

Saturday, 28th February, 1857

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1857.

VOL. III.

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1857.

Saturday, February 28, 1857.

PRESENT:

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

Hon. the Chief Justice.	C. Allen, Esq.
Hon. J. P. Grant.	P. W. LeGeyst, Esq.
Hon. B. Peacock.	E. Currie, Esq.
D. Elliott, Esq.	and Hon. Sir A. W. Buller.

SONTHAL DISTRICTS.

THE CLERK presented a Petition from Inhabitants of Pergunnahs Nonee and Hurreepore praying that their Pergunnahs may not be removed from the jurisdiction of Pergunnah Muhammed Bazar, and placed within the jurisdiction of zillah Beerbhoom.

MR. CURRIE moved that it be referred to the Select Committee on the Bill "to amend Act XXXVII of 1855."

MR. GRANT asked if this was a Petition against the Act removing the Sonthal Districts from the operation of the general Laws and Regulations?

MR. CURRIE replied that it was a Petition against the Bill for revising the boundaries defined by that Act. Nonee and Hurreepore were two Pergunnahs which, under the Bill to amend the Act, would be left out of the special jurisdiction; and he believed that the Petitioners objected to their Pergunnahs being so excluded.

MR. CURRIE'S motion was then put and agreed to.

SALES OF LAND FOR ARREARS OF REVENUE (BENGAL).

THE CLERK presented a Petition from Zemindars of the 24-Pergunnahs relative to the Bill "to improve the Law relating to sales of land for arrears of revenue in the Bengal Presidency." The Petitioners object to Sections 41, 47, and 49 of the Bill; and pray that, instead of these Sections, others might be introduced, declaring the right of all under-tenants to sue defaulting Zemindars for compensation from loss sustained by them in consequence of such default.

MR. GRANT moved that the Petition be referred to the Select Committee on the Bill.

Agreed to.

SUBSISTENCE OF SMALL CAUSE COURT PRISONERS.

MR. LEGEYT moved the second reading of the Bill "to amend Act IX of 1850" (which constitutes the Small Cause Courts of the different Presidency Towns).

MR. GRANT said, he did not mean to object to the second reading of the Bill; but he wished to express his opinion that the rates of subsistence-money which it proposed for debtors detained under the Act, were too high. It fixed 4 annas a day as the maximum rate.

MR. LEGEYT replied, the Honorable Member would observe that the provision made by the Bill was that the rate should be not less than 1 anna or more than 4 annas a day. This would enable the Judges of the Small Cause Courts to allow any sum not less than 1 anna, or not exceeding 4 annas, according to the circumstances of each case. Act VIII of 1855, to amend the new Law of arrest on Mesne Process in Civil actions in the Supreme Courts, provided a maximum rate of 8 annas. This Bill would not allow more than 4 annas; and he might mention that that was the maximum rate allowed by all the Regulations in the Mofussil Courts.

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

THE STANDING ORDERS COMMITTEE.

MR. PEACOCK said, since the departure of Sir Lawrence Peel, the number of Members composing the Standing Orders Committee had been reduced to two. He should now propose that the name of the present Chief Justice be added to the Committee.

Agreed to.

IMPRESSMENT OF CARRIAGE AND SUPPLIES FOR TROOPS (BENGAL).

MR. GRANT said, he wished to supply an omission which he had made last Saturday. He had intended to move, on that occasion, that General Low should be one of the Members of the Select Committee on the Bill relating to the impressment of carriage and supplies, but the Honorable Member's name had escaped him. He now begged

to move that General Law be placed on the Committee.

Agreed to.

LAND CUSTOMS (BOMBAY.)

MR. LEGEYT moved that a communication which he had received from the Government of Bombay, relative to the Bill "to make better provision for the collection of Land Customs in certain Foreign Frontiers of the Presidency of Bombay," be printed.

Agreed to.

CRIMINAL PROCEDURE.

MR. PEACOCK gave notice that, on Saturday next, he would move the second reading of the Bills for simplifying the Procedure of the Courts of Criminal Judicature in the three Presidencies and in the North Western Provinces.

The Council adjourned.

Saturday, March 7, 1857.

PRESENT:

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

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

MESSAGE FROM THE GOVERNOR GENERAL.

The following Message from the Governor-General was brought by Mr. Grant and read:—

MESSAGE No. 99.

The Governor-General informs the Legislative Council that he has not given his assent to the Bill which was passed by them on the 21st February 1857, entitled "A Bill to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah."

On the Third Reading of that Bill, motion was made to recommit it under the 87th Standing Order of the Legis-

lative Council, which permits this to be done for the purpose of considering any amendment of the Bill.

The amendment consisted in the introduction of a Clause forbidding the beating of drums or the blowing of horns between certain hours, except when permitted by the Magistrate on the occasion of festivals and ceremonies.

This Clause was inserted by the Committee, and the Bill was, at the same sitting, read a third time, and passed.

In the opinion of the Governor-General, the Clause is one which it would have been proper to publish for general information, under the 85th Standing Order, for such space of time before passing it into Law as to the Legislative Council might seem fit.

It treats of a matter not referred to in any other part of the Bill, and to which, therefore, it may be presumed that attention had not been given in any quarter whilst the Bill was before the Legislative Council.

It restrains the Native Community in a custom to which a part of them attach importance, and which has hitherto prevailed unchecked by the Law in the places to which the Bill applies.

Those who will be restrained by the Clause have had no opportunity of making their views of it known to the Legislative Council through any channel.

Such being the case, it appears to the Governor-General that the course which has been followed is not in strict accordance with the spirit in which the Rules of the Legislative Council have been framed.

For these reasons, respectfully stated to the Legislative Council, the Governor-General withholds his assent to the Bill.

By Order of the Governor-General.

CECIL BEADON,

Secy. to the Govt. of India.

FORT WILLIAM, }
The 6th March 1857. }

THE CLERK brought under the consideration of the Council the following Petitions:—

SINGAPORE PORT-DUES.

A Petition of Merchants, Traders, and other Inhabitants of Singapore,