

Saturday, 3 October, 1857

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1857.

VOL. III.

Published by the Authority of the Council.

CALCUTTA:
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1857.

Saturday, September 26, 1857.

PRESENT :

The Honorable J. A. Dorin, *Vice-President*,
in the Chair.

Hon. the Chief Justice,	P. W. LeGeyt, Esq.,
Hon. Major General J. Low,	E. Currie, Esq.,
	and
Hon. B. Peacock,	Hon. Sir A. W. Buller.

POLICE AND CONSERVANCY (SUB-URBS OF CALCUTTA, AND HOWRAH).

THE CLERK reported to the Council that he had received a communication from the Officiating Under-Secretary to the Government of India in the Home Department forwarding a copy of a Despatch from the Honorable the Court of Directors approving of the course adopted by the Governor-General in withholding his assent to the Bill "to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah."

PORT-DUES (BOMBAY).

MR. LEGEYT presented the Report of the Select Committee on the Bill "for the levy of Port-dues and fees in the Port of Bombay."

PORT-DUES (TUNKARIA AND BROACH).

MR. LEGEYT also presented the Report of the Select Committee on the Bill "for the levy of Port-dues in the Ports of Tunkaria and Broach."

PORT-DUES (CALCUTTA).

MR. CURRIE moved that the Council resolve itself into a Committee on the Bill "for the levy of Port-dues and fees in the Port of Calcutta;" and that the Committee be instructed to consider the Bill in the amended form in which it had been recommended by the Select Committee to be passed.

Agreed to.

Sections I and II were passed as they stood.

Section III was passed after a verbal amendment.

Sections IV, V, and VI were passed as they stood.

Section VII was passed with the insertion of the words and figures "the first day of January 1858" as the date of the commencement of the Act.

Section VIII and the Preamble and Title were passed as they stood.

The Council resumed its sitting.

PORT-DUES (MOULMEIN, &c.)

MR. CURRIE moved that the Council resolve itself into a Committee on the Bill "for the levy of Port-dues in the Ports of Moulmein, Rangoon, Dalhousie, Akyab, and Chittagong;" and that the Committee be instructed to consider the Bill in the amended form in which it had been recommended by the Select Committee to be passed.

Agreed to.

The Bill was passed after the insertion in Section V of the words and figures "the first day of January 1858" as the date of the commencement of the Act.

The Council having resumed its sitting, both the above Bills were reported by the Chairman.

MR. CURRIE moved that the Bill "for the levy of Port-dues in the Ports of Moulmein, Rangoon, Kyouk Phyo, Akyab, and Chittagong," as settled in Committee of the whole Council, be published in the Gazette for general information. By the alterations which had been made in it since the second reading, the rates leviable at some of the Ports mentioned in the Schedule had been increased; and it was, therefore, proper that it should be republished as it now stood, before it was passed.

Agreed to.

The Council adjourned.

Saturday, October 3, 1857.

PRESENT :

The Hon'ble J. A. Dorin, *Vice-President*,
in the Chair.

Hon. the Chief Justice,	P. W. LeGeyt, Esq.
Hon. Major General J. Low,	E. Currie, Esq.
	and
Hon. B. Peacock,	Hon. Sir A. W. Buller.

PORT-DUES (BOMBAY).

THE CLERK reported that he had received by transfer from the Secretary to the Government of India in the Home Department two communications from the Government of Bombay regarding the levy of Port-dues under that Presidency.

MR. LEGEYT said that these communications would be printed as annexures to a Bill which he was about to introduce into the Council to-day; and it was, therefore, unnecessary to make a separate motion regarding them.

PORT-DUES (GULF OF CAMBAY).

MR. LEGEYT moved the first reading of a Bill "for the levy of Port-dues in certain Ports within the limits of the Gulf of Cambay." Altogether, there were ten Ports included in the Bill. He had placed them all in one Bill, and inserted in a Schedule the dues which he proposed should be levied at each. These dues had been fixed on a principle similar to that which had been adopted in the construction of the Schedule in the Bills relating to the Ports of Tunkaria and Broach, and provided for the estimated expenses of projected improvements. The annexed papers, which were voluminous, would be printed with the Bill. They showed the circumstances of each Port, and the improvements which were proposed therein by the Bombay Government. As these papers would be placed before the Council with the Bill, he would not take up their time with any further observations.

The Bill was read a first time.

MINORS (MADRAS).

MR. CURRIE moved that the Bill "to extend the provisions of Act XXI of 1855, in the Presidency of Fort St. George, to Minors not subject to the superintendence of the Court of Wards" be referred to a Select Committee consisting of the Chief Justice, Mr. LeGeyt, and the Mover.

Agreed to.

NOTICES OF MOTIONS.

MR. LEGEYT gave notice that he would, on Saturday next, move for a Committee of the whole Council on the Bill "for the levy of Port-dues and fees in the Port of Bombay."

Also for a Committee of the whole Council on the Bill "for the levy of Port-dues in the Ports of Tunkaria and Broach."

MR. CURRIE gave notice that he

would, on Saturday next, move the first reading of a Bill to amend the Law relating to the recovery of Rent in the Presidency of Fort William in Bengal. The Council adjourned.

Saturday, October 10, 1857.

PRESENT :

The Honorable J. A. Dorin, *Vice-President*,
in the Chair.

Hon. the Chief Justice,	F. W. LeGeyt, Esq.,
Hon. Major General	E. Currie, Esq.,
J. Low,	and
Hon. B. Peacock,	Hon. Sir A. W. Buller.

RECOVERY OF RENTS (BENGAL).

MR. CURRIE moved the first reading of a Bill "to amend the Law relating to the recovery of Rent in the Presidency of Fort William in Bengal." The necessity, he said, for the revision and consolidation of the distraint and summary suit Laws which comprised the Law for the recovery of rents, had been long and generally acknowledged. The basis of the existing Law was to be found in the Regulations of 1793 and 1799; but, in the course of sixty years, very considerable alterations, additions, modifications, and supersessions had taken place; so that it was difficult for any person not conversant with the subject, to ascertain what the Law in force really was.

Originally, the summary cognizance of claims to arrears of rent and of complaints of illegal distraint was vested in the Civil Courts. About twenty-six years ago, it was transferred to the Collectors. But no rules for conducting the summary enquiry either before the Civil Courts or before the Collectors had ever been laid down. Sensible of the imperfect and confused state of the Law, the Board of Revenue had undertaken the revision and consolidation of the Regulations and Acts bearing on the subject; and two comprehensive drafts had been prepared, one by Mr. Ricketts, and the other by Mr. Stainforth. Neither of those drafts, however, had been adopted by the Board of Revenue. He had carefully considered both, and found them to be, for the most part, compendiums of the existing Law, the variations from it being principally in matters of detail, although the draft by Mr. Stainforth especially contained several important