

Saturday, 9th December, 1854

PROCEEDINGS

OF THE

**LEGISLATIVE COUNCIL
OF INDIA**

Vol. I

(1854 - 1855)

The numbers being equal, the Chairman gave a casting vote with the "Ayes."

So the motion was carried, and the Section, as amended, was agreed to.

Sections V to VIII were severally agreed to.

The Council resumed its sitting.

The Order of the day for the second reading of the 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" being read——MR. ELLIOTT moved for leave to withdraw the Bill.

Motion carried, and Bill accordingly withdrawn.

The Council, on the motion of SIR JAMES COLVILLE (in the absence of Sir Lawrence Peel) resolved itself into a 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," as amended by the Select Committee.

A slight verbal amendment was made in Section VI; and the Bill, as settled, was certified by the CHAIRMAN.

The Council resumed its sitting, and the CHAIRMAN reported the Bill as amended.

SIR JAMES COLVILLE gave notice that he would, next Saturday, move the third reading and passing of the above Bill.

MR. GRANT gave notice that he would, on the same day, move that the Council do resolve itself into a Committee to consider the Standing Orders proposed by the Standing Orders Committee concerning the admission of strangers.

Also, on the Report of the Committee of the whole Council, that the Standing Orders, as settled in Committee, be adopted.

The Council adjourned.

Saturday, December 9, 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 CLERK presented a Petition from the Secretary to the British Indian Association against the Bill "for the more effectual suppression of Affrays concerning the possession of property."

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

Agreed to.

The Order of the Day for the third reading of the Bill "to extend and amend the provisions of Act XII of 1843" being read——MR. ALLEN, who had given notice of this motion, stated that the Bill being under the charge of another Member, he did not desire to move the third reading; but expressed a wish that the proper course should be explained.

THE PRESIDENT observed that, it was not in accordance with the practice of the Imperial Parliament for one Member to assume charge of a Bill introduced by, and in the hands of, another; and that it would be only on an extraordinary occasion that the Council should sanction this proceeding.

SIR JAMES COLVILLE moved the third reading and passing of the Bill "to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable."

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 resolved itself, on the motion of MR. PEACOCK, into a Committee for the further consideration of the Bill "to facilitate inquiries respecting the alleged use of torture in the Presidency of Fort St. George."

Three new Sections were introduced after Section III, on the motion of MR. PEACOCK—the first providing for the examination of witnesses beyond jurisdiction by means of interrogatories to be sent by letter—the second making it obligatory to appear and answer such interrogatories—and the third authorizing the payment of expenses of witnesses. The rest of the Bill was agreed to as it stood.

The Bill, as settled, was certified by the CHAIRMAN, and the Council resumed its sitting.

THE PRESIDENT observed that, the Standing Orders being suspended, the Bill might be forthwith carried through its subsequent stages.

The Bill, as amended in Committee, having been reported to the Council——MR. PEACOCK moved that the same be now read a third time and passed.

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. ALLEN**'s motion, resolved itself into a Committee on the Bill "for regulating the construction and management of Electric Telegraphs in India" as amended by the Select Committee.

Sections I, IV to VIII, X, XII, XVI to XX, and XXII were severally passed as they stood. Verbal amendments were made in Sections II, III, IX, XI, XIII, and XIV; and the consideration of Sections XV and XXI and of the Preamble and Title was postponed.

MR. ALLEN stated that he proposed to move that the postponed Sections of the Bill be referred to a Select Committee.

THE CHAIRMAN observed that the motion could not be made in Committee, but that the Bill might be reported to the Council with a recommendation to that effect.

MR. ALLEN accordingly moved that the Committee do report this Bill to the Council with the recommendation that it be referred to a Select Committee consisting of **Mr. Peacock**, **Mr. Elliott**, **Mr. Mills**, and the Mover.

Motion carried, and Council resumed its sitting.

The Council then, on **MR. ELLIOTT**'s motion, resolved itself into a Committee on the Bill "to extend and amend the provisions of Act XII of 1843."

THE CHAIRMAN, referring to Standing Orders Nos. LXXXVI and LXXXVII, observed that, this being a re-committal, it was unnecessary to go through the whole Bill; but that Members might move amendments in any Sections.

Sections III and IV were slightly amended, on the motion of **MR. ELLIOTT**.

Moved by the same that the whole of Section V be omitted.

The question being proposed, a debate ensued.

The question being put, the Council divided.

Ayes 6.

Mr. Elliott.
Mr. Grant.
Mr. Peacock.
General Low.
Sir Lawrence Peel.
The Chairman.

Noes 5.

Mr. Allen.
Mr. Mills.
Mr. Malet.
Sir James Colville.
Mr. Dorin.

So the motion was carried.

The Bill, as settled, was certified by the **CHAIRMAN**, and the Council resumed its sitting.

The Council then, on **MR. GRANT**'s motion, resolved itself into a Committee on the Standing Orders proposed by the Standing Orders Committee concerning the admission of strangers.

Orders Nos. I and II were passed as they stood.

Order No. III was slightly amended on the motion of **MR. GRANT**.

Order No. IV (proposing the admission of reporters for the public press) was then read by the **CHAIRMAN**; and the question being proposed that it stand part of the Standing Orders, a debate ensued.

The question being put, the Council divided.

Ayes 4.

Mr. Allen.
Mr. Grant.
Mr. Peacock.
Sir Lawrence Peel.

Noes 7.

Mr. Malet.
Mr. Mills.
Mr. Elliott.
Sir James Colville.
General Low.
Mr. Dorin.
The Chairman.

So the question was negatived.

SIR JAMES COLVILLE moved that the following new Order be added to the above Standing Orders, namely—"Accommodation shall be provided for an Official Reporter, who shall be appointed by the Council, and shall furnish a copy of his report to any of the daily papers published in Calcutta, that may require it."

Agreed to.

The new Standing Orders, as settled, were certified by the **CHAIRMAN**, and the Council resumed its sitting.

THE CHAIRMAN reported to the Council the Bill relating to Electric Telegraphs in India with the recommendation that it be referred to a Select Committee.

MR. ALLEN thereupon moved that the above Bill be referred to a Select Committee consisting of **Mr. Peacock**, **Mr. Elliott**, **Mr. Mills**, and the Mover.

Agreed to.

THE CHAIRMAN also reported to the Council the Bill "to extend and amend the provisions of Act XII of 1843," as amended.

MR. ELLIOTT gave notice of third reading of the above Bill for next Saturday.

THE CHAIRMAN also reported to the Council the new Standing Orders concerning the admission of strangers, as amended.

MR. GRANT moved that the above Orders be adopted by the Council.

Agreed to.

Moved by the same that MR. ALLEN be requested to carry a Message to the Most Noble the Governor General in Council with copies of the Report of the Standing Orders Committee and of the new Standing Orders now adopted, with reference to the proposal for the appointment of an Official Reporter and of a Door-keeper of the Council.

Agreed to.

SIR LAWRENCE PEELE gave notice that he would, next Saturday, move the second reading of the Bill "to amend the English Law in force within the Territories in the possession and under the Government of the East India Company, relating to the administration of the estates of deceased persons charged with any money by way of mortgage, and descending or devised."

The Council adjourned.

Saturday, December 16, 1854.

PRESENT :

The Most Noble the Governor General, *President*.

Hon. J. A. Dorn,	A. J. M. Mills, Esq.,
Hon. Major Genl. Low,	D. Elliott, Esq.,
Hon. J. P. Grant,	A. Malet, Esq.,
Hon. B. Peacock,	and
Hon. Sir James Colville,	C. Allen, Esq.

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

MESSAGE No. 21.

The Governor General informs the Legislative Council that he has given his assent to the Act which was passed by them on the 9th December 1854, entitled "An Act to abolish real actions, and also fines and common recoveries, and to simplify the mode of conveying land in cases to which the English Law is applicable."

By Order of the Most Noble the Governor General.

C. ALLEN,

Offg. Secy. to the Govt. of India.

FORT WILLIAM, }
The 15th Dec., 1854. }

MESSAGE No. 22.

The Governor General informs the Legislative Council that he has given his

assent to the Act which was passed by them on the 9th December 1854, entitled "An Act to facilitate inquiries respecting the alleged use of torture in the Presidency of Fort St. George."

By Order of the Most Noble the Governor General.

C. ALLEN,

Offg. Secy. to the Govt. of India.

FORT WILLIAM, }
The 15th Dec., 1854. }

THE CLERK presented the following Petitions :—

A Petition from the Secretary to the British Indian Association, stating that, in the Supreme Court of Calcutta, the same form of oath is administered to witnesses and to Jurors, and that its terms are not strictly applicable to Jurors ; and praying that the provisions of Act V of 1840 may be extended to Her Majesty's Courts in India.

SIR JAMES COLVILLE moved that the Petition be referred to the Select Committee on the projects of Laws relating to oaths and affirmations.

Agreed to.

Also a Petition from Grand Jurors in the Straits' Settlements, praying for some improvement of the system now in force of summoning and empannelling the Grand Jury at each Session of Oyer and Terminer.

THE CLERK reported that he had received (by transfer from the Officiating Secretary to Government in the Home Department) a communication from the Government of the Straits' Settlements, forwarding copies of two letters from the Recorder commenting on the insufficiency of the present Law of Inheritance.

MR. MILLS gave notice that he would, next Saturday, move the first reading of a Bill "to modify Act XXVI of 1850, so far as it relates to places in the Bengal Division of the Presidency of Fort William."

MR. ALLEN presented the Report of the Select Committee on the Bill relating to Electric Telegraphs in India.

Moved by the same that the Report be read.

Motion carried, and Report read accordingly.

MR. ELLIOTT moved the first reading of a Bill "to amend the Law relating to District Moonsiffs in the Presidency of Fort St. George."