

Saturday, 11th November, 1854

**PROCEEDINGS**

**OF THE**

**LEGISLATIVE COUNCIL  
OF INDIA**

**Vol. I**

**(1854 - 1855)**

Motion carried, and Bill certified accordingly by the President.

Ordered that Mr. Allen carry the Act to the Most Noble the Governor General for his assent.

The Council, on MR MILLS' motion, resolved itself into a Committee on the Bill "to continue the Commissioners for the improvement of the Town of Calcutta, pending the consideration of an Act to amend Act X of 1852."

The Bill having passed with the exception of a verbal amendment in Section II, was certified by the CHAIRMAN and reported to the Council on its resuming its sitting.

MR. MILLS moved suspension of so much of Standing Order No. LXXXIII as relates to giving notice of motion for the third reading of a Bill, and of Standing Order No. CXII, in order that the above Bill may be read a third time and passed.

MR. ELIOTT seconded the motion.

The question being proposed, a debate ensued.

MR. MILLS having desired to withdraw the motion—THE PRESIDENT observed that the question thereon having been proposed, the motion could not be withdrawn without leave of the Council; and that such leave could be obtained only by a motion made by another Member in amendment of the original motion.

The question was then put and negatived.

MR. MILLS gave notice that he would, on Saturday next, move that the said Bill be read a third time and passed.

SIR JAMES COLVILLE moved that a Select Committee, consisting of Sir Lawrence Peel, General Low, Mr. Grant, Mr. Peacock, and the Mover, be appointed to report on the papers relating to the transportation of European Convicts reported this day by the Clerk, with instructions to prepare such measures as they may think necessary.

Agreed to.

The Council adjourned.

Saturday, November 11, 1854.

PRESENT :

The Most Noble the Governor General, *President*.  
 Hon. Sir Lawrence Peel, Hon. Sir James Colville,  
 Hon. J. A. Dorin, A. J. M. Mills, Esq.,  
 Hon. Major Genl. Low, D. Elliott, Esq.,  
 Hon. J. P. Grant, A. Malet, Esq. and  
 Hon. B. Peacock, C. Allen, Esq.

The following Messages from the Most Noble the Governor General were brought by GENERAL LOW, and read :—

MESSAGE No. 16.

The Governor General informs the Legislative Council, that he has given his assent to the Act which was passed by them on the 4th November 1854, entitled "An Act for making better provision for the education of Male Minors subject to the superintendence of the Court of Wards."

By Order of the Most Noble the Governor General.

C. ALLEN,

*Offg. Secy. to the Govt. of India.*

FORT WILLIAM, }  
 The 10th November 1854. }

MESSAGE No. 17.

The Governor General informs the Legislative Council, that he has given his assent to the Act which was passed by them on the 4th November 1854, entitled "An Act to amend the Law relating to the Nazim of Bengal."

By Order of the Most Noble the Governor General.

C. ALLEN,

*Offg. Secy to the Govt. of India.*

FORT WILLIAM, }  
 The 10th November 1854. }

MR. GRANT gave notice that he would, on Saturday next, move the second reading of the Bill "for the regulation of Ports and Port-dues."

MR. ELIOTT gave a similar notice of motion in respect to the Bill "for the warehousing of goods intended to be exported from Madras, and to facilitate mercantile dealings concerning goods ware-housed."

SIR LAWRENCE PEEL presented the Report of the Standing Orders Committee on the Petition of Joykissen Mookerjee and Rajkissen Mookerjee.

MR. MILLS gave notice that he would, on Saturday next, move the adoption of the above Report.

Moved by the same that the Bill "to continue the Commissioners for the improvement of the Town of Calcutta, pending the consideration of an Act to amend Act X of 1852" be now read a third time and passed.

Motion carried, and Bill certified accordingly by the President.

Ordered that Mr. Allen carry the above Act to the Most Noble the Governor General for his assent.

The Council, on MR. GRANT'S motion, resolved itself into a Committee on the Bill "to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces."

Sections I to V were severally amended as proposed by the Select Committee.

Before putting the question on a proposed amendment in Section IV, THE CHAIRMAN observed that the words of the 44th Standing Order were not applicable to proceedings in Committees of the whole Council. The Order contemplated the amendment of a previous question; but in Committee the motion to amend is a substantive motion.

Section VI was then read by the CHAIRMAN; and several verbal amendments therein, as proposed by the Select Committee, were adopted on the motion of MR. GRANT.

MR. GRANT then moved that the words "provided that, when any goods which have paid River Frontier Import Duty under this Section (excepting Spirituous Liquors and Teak Timber) and exported by sea to any Port not subject to the Government of the East India Company, or to the Port of Aden, or to any Port in the Straits of Malacca, if such goods are identified to the satisfaction of the Collector of Sea Customs, and are so exported under a certificate of the Collector of River Frontier Customs, passed by the Collector of Sea Customs, within two years from the date of such importation, seven-eighths of the amount of River Frontier Import Duty so paid, shall be re-paid as drawback to the Exporter thereof; such goods being nevertheless liable to pay any amount of Export Duty that may be chargeable thereon under Section IV of this Act," be added to the Section.

The question being proposed—MR. PEACOCK moved, by way of amendment, that the words "such goods being nevertheless liable to pay any amount of Export Duty that may be chargeable thereon under Section IV of this Act," be left out of the question, in order that the words "after deducting therefrom the amount that would be payable as Export Duty thereon, if the same were the produce of the country from which they are exported," may be substituted for them.

MR. ALLEN stated that he objected to the whole proviso, and would propose, by way of amendment, that it be omitted.

THE CHAIRMAN observed that it was needless to multiply amendments, as the Hon'ble Member might attain his object by voting against the first amendment and then against the original question.

No motion was made, and a debate upon the original question and amendment ensued.

MR. GRANT proposing to move for leave to withdraw his motion—THE CHAIRMAN, after noticing that an amendment had been proposed, observed that this motion ought to be made by another Member; but that it would simplify the proceedings to permit the Member making a motion, himself to apply for leave to withdraw it. As the words of the 50th Standing Order appeared to offer no obstacle, he would in future, when a Member having moved desired leave to withdraw his motion, put the question from the CHAIR, that the motion be by leave withdrawn.

This question having been put and agreed to, the motion was accordingly withdrawn.

The Section as amended was then read by the CHAIRMAN, and the question put that it stand part of the Bill.

The amended Section was agreed to.

Sections VII to XI, and the Schedule, Preamble, and Title were severally passed with the amendments proposed by the Select Committee; and a new Section was added, on the motion of MR. GRANT, fixing the 1st of January 1855 for the commencement of the Act.

The Bill, as settled, was certified by the CHAIRMAN, who reported to the Council, when it resumed its sitting, the amendments made therein in Committee.

MR. GRANT gave notice that he would, next Saturday, move that the above Bill be re-committed to a Committee of the whole Council for the further consideration of Section IV.

Moved by the same that the Petition of Issurchunder Singh, the Secretary of the British Indian Association, presented on the 1st of July, praying that the Meetings of the Council may be made accessible to the public, be referred to the Standing Orders Committee, with instructions to prepare a Standing Order concerning the admission of strangers.

The question being proposed, a debate ensued.

The question being put, the Council divided.

Ayes 10.

Mr. Malet.  
Mr. Mills.  
Mr. Elliott.  
Sir James Colville.  
Mr. Peacock.  
Mr. Grant.  
General Low.  
Mr. Dorin.  
Sir Lawrence Peel.  
The President.

No 1.

Mr. Allen.

So the motion was carried.

MR. ELIOTT moved that the Draft of an Act proposed by the Government of Madras for the establishment of a new Civil and Criminal Court on the Neilgherry Hills, be referred to a Select Committee consisting of Mr. Grant, Mr. Mills, and the Mover.

Agreed to.

MR. MILLS moved that Mr. Peacock be added to the Select Committee on the Bill "for the better supervision of Embankments."

Agreed to.

MR. ALLEN gave notice that he would, on Saturday next, in amendment of the motion for the re-committal of the Bill "to provide for the levy of Duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces," move that the Bill be read a third time and passed.

The Council adjourned.

Saturday, November 18, 1854.

PRESENT :

The Most Noble the Governor General, <i>President</i> .	
Hon. Sir Lawrence Peel,	Hon. Sir James Colville,
Hon. J. A. Dorin,	A. J. M. Mills, Esq.,
Hon. Major Genl. Low,	D. Elliott, Esq.,
Hon. J. P. Grant,	A. Malet, Esq. and
Hon. B. Peacock,	C. Allen, Esq.

The following Message from the Most Noble the Governor General was brought by MR. GRANT, and read :—

MESSAGE No. 18.

The Governor General informs the Legislative Council that he has given his assent to the Act which was passed by them on the 11th November 1854, entitled "An Act to continue the Commissioners for the improvement of the Town of Calcutta, pending the consideration of an Act to amend Act X of 1852."

The Governor General observes that the term Lieutenant Governor of Fort William in Bengal, used in this Act, is not the ac-

curate designation of the Lieutenant Governor of these Lower Provinces; but as the Act is of a temporary nature, and as that portion of Section II in which the inaccurate term is used, may never come into operation, the Governor General has not deemed the mistake sufficiently important to demand that he should withhold his assent to the Act.

By Order of the Most Noble the Governor General.

C. ALLEN,

*Offg. Secy. to the Govt. of India.*

FORT WILLIAM,  
The 17th November, 1854. }

THE CLERK presented a Petition from Baboo Horrocoomar Tagore, offering objections to certain provisions of the Bill "for the better supervision of Embankments."

MR. MILLS moved to print the above Petition and to refer it to the Select Committee on the Bill.

Agreed to.

THE CLERK reported a communication from the Straits Government, noticing the omission of all mention of those settlements in Section LVIII of the new Post Office Act, whereby it appears that fines cannot be imposed under that Act by Justices of the Peace in the Straits of Malacca.

Also that he had received, by transfer from the Secretary to the Government of India in the Home Department, a communication from the Government of Bombay respecting the proposed extension to that Presidency of Act No. XIX of 1853 "to amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency."

MR. ELIOTT moved to refer the above communication to the Select Committee on the Bill "to amend the Law of Evidence in the Civil Courts of the East India Company in the Madras Presidency."

Agreed to.

MR. ELIOTT moved the first reading of a Bill "to extend the provisions of Clauses 3 and 4 Section X Regulation XV of 1816 of the Madras Code to the Courts of District Moonsiffs."

Bill read a first time accordingly.

MR. PEACOCK moved suspension of Standing Orders Nos. LVI to LXXXVII inclusive, in order to pass through its several stages a Bill "to prohibit the exportation of Saltpetre to certain Ports in Europe."