

Saturday, 18th November, 1854

PROCEEDINGS

OF THE

**LEGISLATIVE COUNCIL
OF INDIA**

Vol. I

(1854 - 1855)

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. ELLIOTT 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, *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 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. ELLIOTT 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. ELLIOTT 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."

SIR JAMES COLVILLE seconded the motion.

Agreed to.

Mr. PEACOCK moved that the Bill be now read a first time.

Bill read a first time accordingly.

Moved by the same that the Bill be now read a second time.

Motion carried, and Bill read a second time accordingly.

Mr. PEACOCK stated that he was uncertain whether he should be in order if he now moved that the Bill be committed.

THE PRESIDENT observed that the suspension of the Standing Orders made it competent to him to move the Bill through all its stages forthwith.

The Council then, on Mr. PEACOCK'S motion, resolved itself into a Committee on the Bill, and passed it without any amendment.

The Bill, as settled, was certified by the CHAIRMAN, who reported it to the Council on its resuming its sitting.

Mr. PEACOCK then moved that the above Bill be now read a third time and passed.

Motion carried, and Bill certified accordingly by the PRESIDENT.

Ordered that Mr. ALLEN be requested to carry the Act to the Most Noble the Governor General for his assent.

Mr. GRANT moved the second reading of the Bill "for the regulation of Ports and Port-dues."

Motion carried, and Bill read a second time accordingly.

Moved by the same that the above Bill be referred to a Select Committee consisting of Sir James Colville, Mr. Elliott, Mr. Malet, and the Mover.

Agreed to.

Mr. ELLIOTT moved the second reading of the Bill "for the ware-housing of goods intended to be exported from Madras, and to facilitate mercantile dealings concerning goods ware-housed."

The question being proposed, a debate ensued.

The question being put, the Council divided.

Ayes, 8.

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

Noes 3.

Mr. Allen.
Mr. Grant.
Mr. Dorin.

So the motion was carried, and the Bill read a second time accordingly.

Moved by the same that the Bill be referred to a Select Committee consisting of Sir Lawrence Peel, Mr. Dorin, Mr. Peacock, and the Mover.

Agreed to.

Mr. PEACOCK moved that a special instruction be given to the Select Committee upon the above Bill, to submit a preliminary Report suggesting any alterations which it may deem expedient to make in the Bill previously to its publication in the *Calcutta Gazette*.

Agreed to.

The Order of the Day for a Committee of the whole Council on the Bill "to provide for the levy of Duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces" having been read—Mr. GRANT moved that the Council do resolve itself into a Committee on the Bill.

With reference to a notice of an amendment proposing that the Bill be read a third time and passed, which stood under this head in the orders of the day—Mr. GRANT observed that the time for moving the third reading of Bills was gone, and that the proper course would be to oppose the motion for the re-committal of the Bill.

Mr. ALLEN proposed to move, by way of amendment, that the above Bill be now read a third time and passed, but stated that he was doubtful whether the Standing Orders permitted him to do so, and asked for the President's decision on the disputed point of Order.

THE PRESIDENT observed that it was a question of some difficulty, and that, although the 8th Standing Order empowered him to decide all disputed points of Order without debate, yet he thought that the better course would be, until the proceedings of the Council had become established, to refer the decision of such questions to the Council itself, as he was entitled to do by that Order.

After the President had stated his view, and after some conversation in the Council on the point of Order—THE PRESIDENT observed that all difficulty might be avoided if it were understood that the third reading would not be moved forthwith in the event of the amendment being carried, but that notice of the motion for a future day would be given.

Mr. GRANT having explained that he had not intended to move the third reading of the Bill this day, suggested that Mr.

Allen might oppose the motion for the re-committal of the Bill.

The amendment not being moved, the question was put and agreed to.

The Council accordingly resolved itself into a Committee for the further consideration of the above Bill.

Section IV was amended, on the motion of MR. GRANT, by the addition of the words "provided that, when goods, which have paid River Frontier Import Duty under Section VI of this Act, are exported by Sea, under a certificate of the Collector of River Frontier Customs, the amount of River Frontier Import Duty so paid, shall be accepted in full payment of the Sea Export Duty chargeable under this Section."

The Bill having been discussed and finally agreed to in Committee, was certified accordingly by the CHAIRMAN; whereupon the Council resumed its sitting, and the CHAIRMAN reported the Bill to the Council.

MR. GRANT gave notice that he would, next Saturday, move the third reading and passing of the above Bill.

MR. MILLS moved the adoption of the Report of the Standing Orders Committee on the Petition of Joykissen Mookerjee and Rajkissen Mookerjee praying to be heard by Council in support of their objections to certain provisions of the Bill "for the better supervision of Embankments."

Agreed to.

The Council then adjourned on the motion of MR. DORIN.

The Council having soon afterwards met pursuant to adjournment—the following Message from the Most Noble the Governor General was brought by MR. ALLEN, and read:—

MESSAGE No. 19.

The Governor General informs the Legislative Council that he has given his assent to the Act passed by them this day entitled "An Act to prohibit the exportation of Saltpetre to certain Ports in Europe."

By Order of the Most Noble the Governor General.

C. ALLEN,

Offg. Secy. to the Govt. of India.

FORT WILLIAM, }
The 18th November, 1854. }

The Council adjourned.

Saturday, November 25, 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 CLERK presented a Petition from Issurchunder Sing, the Secretary of the British Indian Association, offering certain observations and suggestions on the Bill "for the better supervision of Embankments."

MR. MILLS moved that the above Petition be printed and referred to the Select Committee on the Bill.

Agreed to.

THE CLERK reported a communication from the Secretary to the Government of India in the Home Department, transferring for disposal a letter from the Straits Government, with enclosures, containing the Draft of an Act to provide for the more correct registry and account of all goods imported and exported at Prince of Wales' Island, Singapore, and Malacca, and also the Draft of an Act to establish Port and Harbour regulations for those settlements.

MR. PEACOCK moved to refer the above Drafts to the Select Committee on the projects of Law connected with the Marine Department.

Agreed to.

SIR LAWRENCE PEEL presented a Report from the Standing Orders Committee on the Petition of Issurchunder Sing, Secretary of the British Indian Association, praying that the Meetings of the Council may be made accessible to the public.

MR. GRANT moved that the Report be printed.

Agreed to.

SIR LAWRENCE PEEL presented the Report of the Select Committee on the Bill "to abolish real actions, including fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable."

MR. PEACOCK moved suspension of Standing Order No. LVII to enable him to move, without previous notice, the first reading of a Bill "to facilitate enquiries respecting the alleged use of torture in the Presidency of Fort St. George."

MR. ALLEN seconded the motion.

Agreed to.