

Saturday, 21st July, 1855

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF INDIA

Vol. I

(1854-1855)

claim for this Council the power of compelling the production of papers. The intention simply was to ask for them; and he could see no harm in that. He remembered that, on a former occasion, when the Affray Bill was under consideration, it struck him that it might be desirable to have certain returns from the Sudder Dewanny Adawlut; and, on looking at the Standing Orders, he did not see very clearly how, in such a case, a Member who wished for papers ought to proceed. The postponement of that measure, however, prevented him (Sir James Colville) from then raising this question before the Council. He presumed that the omission of a Standing Order on the subject proceeded on the admission of a want of power in the Council to compel the production of papers. Still, where papers appeared to be necessary to the deliberations of the Council, he could, as he had said before, see no harm in asking a local Government for them. If that local Government saw fit to refuse them, there might possibly be an appeal to the Supreme Government, whose decision would, he supposed, be final. But he did not apprehend that any practical difficulty of this kind would ever arise.

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

MR. PEACOCK said, he understood that a project for the Drainage of Calcutta had been submitted by the late Colonel Forbes to the Bengal Government. The Honorable Member opposite (Mr. Grant) could inform the Council whether this was the case. If it was, he wished that the Bengal Government should be requested to furnish that project also.

MR. GRANT said, there certainly had been one, if not two projects of that kind submitted to the Government of Bengal.

MR. PEACOCK said, he also understood that Colonel Forbes' project had been submitted to the Fever Hospital Committee, and that the Committee had reported upon it. It would be desirable to have that Report likewise.

MR. PEACOCK moved that the Government of Bengal be requested to furnish a copy of the project for the Drainage of Calcutta submitted by Colonel Forbes, and also the Report of the Committee on the Fever Hospital.

Agreed to.

KOOLIN POLYGAMY.

SIR LAWRENCE PEEL said, a petition on an important subject had been pre-

sented to the Legislative Council by an Association for social reforms. He did not mean to enter now upon the subject of that petition; but he wished to guard himself from being supposed favorable to legislation on the subject of polygamy. There was, however, one part of the petition—namely, that relating to the marriages of Koolin Brahmins—which, perhaps, might be safely taken up; and, as a preliminary step to the consideration of the subject, he should move that the petition be printed.

SIR LAWRENCE PEEL'S motion was put and carried.

The Council adjourned.

Saturday, July 21, 1855.

PRESENT :

The Honorable Sir Lawrence Peel, *Vice-President*,
in the Chair.

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

BANKS OF BENGAL, MADRAS, AND BOMBAY.

THE CLERK brought under the consideration of the Council a Petition, signed by the President of the Bank of Madras on behalf of the Directors, relative to the Bill "to enable the Banks of Bengal, Madras, and Bombay to transact certain business in respect of Government securities and shares in the said Banks." The petitioners prayed that,

"when the Act comes from the Committee to which it has been referred, sufficient time may be allowed to them, before it is further proceeded with, for the due consideration of all its clauses as they may then be presented."

MR. ELIOTT moved that this Petition be printed, and referred to the Select Committee on the Bill.

Agreed to.

REGISTRY OF NATIVE SEAMEN (STRAITS).

THE CLERK reported that he had received, by transfer from the Under-Secretary to the Government of India in the Home Department, a communication from the Straits Government relative to the registry of Native Seamen in those Settlements.

ENFORCEMENT OF JUDGMENTS (BOMBAY).

MR. LEGEYT presented the Report of the Select Committee on the communication from the Bombay Government, and the correspondence therein contained, relative to a Judgment of the Supreme Court at that Presidency in the matter of a writ of execution issued under process from the Zillah Court of Surat.

ORIENTAL GAS COMPANY.

MR. CURRIE moved the first reading of a Bill "for incorporating the Oriental Gas Company." He said it was not necessary for him to detain the Council with any lengthened remarks upon the subject of this Bill. The Oriental Gas Company had been constituted by a Deed of Association, dated the 25th of April 1853, which had been duly registered under the Statute 7 and 8 Victoria. The capital of the Company was £50,000, of which the Preamble of the Bill recited that three-fourths, or £37,500, had been paid up; but the actual payments, at this time, must considerably exceed that amount. The object of the Company was to introduce Gas Lighting into the towns and cities of India; and in pursuance of this object, it was now engaged in preparations for lighting the town of Calcutta with Gas. The estimates for this purpose, for which contracts had been made, amounted to upwards of £45,000. In the preliminary communications that had passed between the Company, the Municipal Commissioners, and the Bengal Government, it was stipulated by the Company, and agreed to by the Government, that the Company should be incorporated in the same manner as the Assam Company; and it was in redemption of that promise that this Bill was now brought in.

The Draft from which he had prepared the Bill, had been drawn up by the Attorneys of the Company, and revised by the Law Officers of the Government.

The only material alteration that he had made, was the removal from the Draft Act of a provision for an exclusive right and privilege to the Company to supply Gas in Calcutta, both for public and private use for the term of 21 years. What the Company had stipulated for, and what the Government had promised, was, that the Company should have a contract for the lighting of the public lamps for that term. This might, in effect,

be much the same thing as the privilege which the Attorneys of the Company had introduced into the Draft Act; for certainly it was not to be supposed that any other Gas manufacturers would be able to compete successfully with those who had the advantage of a public contract; but at the same time, to give a legislative sanction to such a monopoly was a different matter, and would, he thought, be very objectionable; and therefore, he had struck out the clause from the Draft.

The first part of the Bill followed very closely the Act for incorporating the Assam Company. It authorized the Oriental Gas Company to carry on the general business of manufacturing and supplying Gas in Calcutta and such other towns or places as the Government might, at any time, be pleased to permit. It then went on to regulate the economical arrangements of the Company, and provided the usual security for individuals.

The latter part of the Bill was taken, with very slight modifications, from the English General Gas Act. It contained provisions for breaking up streets for the purpose of laying down pipes; for the supply of Gas and recovery of rent; for waste or misuse of Gas, or injury to the pipes and other works; and for guarding against fouling water or other nuisances from the Gas; and also for the recovery of damages and penalties.

The Sections connected with this last point, were adopted from Act XII of 1852.

The latter part of the Bill was made applicable to the town of Calcutta, and to such other towns or places as might hereafter be brought within the operation of the Act.

With these observations, he begged to move the first reading of the Bill.

The Bill was read a first time accordingly.

LIGHTING OF CALCUTTA.

On the Order of the day for the second reading of the Bill "to provide for the better Lighting of the town of Calcutta" being read—

MR. CURRIE said, before proceeding to move the second reading, he wished to refer to a motion which had been made at the last Meeting of the Council, when he was unavoidably absent, for an application to the Government of Bengal for all the correspondence that had passed between the Government, the Municipal Commissioners, and the Oriental Gas Company. He desired to ask the Honorable Member who had made the motion, whether he intended or

wished that the progress of the Bill should be stayed until the correspondence should have been printed and circulated among the Members. For his own part, he was most desirous to proceed with the Bill, and saw no necessity for delaying it at that stage, since the papers called for could only affect the details, and not the principle, of the Bill. At the same time, however, if it was the wish of the Council that the second reading should be postponed until the papers should have been seen by Honorable Members, he would offer no opposition to that course.

MR. GRANT said, when he made his motion at the last Meeting of the Council, he certainly was of opinion that, in the absence of the papers referred to, the Council had not before it sufficient information upon which to come to a decision on the question. He was of the same opinion still; and as the papers were not yet before Honorable Members, he should very much wish the second reading of the Bill to be postponed until they should be received and circulated.

MR. CURRIE postponed the second reading of the Bill.

INDECENT PUBLICATIONS.

MR. ALLEN moved that the Bill "to prevent the public sale or exposure of obscene books and pictures" be read a second time.

Agreed to.

The Bill was read a second time accordingly.

MR. ALLEN then moved that the Bill be referred to a Select Committee, consisting of General Low, Mr. Currie, and the Mover.

Agreed to.

SESSIONS COURT AT OOTACAMUND.

MR. ELIOTT moved, that the Bill "to empower the Session Judge of Coimbatore to hold Sessions at Ootacamund on the Neilgherry Hills" be read a third time and passed.

Motion carried, and Bill read a third time accordingly.

MR. ELIOTT moved that Mr. Peacock be requested to carry the Bill to the Honorable the President in Council, in order that it may be forwarded to the Most Noble the Governor General for his assent.

Agreed to.

NOTICES OF MOTION.

SIR JAMES COLVILLE gave notice that, on Saturday next, he would move the

second reading of the Bill "to provide for the acquirement and extinction of rights by prescription, and for the limitation of suits."

MR. PEACOCK gave notice that, on Saturday next, he would move the second reading of the Bill "for granting exclusive privileges to inventors."

MR. LEGEYT gave notice that, on Saturday next, he would move the first reading of a Bill "to explain and amend Act No. XXXIII of 1852."

The Council adjourned.

Saturday, July 28, 1855.

PRESENT :

The Honorable Sir Lawrence Peel, *Vice President*,
in the Chair.

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

MOCHULKAS OR PENAL RECOGNIZANCES.

THE CLERK brought under the consideration of the Council a Petition from certain Members of the Indigo Planters' Association, on behalf of themselves and the Association, concerning the Bill "for the better prevention of offences against the public tranquillity, and to amend the Law regarding the taking of bonds for keeping the peace."

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

Agreed to.

REPORTS OF SELECT COMMITTEES.

MR. PEACOCK presented the Report of the Select Committee on the Bill "to facilitate the payment of small deposits in the Government Savings' Banks to the representatives of deceased depositors."

Also, the Report of the Select Committee on the Bill "for the repeal of the Usury Laws."

Also, the Report of the Select Committee on the Bill "to enable the Banks of Bengal, Madras, and Bombay, to transact certain business in respect of Government securities and shares in the said Banks."

MASTER AND SERVANT (FORT ST.
GEORGE).

MR. ELIOTT presented a Report of the Select Committee on the Penal Code