

Saturday, 8th December, 1855

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF INDIA

Vol. I

(1854-1855)

SALE OF UNDER-TENURES (BENGAL).

MR. CURRIE moved that the Bill "to amend the law relating to the sale of under-tenures" be referred to a Select Committee consisting of Mr. Grant, Mr. Allen, and the Mover.

Agreed to.

EXPORT OF SALTPETRE.

MR. PEACOCK moved that General Low be requested to carry the Bill "to prohibit the exportation of saltpetre except in British vessels bound to the ports of London or Liverpool," to the Most Noble the Governor General for his assent.

Agreed to.

ENFORCEMENT OF JUDGMENTS.

MR. LEGEY'T moved that General Low be requested to carry the Bill "to explain and amend Act No. XXXIII of 1852," to the Most Noble the Governor General for his assent.

Agreed to.

NOTICES OF MOTION.

MR. LEGEY'T gave notice that he would, on Saturday the 8th instant, move the second reading of the Bill "to amend the 122nd Article of War for the Native Army."

Also of the Bill "for the better prevention of desertion by European soldiers from the land forces of Her Majesty and of the East India Company in India."

The Council adjourned.

Saturday, December 8, 1855.

PRESENT :

The Most Noble the Governor General, President.

Hon. J. A. Dorin,	D. Elliott, Esq.,
Hon. Maj. Genl. J. Low,	C. Allen, Esq.,
Hon. J. P. Grant,	P. W. LeGeoyt, Esq.
Hon. B. Peacock,	and
Hon. Sir James Colville.	E. Currie, Esq.

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

MESSAGE No. 59.

The Governor General informs the Legislative Council that he has given his assent to the Bill passed by them on the 1st of December 1855, entitled "A Bill to pro-

hibit the exportation of Saltpetre except in British Vessels bound to the Ports of London or Liverpool."

By Order of the Most Noble the Governor General.

J. W. DALRYMPLE,

Offg. Secy. to the Govt. of India.

FORT WILLIAM,
The 7th December, 1855. }

BOMBAY MUNICIPAL TAXES.

THE CLERK presented a Petition from the Secretaries to the Bombay Association concerning the Bill "to amend the Laws relating to certain of the Municipal Taxes in the Presidency Town of Bombay, and to legalize certain proceedings connected with the collection of the Shop and Stall Taxes."

MR. LEGEY'T moved that the above Petition be referred to the Select Committee on the Bill.

Agreed to.

MARRIAGE OF HINDU WIDOWS.

THE CLERK presented a Petition from certain Hindu Inhabitants of Kishnaghur and its neighbourhood, in favor of the proposed Law for legalizing the Marriage of Hindu Widows.

MR. GRANT moved that the Petition be printed.

Agreed to.

IMPRISONMENT OF SOLDIERS.

THE CLERK reported to the Council that he had received, by transfer from the Officiating Secretary to the Government of India in the Military Department, a communication from the Adjutant General of the Army, relating to the necessity of providing that the time passed by Soldiers in Imprisonment either in a Civil Jail or in Military custody, under sentence, and while forfeiting pay, should not be reckoned as service.

ACT XIV OF 1851 (STRAITS' EXCISE ACT).

Also, by transfer from the Officiating Secretary to the Government of India in the Home Department, an Extract from the Proceedings of the Financial Department on the subject of the proposed amendment of Section 36, Act No. XIV of 1851.

MR. ALLEN moved that the communication be referred to the Select Committee on the papers connected with the above Act. Agreed to.

COGNIZANCE OF OFFENCES.

MR. ALLEN presented the Report of the Select Committee on the Bill "to enable Magistrates to take cognizance of certain offences without requiring a written complaint."

ORIENTAL GAS COMPANY.

MR. CURRIE presented the Report of the Select Committee on the Bill "for incorporating the Oriental Gas Company."

ARTICLES OF WAR (NATIVE ARMY.)

MR. LEGEYTT moved that the Bill "to amend the 122nd Article of War for the Native Army" be now read a second time.

The Motion was carried, and the Bill read a second time accordingly.

DESERPTION OF EUROPEAN SOLDIERS.

MR. LEGEYTT moved that the Bill "for the better prevention of desertion by European Soldiers from the Land Forces of Her Majesty and of the East India Company in India" be now read a second time.

The Motion was carried, and the Bill read a second time accordingly.

FREE IMPORTATION OF COTTON (NORTH-WESTERN PROVINCES).

MR. ALLEN moved that the Bill "to abolish the levy of Customs Duty on the import of Cotton into the North-Western Provinces of the Presidency of Bengal" be now read a third time and passed.

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

SEARCH FOR CONTRABAND SALT (NORTH-WESTERN PROVINCES).

MR. ALLEN moved that the Council do resolve itself into a Committee on the Bill "to empower Officers of the Customs and Revenue Departments to search manufactories and houses for contraband Salt in the North-Western Provinces," and that the Committee be instructed to consider the Bill in the amended form in which it has been recommended by the Select Committee to be passed.

The Motion was carried.

The Bill passed through Committee after a verbal alteration in Section 7.

The Council having resumed, the Bill was reported to it.

ADMINISTRATOR GENERAL'S ACT.

MR. PEACOCK said, in a Despatch to the Governor General in Council, in the Home Department, No. 84 of 1855, the Honorable Court of Directors pointed out that Act VIII of 1855, relating to the office of Administrator General, was not in accordance with orders which they had previously sent out, and stated they must disallow so much of the Act as was inconsistent with their present orders, which they desired might be strictly followed out. The Honorable the President in Council had thought fit to transmit that Despatch to the Legislative Council, in order that it might adopt such measures as it should deem expedient. The Despatch had been referred to a Select Committee, who had since presented a Report upon it. It appeared to him that that Report did not dispose of the case; and he thought it right to take the sense of the Council on the subject. He had already stated fully his own views upon it, both as a Member of this Council, and as a Member of the Select Committee. It was unnecessary, therefore, for him to trouble the Council with any further observations. But he thought it right that some Resolution should be passed by the Council, if it concurred in the views of the Select Committee; and in order to take the sense of the Council upon the point, he would now move a Resolution. He had given notice of the terms of the Resolution at the last Meeting. He proposed to make a few alterations in the form, but not in the substance, of the Resolution; and he hoped the Council would allow him to make them. The amended Resolution which he begged to move, was as follows:—

"That, in the judgment of this Council, formed after mature deliberation, the Honorable Court of Directors does not possess the right to require the Council to pass any Law which the Honorable Court may think fit to direct.

"That this Council being of opinion that there is no sufficient reason for amending Act No. VIII of 1855 in the manner desired by the Honorable Court of Directors, respectfully declines to amend it.

"That a repeal of the Act would not effect the object of the Honorable Court, and would be contrary to their intention; and that it ought not to be repealed.

"That this Council, admitting to the fullest extent the right of the Honorable Court to disallow any law made by the Governor General

in Council, and the duty of this Council thereupon to repeal such Law, desires to record its opinion that the Honorable Court has not the power to disallow only a part of an Act, unless the same relates to two or more subjects so wholly unconnected that the part disallowed amounts in substance to a distinct law."

The question was put, and the President declared the motion carried *nemine dissentiente*.

Mr. PEACOCK said, he thought that it would be respectful to the Honorable Court of Directors that some communication should be made to them in answer to the Despatch; and he should therefore move that the Resolution which had just been passed, together with the Report of the Select Committee on the Despatch, be sent to the Governor General in Council, with a request that His Lordship would be pleased to transmit the same to the Honorable Court of Directors.

Agreed to.

Mr. PEACOCK then moved that Mr. Grant be requested to carry the above Message to the Governor General in Council.

Agreed to.

ARTICLES OF WAR (NATIVE ARMY).

Mr. LEGEYT moved that the Bill "to amend the 122nd Article of War for the Native Army" be referred to a Select Committee, consisting of General Low, Mr. Peacock, and Mr. LeGeyt.

Agreed to.

DESERTION OF EUROPEAN SOLDIERS.

Moved by the same that the Bill "for the better prevention of desertion by European Soldiers, from the Land Forces of Her Majesty and of the East India Company in India" be referred to a Select Committee, consisting of General Low, Mr. Peacock, and the Mover.

Agreed to.

SLAUGHTER-HOUSES AND MARKETS— FALSE WEIGHTS AND MEASURES.

Moved by the same that a communication received by him from the Secretary to the Government of Bombay, on the subject of regulating Slaughter-Houses and Markets, and of prohibiting the use of False Weights and Measures, be laid upon the table, and referred to the Select Committees 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

Mr. Peacock

Police of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca."

Agreed to.

FREE IMPORTATION OF COTTON (NORTH-WESTERN PROVINCES).

Mr. ALLEN moved that Mr. Grant be requested to carry the Bill "to abolish the levy of Customs Duty on the import of Cotton into the North-Western Provinces of the Presidency of Bengal" to the Most Noble the Governor General for his assent.

Agreed to.

NOTICES OF MOTION.

Mr. PEACOCK gave notice that he would, on Saturday the 15th instant, move the first reading of a Bill to remove from the operation of the general Regulations certain districts inhabited by the Southals, and to place the same under the superintendence of an officer to be specially appointed for that purpose, and to provide for the trial and punishment of rebellion and other offences committed within the districts in which Martial Law has lately been proclaimed.

Also of a Bill for the suppression of rebellion and for the trial and punishment of offences against the State.

The Council adjourned.

Saturday, December 15, 1855.

PRESENT :

The Honorable J. A. Dorin, Senior Member of the Council of India, *Presiding*.

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

THE PRESIDENT said, the Governor General had desired him to express to the Council his regret at being accidentally prevented from attending the Meeting to-day.

NEW MEMBER.

SIR ARTHUR BULLER took the oath as a Member of the Council.

MESSAGES FROM THE GOVERNOR GENERAL.

The following Messages from the Most Noble the Governor General were brought by Mr. GRANT, and read :—