

“The Civil Court Ameen may, subject, in the North-Western Provinces of the Presidency of Fort William, to the general directions and restrictions which may be prescribed by the Sudder Court, be employed on the following duties, &c.”

It had appeared to him (Mr. Currie), however—and the Honorable Member for the North-Western Provinces had concurred in that opinion—that the addition of these words would not be sufficient to meet the object which the Lieutenant Governor had in view. They thought it would be necessary that the power of the Civil Courts to call for Reports from the Revenue Officers, should be distinctly recognized, and that, when investigations were made by Revenue Officers under the orders of the Civil Courts, those Officers should possess the powers vested in Civil Court Ameen by Section VII of the Bill, and that the provisions of that Section should be declared applicable to the proceedings held by them.

He had prepared a Section embodying these views to be added at the end of the Bill; and he should now move that the words “subject to such general directions and restrictions as may, from time to time, be prescribed by the Sudder Court”

be prefixed to Section V.

The amendment was agreed to, and the Section passed.

MR. CURRIE next moved that the following new Section be added to the Bill:—

“Nothing contained in this Act shall be held to prohibit the Civil Courts in the North-Western Provinces of the Presidency of Fort William from making use of the agency of the Revenue Officers in investigations and adjustments of accounts connected with land paying revenue to Government, under such general directions as may, from time to time, be prescribed by the Sudder Court. Whenever a Tehseeldar, a Naib Tehseeldar, or a Peishkar

shall be employed on any such investigation or adjustment under the orders of a Civil Court, he shall possess all the powers vested in Civil Court Ameen by Section VII of this Act; and the provisions of the said Section shall be applicable to the proceedings held by such Officer.”

Clause 1 of Section VII, Mr. Currie observed, gave Civil Court Ameen power to examine witnesses and call for and examine documents; and Clause 2 prescribed the mode in which they should return their proceedings to the Court, and the procedure which the Court should adopt thereon.

The Section moved by the Honorable Member was agreed to.

The Council having resumed its sitting, the Bill was reported and read a third time.

STRAITS' EXCISE ACT.

MR. ALLEN moved that the Report of the Select Committee on the project of Law for amending Section XXXVI of Act XIV of 1851 (Straits Excise Act) be adopted.

He said, some time ago, a spirit called Samsoo was manufactured beyond the frontier of Province Wellesley, and carried through the Province by the river Prye, into the harbor of Penang, and the spirit farmer of Penang to whom, for excise purposes, was granted the monopoly of the manufacture of that spirit, seized the Samsoo as contraband. The question of the legality of the seizure was tried in Her Majesty's Court of Judicature there; and the Court decided that the spirit, not having been landed in any part of the Settlement, did not come within the operation of the Straits Act. The Governor of the Settlement thought that this was a defect in the Act, and that the intention of the Legislature had been that the prohibition should apply to spirits manufactured outside as well as inside the boundary. Accordingly, it sent up a proposal to the Supreme Government to add a Section to the Act expressly prohibiting the transit of spirits manufactured by other than licensed farmers along any of the navigable rivers and canals in the Settlement. Upon his motion, this communication was referred to a Select Committee. The Select Committee, having looked at all the papers submitted to them, were of opinion that they had not sufficient information to form a decided opinion on the propriety of the proposed amendment; and a letter was addressed to the Government of the Straits Settlement, enquiring for what purpose the spirit seized had been manufactured, and where it had been

seized. In reply, a copy of the Judgment of the Court of Judicature of the Settlement was sent; and from that it appeared clear that the spirit had been manufactured, not for consumption within the station, but for export to Moulmein. The boat in which it was seized had been attended down the river by the boats of the foreign Chief (to whose subjects the free navigation of the Prye was reserved by treaty) for the express purpose of preventing the cargo from being smuggled into the Settlement; and when seized, the boat was fastened alongside a junk which was then about to sail with the spirit for Moulmein. It had, therefore, appeared clear to the Select Committee that the spirit was intended for exportation, and that it had not been manufactured contrary to the intention of the Straits' Act, which was passed for the protection of the Excise Revenue; and that, although the Act prohibited the manufacture of country spirits within the Settlement, the prohibition was intended solely as an auxiliary means of preventing the consumption, without payment of revenue, of spirits within the Settlement. They had accordingly reported that they did not think it right to adopt the suggestion of the Government of the Straits; and he now proposed that their Report on the subject should be adopted, and that a copy of the Resolution be communicated by the Clerk of the Council to the Governor of the Straits' Settlement.

Agreed to.

AMEENS (BENGAL).

MR. CURRIE moved that Mr. Grant be appointed to take the Bill "to amend the Law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William" to the Governor General for his assent.

Agreed to.

NOTICE OF MOTION.

MR. CURRIE gave notice that, on Saturday next, he would move that the adjourned Committees of the whole Council on the Bill "for the conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca," and on the Bill "for regulating the Police of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca," be resumed.

The Council adjourned.

Saturday, May 3, 1856.

PRESENT:

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

His Excellency the Com- C. Allen, Esq.,
mandar-in-Chief, E. Currie, Esq.,
Hon. J. P. Grant, and
Hon. B. Peacock, Hon. Sir A. W. Buller.

MARRIAGE OF HINDOO WIDOWS.

THE CLERK presented a Petition from Inhabitants of Bengal against the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows."

PATENTS FOR INVENTIONS.

Also a Petition from Mr. Edward Myers, of London, stating that he had obtained in England Letters Patent for certain improvements in the springs of Railway carriages, and that similar privileges for his invention had been granted to him in other countries; and praying that the Council would protect his invention throughout the British territories in India. He further prayed that, if there was no Act to enable the Council to do this, a Law might be passed granting him an exclusive privilege in his invention for the term of 20 years.

MR. PEACOCK said, he thought this Petition was quite regular, because it prayed for the passing of an Act granting to the Petitioner an exclusive privilege in his invention; but as a general Act had recently been passed for allowing inventors to obtain exclusive privileges in India, he believed the Council would not think it right to pass a private Act granting an exclusive privilege to this Petitioner for 20 years. By the recent Act, an inventor should present his Petition to the Governor General in Council upon stamped paper, together with a description of the nature of his invention, and the manner in which it is to be used. The Governor General in Council might then give him an exclusive privilege for 14 years, and if, at the end of that period, he should think fit to enlarge the grant, he might do so for a further term of 7 years. The Petitioner in this case seemed not to be aware of the Act, and had presented his Petition to this Council. As far as obtaining an exclusive privilege under the Act went, that was a wrong course. He should have presented a Petition to the Governor General in Council, with a description of his invention. But as it was very