

Saturday, 12th May, 1855

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF INDIA

Vol. I

(1854-1855)

should go into Committee upon it, and had the majority of the Council agreed to that, he could not have voted against his own motion; and therefore, he should have been in the very awkward position of having to take a Bill into Committee after new facts had come to his knowledge which made him anxious that its consideration in Committee should be postponed.

If the view taken by the Honorable Member opposite (Mr. Grant) were correct, he thought that the Standing Orders should be re-considered and amended.

SIR JAMES COLVILLE said that, not being a Member of the Standing Orders Committee, he would take this opportunity of saying a few words upon this subject.

He should certainly vote for the motion which had been proposed by the Honorable Member to his left (Mr. Grant), and he had no doubt that it would receive the best consideration of the Standing Orders Committee.

With regard to the inconvenience that had been suggested by the Honorable Member opposite (Mr. Peacock), it could, practically, be met in this way. If a Member gave notice that he intended to move any stage of a Bill on a particular day, there was nothing to prevent him, when that day arrived, from asking leave of the Council to postpone his motion, either for his own convenience, or for other reasons which, he might consider, made a postponement expedient. This was constantly done, nor was there any reason to suppose that the Council would ever force a Member to bring on a motion against his will.

Another and equally simple mode of meeting the difficulty, would have been for the Honorable Member to move the Order of the Day according to notice, and for the Honorable Member for Bombay then to move by way of amendment that the further consideration of the Bill be postponed. He thought either course more convenient, and more consistent with the Standing Orders, than that which had been followed that day.

MR. GRANT said, in reply to the Honorable Member opposite (Mr. Peacock,) he must explain that he had intended to confine his observations entirely to the general points of order raised. He did not wish to refer to the particular course taken to-day in terms either of approval or disapproval. But it was very necessary to have both points of order settled generally, for the guidance of the Council in future; and as the Honorable Member wished that his motion should be put, he (Mr. Grant) should press it.

The Honorable Member had said that it would be extremely inconvenient if, after he had put into the Orders of the Day a particular motion, he should be obliged to make it although circumstances might have come to his knowledge in the meantime which made him anxious to postpone it. He (Mr. Grant) saw no reason to fear any such inconvenience. As the proverb said, one man may take a horse to the water, but twenty men cannot make him drink. So, the Clerk of the Council may insert in the Orders of the Day a motion of which an Honorable Member has given notice; but the whole Council cannot force such Honorable Member to get up and make the motion, unless he chooses to do so. It had frequently happened in the case of motions entered in the Orders of the Day upon notice, that the Member who had given the notice, when the Order of the Day was called on, instead of making his motion, had merely stated to the Council that he intended to postpone it, either because he was not prepared to bring it on, or for some other reasons which appeared to him to require a postponement. The Honorable and learned Member opposite might have done that to-day as to the Bill in question. Or, he might have made his motion, and the Honorable Member for Bombay might have moved a postponement, by way of an amendment, to which the maker of the original motion might have consented. He (Mr. Grant) thought that the Standing Orders upon this point are well framed as they stand. They had been framed upon the model of the Standing Orders of the House of Commons; and he did not see how the difficulty apprehended could ever be felt in practice, if they were acted upon to the letter.

MR. GRANT'S motion was then put, and carried.

The Council adjourned.

Saturday, May 12, 1855,

PRESENT :

The Hon'ble J. A. Dorin, Senior Member of the Council of India, *Presiding.*

Hon. Major Genl. Low, D. Elliott, Esq.,
Hon. J. P. Grant, C. Allen, Esq.,
Hon. B. Peacock, and
Hon. Sir James Colville, P. W. LeGeyt, Esq.,

THE CLERK reported that he had received from the Private Secretary to the Governor General a letter stating that he had

been directed by His Lordship to transmit for the use of the Legislative Council a volume of "Rules, Orders, and Forms of Proceedings of the House of Commons relating to Public Business;" for which His Lordship was indebted to the courtesy of the Speaker of the House of Commons.

MAJOR GENERAL LOW moved that the thanks of the Council be offered to His Lordship.

Agreed to.

REPORTS OF SELECT COMMITTEES.

MR. ELIOTT presented the Report of the Select Committee upon the Bill "to amend the Law relating to District Moonsiffs in the Presidency of Fort St. George."

Also the Report of the Select Committee on the Bill "for the establishment and maintenance of boundary-marks in the Presidency of Fort St. George."

LANDS FOR PUBLIC WORKS (BOMBAY.)

MR. LEGEYT postponed the second reading of the Bill "to empower the Government of Bombay to take lands and buildings within the Presidency of Bombay for purposes of public utility." He said there were some papers connected with the Bill which required to be printed, but which were not ready yet.

EMIGRATION TO ST. LUCIA AND GRENADA.

MR. PEACOCK moved that the Bill "relating to the emigration of Native laborers to the British Colonies of St. Lucia and Grenada" be referred to a Select Committee consisting of General Low, Mr. Allen, and the Mover.

Agreed to.

MOFUSSIL MUNICIPAL LAW.

MR. ELIOTT moved that a communication which he had received from the Government of Fort St. George, forwarding a copy of a Correspondence between that Government and the Government of Bengal on the subject of modifying Act XXVI of 1850, be laid on the table, and referred to the Select Committee appointed to consider and report upon the question of Municipal improvements for the conservancy of townships in the territories under the Government of the East India Company.

Agreed to.

NOTICES OF MOTION.

MR. LEGEYT gave notice that, on Saturday next, he would move the first reading of a Bill "to amend Act XXVIII of 1839" so far as it relates to buildings within the Fort of Bombay.

MR. ELIOTT gave notice that, on Saturday next, he would move the second reading of the Bill "to Amend Act VI of 1844."

The Council adjourned.

Saturday, May 19, 1855.

PRESENT:

Hon'ble J. A. Dorin, Senior Member of the Council of India, *Presiding*.

Hon. J. P. Grant, D. Elliott, Esq.,
Hon. B. Peacock, C. Allen, Esq., and
Hon. Sir James Colvile, P. W. LeGeyt, Esq.

NEW MEMBER (BENGAL).

THE CLERK reported to the Council that he had received a communication from the Under-Secretary to the Government of Bengal, intimating that the Lieutenant Governor had nominated Mr. Edward Currie to be a Member of the Legislative Council of India.

MR. CURRIE was duly sworn, and took his seat as a Member.

PORTS AND PORT-DUES.

MR. GRANT presented the Report of the Select Committee on the Bill for the Regulation of Ports and Port-dues.

BUILDINGS (BOMBAY).

MR LEGEYT moved that a Bill "to amend Act No. XXVIII of 1839," be now read a first time. The object of the Bill was to enable the Government of Bombay to allow buildings within the walls of the Fort of Bombay to be erected above a height of 50 feet from the surface of the street. By Section VII of the present Bombay Building Act,—*viz.* XXVIII of 1839,—no building within the Fort walls was allowed to be erected higher than 50 feet above the surface of the street. This restriction had been found to be practically inconvenient; and the present Bill had been framed with the view of authorizing the Governor in Council at Bombay to dispense with it in such cases as he might think fit.