

Saturday, 8th November 1856

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

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power to Commissioners to compel Public Officers to give evidence, provided such Officers did not produce a certificate from the authority to which they might be subordinate.

MR. LEGEYT said, in deference to what had fallen from the Honorable and learned Member opposite (Mr. Peacock), he should move, with the leave of the Council, to withdraw the motion for the second reading of the Bill, and would adopt, in preference, the course suggested by him.

Agreed to.

MR. ELIOTT also, with the leave of the Council, withdrew his amendment.

MOFUSSIL MUNICIPAL LAW.

MR. LEGEYT moved that a communication received by him from the Government of Bombay, on the subject of sanitary reforms in the Mofussil, be laid upon the table and referred to the Select Committee on the question of Mofussil Municipal Law.

Agreed to.

Moved by the same that a communication received by him from the Government of Bombay on the subject of making the Municipal Funds in the Mofussil available for the support of Dispensaries, be laid upon the table and referred to the same Committee.

Agreed to.

TRANSPORTATION OF CONVICTS (STRAITS SETTLEMENT).

Moved by the same that a further communication received by him from the Government of Bombay, be laid upon the table and referred to the Select Committee appointed to consider and report on the existing Law in the Straits Settlement regarding the transportation of Convicts.

Agreed to.

TAKING OF EVIDENCE BY THE LEGISLATIVE COUNCIL.

Moved by the same that the question of enabling the Legislative Council to call for evidence, be referred to a Select Committee consisting of Mr. Grant, Mr. Peacock, Mr. Elliott, Sir Arthur Buller, and the Mover.

Agreed to.

Mr. Peacock

PIRATICAL VESSELS (STRAITS SETTLEMENT).

MR. PEACOCK moved that the Bill "to authorize the arrest and detention, within the Ports of the Settlement of Prince of Wales' Island, Singapore, and Malacca, of Junks or Native Vessels suspected to be piratical" be referred to a Select Committee consisting of the Chief Justice, Mr. Allen, and the Mover.

Agreed to.

ADJOURNMENT.

The Council then adjourned until the 1st of November, on the motion of the Commander-in-Chief.

Saturday, November 1, 1856.

PRESENT :

The Honorable J. A. Dorin, *Vice-President*,
Hon. Sir J. W. Colville, P. W. LeGeyt, Esq.,
Hon. B. Peacock, and
D. Elliott, Esq., E. Currie, Esq.

The Members assembled at the Meeting did not form the quorum required by law for a Meeting of the Council for the purpose of making Laws.

Saturday, November 8, 1856.

PRESENT :

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

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

THE CLERK presented the following Petitions :—

MUNICIPAL ASSESSMENT (MADRAS.)

A Petition of a Committee of Rate-payers in Madras praying for the appointment in that Town of a like number of Municipal Commissioners as is proposed for the Town of Calcutta.

MR. ELIOTT moved that the above Petition be referred to the Select Committee on the Bill "for appointing Municipal Commissioners, and for levying rates and taxes in the Town of Madras."

Agreed to.

REGISTRATION OF BIRTHS.

A Petition of certain Inhabitants of Madras praying for the passing of an Act for the Registration of Births.

MR. ELIOTT moved that the above Petition be printed.

Agreed to.

MUNICIPAL ASSESSMENT (GENERAL).

A Petition of the Bombay Association concerning 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."

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

Agreed to.

PETITION OF INHABITANTS OF AHMEDNUGGUR.

A Petition of certain Inhabitants of Ahmednuggur concerning the amendment of the Post Office Act and of various other laws and regulations.

MR. LEGEYT moved that the above Petition be printed.

Agreed to.

HINDOO POLYGAMY.

A Petition of Hindoo Inhabitants of Mymensing praying for the abolition of Hindoo Polygamy.

MR. GRANT moved that the above Petition be printed.

Agreed to.

MUNICIPAL ASSESSMENT (CALCUTTA).

A Petition of Owners and Occupiers of houses and lands in the Town of Calcutta concerning 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," and the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta."

MR. CURRIE moved that the above Petition be referred to the Select Committee on the Bills.

Agreed to.

POLICE CHOWKEYDARS (BENGAL).

A Petition of the British Indian Association against the passing of the Bill "to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars, in the Presidency of Fort William in Bengal."

MR. CURRIE said, the Bill to which this Petition referred had been settled in Committee as far back as the 9th of August, and, in the ordinary course, would have been read a third time and passed on the following Saturday. But, on an urgent representation from these Petitioners and other Native Land-holders in Bengal, he had postponed the third reading, and republished the Bill, in order that they might have an opportunity of making any remarks which they might think necessary on the alterations which had been made in the Bill by the Select Committee. At the same time, he had given notice that he should move the third reading and passing of the Bill on the first Meeting of the Council after the holidays. That Meeting had been fixed for Saturday last, and the motion of which he had given notice had been inserted in the Orders of the Day; but in consequence of an insufficient attendance of Members, no Council had been held. It was, he thought, obviously the business of the Petitioners to bring forward any remarks they thought necessary within the period thus specially allowed them, which was nearly three months. But this Petition had been received in the office only during the present week, after that period had elapsed, and when, but for the accident of a want of a quorum of Members on the last day of Meeting, the Bill would have become Law.

Under these circumstances, no further delay, he thought, could be allowed to occur in the passing of the Bill; and if the Petitioners were to be heard at all, it could only be by having their Petition read at the Table. With the permission of the Council, he would move that the Petition be read accordingly.

Agreed to.

The Petition was then read.

UNCOVENANTED AGENCY (FORT ST. GEORGE).

The Clerk reported to the Council that he had received from the Secretary to the Government of India in the Home Department, copies of two Draft Acts proposed by the Government of Fort St. George for the purpose of giving legal effect to the employment of Uncovenanted Agency under that Presidency, together with a copy of the Resolution of the Supreme Government thereon.

MR. ELLIOTT moved that the above communication be printed.

Agreed to.

JOINT-STOCK COMPANIES.

MR. PEACOCK postponed his motion (which stood in the Orders of the Day) for the first reading of the Bill "for the incorporation and regulation of joint-Stock Companies and other Associations, with or without limited liability of the Members thereof."

STRAITS' FERRIES.

MR. ALLEN moved that the Bill "for regulating Ferries in the Settlement of Prince of Wales' Island, Singapore, and Malacca" be now read a second time.

The motion was carried and the Bill read a second time.

POLICE CHOWKEYDARS (BENGAL).

On the Order of the Day being read for the third reading of the Bill "to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars, in the Presidency of Fort William in Bengal"—

MR. CURRIE said, before this Bill was read a third time, he should move for its recommitment for the purpose of making a few inconsiderable alterations.

With respect to the Petition which had been read to-day, he had only to observe that the Bill had been re-published in order that the Petitioners might have an opportunity of making remarks upon the alterations which had been made in it by the Select Committee. But the Petition did not touch upon those alterations. It only contained objections to the principle of the Bill, which, he conceived, was no longer an open question. Remarks to the same effect had been made in a former Petition. He did not think it incumbent on him, there-

fore, to take any notice of those remarks. But he would just observe that what the Petitioners had said about the ancient institution of the village watch was quite out of place. This was a Bill for the appointment of Chowkeydars in Towns and Bazars, and did not at all interfere, or, if at all, in a degree quite insignificant, with the institution to which the Petitioners referred.

The Bill was then re-committed.

MR. CURRIE said, the Preamble was as follows:—

"Whereas it is expedient to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal, beyond the local limits of Her Majesty's Supreme Court, it is enacted as follows:—"

There was nothing in the enacting Clauses to the effect of the restriction contained in the Preamble; and if the words to which he alluded were to stand, they ought to be repeated in Section II. But he thought that it would be better to leave them out of the Preamble, and introduce a new Section at the end of the Bill, expressly excluding Calcutta from the operation of the Act. On the understanding that this course would not be objected to, he should not move the addition to Section II, which would otherwise be necessary. According to the Standing Orders, the proposed alteration in the Preamble could not be moved till the amendments of the enacting Clauses had been disposed of.

On the motion of Mr. Currie, a verbal amendment was made in Section III.

Section XXXVII said:—

The Tax-Darogahs appointed under this Act, shall be employed exclusively in the duties hereinafter described. They shall be responsible to the Magistrate and subject only to his orders.

MR. CURRIE said that this Section, as it stood, was inconsistent with other parts of the Bill, for Section XXXIV assigned to the Tax Darogah the duty of assisting the Panchayet in preparing the rate, which was not amongst the duties afterwards described. If the Section were to stand, it must be altered; but he thought it unnecessary, and should move that it be omitted.

Agreed to.

MR. CURRIE said, it had been pointed out to him that the Bill contained no distinct provision authorizing Magistrates to dismiss Chowkeydars who were found inefficient or negligent, and the words of

Section LVI might possibly be held to restrict them from doing so. That Section said :—

Any Chowkeydar and any Jemadar or Inspector appointed under this Act, who is convicted of neglect of duty or misconduct, shall be liable to fine to an extent not exceeding half a month's wages, or to be suspended or dismissed from his situation, or to imprisonment for any period not exceeding six months.

It might be inferred from this that a conviction was necessary before a Magistrate could dismiss an inefficient or negligent officer. He (Mr. Currie), therefore, proposed to insert a Section similar to one which had been introduced into the Calcutta Police Act. But before doing so, he should move that the words "or to be suspended or dismissed from his situation" be omitted from this Section.

Agreed to.

MR. CURRIE then moved that the following new Section be introduced after Section LVI :—

"The Magistrate may suspend or dismiss any officer appointed under this Act whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same."

Agreed to.

MR. CURRIE moved that, after Section LIX, the following new Section be inserted :—

"Nothing contained in this Act shall extend to the Town of Calcutta."

Agreed to.

MR. CURRIE moved that the words "beyond the local limits of Her Majesty's Supreme Court" be omitted from the Preamble.

Agreed to.

The Council having resumed, the Bill was reported.

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

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

ABKAREE REVENUE (BENGAL.)

MR. CURRIE postponed his motion (which stood in the Orders of the Day) for the third reading of the Bill "to consolidate and amend the Law relating to the Abkaree revenue in the Presidency of Fort William in Bengal."

LANDS FOR PUBLIC WORKS AND NATIVE PASSENGER SHIPS.

MR. ALLEN moved that two papers which he had received from the Governor

of the Straits' Settlement containing remarks on the Bill "for the acquisition of land for public purposes," and the Bill "for the regulation of Native Passenger Ships," be severally referred to the Select Committees on those Bills.

Agreed to.

STRAITS' FERRIES.

MR. ALLEN moved that the Bill "for regulating Ferries in the Settlement of Prince of Wales' Island, Singapore, and Malacca" be referred to a Select Committee consisting of Mr. LeGeyt, Mr. Currie, and the Mover.

Agreed to.

MESSENGER.

MR. CURRIE moved that Mr. Grant be requested to take the Bill "to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal" to the Governor General for his assent.

Agreed to.

The Council adjourned.

Saturday, November 15, 1856.

PRESENT :

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

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| Hon. Sir J. W. Colville, | D. Elliott, Esq., |
| Hon. J. P. Grant, | P. W. LeGeyt, Esq., |
| Hon. B. Peacock, | E. Currie, Esq., and |
| C. Allen, Esq., | Hon. Sir Arthur Buller. |

THE CLERK presented to the Council the following Petitions :—

POLICE CHOWKEYDARS (BENGAL).

A Petition of certain Zemindars, Proprietors of landed estates, and other land-owners of Bengal against the passing of the Bill "to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal."

CATTLE TRESPASS.

A Petition of the British Indian Association against the Bill "relating to trespasses by Cattle."