

Friday, 29th February, 1856

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

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NOTICES OF MOTION.

MR. LEGEYT gave notice that he would, at the next meeting of the Council, move for a Committee of the whole Council on the Bill "to relieve the Court of Sudder Fouzdary Adawlut at Bombay from the supervision of the Gaols in that Presidency."

MR. ELIOTT gave notice that he would, on the same day, move the second reading of the Bill "for the better control of the Gaols within the Presidency of Fort St. George."

ADJOURNMENT.

SIR JAMES COLVILE said, that, in moving the adjournment on this occasion, he had to depart somewhat from the usual course. It had been intimated to him, since he came into the room, that the Governor General was anxious to preside once more at the Council, and to take leave of it; and that Friday next was probably the latest day on which he would be able to do so. He (Sir James Colvile) should therefore move an adjournment until Friday. An intimation of this kind from the Governor General would probably at any time, and in any circumstances, receive the ready assent of the Council: in the present instance, he thought it deserved the heartiest acquiescence, since every Honorable Member must feel how greatly this Council was indebted to the Noble Lord in question, for the care with which he had presided over its deliberations, and for the very valuable advice and assistance which he had given to those who framed the Standing Orders which governed its proceedings.

The Motion was carried, and the Council adjourned until Friday accordingly.

Friday, February 29, 1856.

PRESENT :

The Most Noble the Governor General, *President*,
in the Chair.

Hon. J. A. Dorin,	Hon. B. Peacock,
Hon. Sir J. W. Colvile,	D. Elliott, Esq.,
H. E. the Commander- in-Chief.	C. Allen, Esq.,
Hon. Major Genl. J. Low,	P. W. LeGeyt, Esq.,
Hon. J. P. Grant,	E. Currie, Esq., and Hon. Sir Arthur Buller.

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

MESSAGE No. 70.

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

to the Bill which was passed by them on the 23rd February 1856, entitled "a Bill for granting exclusive privileges to Inventors."

By Order of the Most Noble the Governor General.

CECIL BEADON,

Secretary to the Govt. of India.

FORT WILLIAM,
The 28th February 1856. }

LIABILITY OF PARTNERS.

THE CLERK presented a Petition signed by certain Merchants, Planters, and Traders of Calcutta, and of the Lower Provinces of Bengal, praying for the immediate enactment of a Law for limiting the liability of Partners.

MR. PEACOCK moved that this Petition be printed. He begged to apologise to the Council for not having long ago brought in his Bill for the object stated by the Petitioners. It was very nearly ready; but he had been prevented by other business from completing it.

The Motion was agreed to.

MARRIAGE OF HINDOO WIDOWS.

THE CLERK presented a Petition signed by certain Hindoo Inhabitants of Chittagong in favor of the Bill "to remove all obstacles to the Marriage of Hindoo Widows."

Also a Petition from several Inhabitants of Calcutta, Nuddea, and other places, against the same Bill.

MR. GRANT moved that both these Petitions be referred to the Select Committee on the Bill.

Agreed to.

THE CLERK reported that he had received a communication from the Governor of the Straits' Settlement, forwarding, with remarks, letters from the Residents of Singapore and Prince of Wales' Island, submitting Schedules of Port Dues and Fees to be levied at those Ports.

SUPPLY OF WATER (BOMBAY AND COLABA).

MR. LEGEYT moved the first reading of a Bill "to enable the Bombay Government to provide for a due supply of water for public use in the Islands of Bombay and Colaba," during the present year. He said, the object of this was to empower the local authorities at Bombay to take extraordinary and effective measures to prevent the

wastage, and, when necessary, to regulate the consumption of drinking water, in order to avert the evils of a water-famine which, there was too good ground to fear, would be experienced at Bombay during the approaching hot season. The rains last year in Bombay had failed to a greater extent than in any known year, except the year 1824, and it was apprehended that the supply of water from tanks and wells, on which the inhabitants were entirely dependent, would fall shorter during the ensuing season than on any previous occasion upon record. The Bill, among other things, empowered the local authorities to enter into, and take possession of, by means of the Police, tanks and wells in private gardens and grounds, and, if necessary, to superintend and regulate the use and distribution of the water obtained therefrom.

It also provided for the removal of large herds of cattle to a locality about three miles distant from the City, where, although water fit for their use was procurable, the same could not be used for drinking water for the inhabitants. These herds of cattle were now located in the most populous parts of the City, in the immediate neighbourhood of well and tanks, and caused a great consumption and wastage of water, which it was absolutely necessary should be strictly preserved for the use of the inhabitants.

The Bombay Government had desired him to state, that they hoped it would not be necessary to have recourse to the most stringent measures provided for in the Bill; but, after the fullest consideration of the matter, and consultation with practical men, they had come to the conclusion that they ought to be armed with powers which would, in case of necessity, enable them to have recourse to such measures; and that, unless they were so armed, the distress and even loss of life during the hot season might be very considerable. In May of 1854, very great distress was experienced in consequence of a scarcity of water. It was partly averted by bringing in a daily supply of 100,000 gallons by rail.

But he had ascertained that it was not probable that a greater supply than that would be obtainable by the same means. The tanks and wells in Bombay on the 1st of January in the present year, were considerably lower than they were on the first of January 1854. The distress experienced on that year, at the close of the hot season, would, it might be reasonably feared, commence this year at least a month earlier.

It had therefore been impressed upon him

by the Bombay Government, and he had been requested to mention to the Council, that a great object would be gained if this Bill were passed as speedily as possible; and he accordingly proposed to move, if the Bill passed a second reading, that the Standing Orders be suspended, in order that it might be carried through its subsequent stages forthwith. The reasons which had induced the Government of Bombay to apply for the immediate introduction of this extraordinary measure, were fully set out in the annexures to the Bill; and Honorable Members would have an opportunity, before the next meeting of the Council, of judging whether a sufficient case had been made out. He himself thought that it had; and that it would be most prudent and politic to arm the local Government at once with the powers sought for and provided by the Bill—which, under the circumstances, would not justly be considered an oppressive measure. It contained provisions for compensation being given whenever damage or injury to property might be caused by it.

The Bill was read a first time.

INSPECTOR OF PRISONS (FORT ST. GEORGE).

MR. ELIOTT moved the second reading of the Bill “for the better control of the Gaols within the Presidency of Fort St. George.”

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

INSPECTOR OF PRISONS (BOMBAY).

MR. LEGEYT moved that the Council resolve itself into a Committee on the Bill “to relieve the Court of Sudder Fouzdary Adawlut at Bombay, from the supervision of the Gaols in that Presidency; and that the Committee be instructed to consider the Bill in the amended form in which it was recommended by the Select Committee to be passed.”

Agreed to.

PRESIDENT'S ADDRESS.

THE PRESIDENT said,—I beg the indulgence of the Council for a few moments.

Having diligently attended the deliberations of the Legislative Council until failing health forbade my further presence here, I have been anxious not to quit this country without meeting you once again. Before the sun shall have set to-day, the power

which I have so long wielded will have passed away from my hands, and the authority which entitled me to preside at this Council belong to another. Since then, in leaving your Chair now, I shall quit it for ever, I ask your permission to offer to you a few parting words. They will be brief and simple.

The Legislative Council cannot doubt the deep and abiding interest which I feel, and shall ever continue to feel, in its reputation and character: nor can it doubt the pain with which I quit it. If I may venture to use the words of Mr. Grattan, I may truly say, "I sat by its cradle. I have marked its growth." I have watched its rapid progress towards maturity of strength and usefulness; and none can charge me with flattery or precipitation if now, before we part, I congratulate the Council on the success which has already attended its labors, and the large measure in which it has already fulfilled the purposes which its institution was designed to accomplish.

For the past, I desire to offer you my thanks for the support you have afforded me in this Chair; and to express to you my gratitude for the forbearance you have shewn to the errors into which I may have unconsciously fallen while presiding over and controlling your deliberations, and for the consideration and respect which you have uniformly conceded to me.

For the future, I pray that the Spirit of Wisdom may at all times direct your deliberations, and guide your counsels.

With the utterance of this wish, I take my leave of you; and I respectfully and sorrowfully bid you farewell.

HIS LORDSHIP then left the Chair, and retired from the Council Chamber.

INSPECTOR OF PRISONS (BOMBAY).

The Council resolved itself into a Committee on the Bill "to relieve the Court of Fouzdary Adawlut at Bombay, from the supervision of the Gaols in that Presidency."

The Vice President took the Chair.

Section I repealed certain Regulations which placed the supervision of Gaols in the Presidency of Bombay in the Court of Sudder Fouzdary Adawlut.

MR. ELIOTT said, he thought it very desirable that the Bill for Madras, and the Bill for Bombay on this subject should be amalgamated. He did not know whether this course would be strictly right; but the Council having already approved of the

principle of his Bill, and there not being the same reason for publishing it that applied to other Bills, since it merely provided for the better control of Gaols, which was a matter that concerned the Government rather than the public, the Council would perhaps not object to the course which he proposed.

The Bill for Madras was in all respects similar to that for Bombay, except the enumeration of the Regulations to be repealed. He should therefore move, that the following words and figures be prefixed to the Section:—

"Clause 5 Section VIII Regulation XV. 1803, and Sections II and III Regulation X. 1832 of the Madras Code; Section XLIX Act VII of 1843, Section XXXII Regulation VII 1802 of the said Code, and so much of Section VII Regulation X 1832 of the same, as is referred to in Section XLIX Act VII 1843 aforesaid;" and

The Amendment was agreed to, and the Section passed.

Section II provided that the supervision of Jails should be vested in the Governor in Council; and that it should

"be lawful for the Governor in Council to appoint a person or persons as he shall think fit, to inspect and superintend the said Gaols, &c."

After a further verbal Amendment rendered necessary by the Amendment in Section I—

MR. PEACOCK moved that the words "with the previous sanction of the Governor General of India in Council to the creation of the office" be inserted after the words "Governor in Council" in the 7th line of the Section.

Agreed to.

After a further verbal Amendment, the Section was passed.

The Preamble and Title were amended so as to correspond with the Amendments in the Bill.

The Council having resumed its sitting, the Bill was reported.

RESOLUTION.

SIR JAMES COLVILE said—He rose to move a Resolution, which he hoped and believed would meet with the hearty concurrence of every Member of the Council. They had seen to-day, in the Chair, for the last time, the Noble Lord who was about to resign, with other more important functions, those of President of the Legislative Council. That was not the place in which—that was not the time at which—it would be pro-

per to enlarge upon the loss which British India was about to sustain; or upon those general claims which, during a vigorous and brilliant administration of eight years, the Noble Lord had established to the gratitude of those whom he had governed, and of his countrymen at home; and to the respect of his own age and of posterity. But the Legislative Council would be wanting in a just appreciation of what it peculiarly owed to His Lordship, if it did not, in some way, formally and publicly acknowledge the nature and amount of its obligations to him. He did not anticipate any difference of opinion in the Council on that point. Certainly, there would be none on the part of those who, either as Members of the Supreme Government, or as Members of this Council from the time of its formation, knew how anxiously the Noble Lord had, to use his own expression, "watched over the cradle" of the new Legislature; how, overburdened as all knew him to be, with the cares and duties of his high office, he had yet found time to devote to the consideration and completion of whatever the Statute, by which it was created, had left imperfect in its organization;—what valuable assistance he had given towards the framing of those rules of procedure which are essential to the well-being and efficiency of every deliberative assembly, however limited its numbers; and how constantly, often it was to be feared at great personal inconvenience, he had presided over its earlier deliberations—giving it always the sanction of his presence, and not unfrequently the benefit of his opinions. And he (Sir James Colville) was sure, that those who were disposed to agree in the Resolution which he was about to move, would do so the more heartily when they recollected the affectionate and weighty words of farewell which the Noble Lord had addressed to them that day. It was not for him, it was not for any Member, to say whether the Noble Lord had, or had not expressed too favorable an estimate of the merits of this Council as a Legislative body; but this he would say, that, in whatever degree the Council, now or hereafter, might answer or fall short of the ends for which it was designed, much of its success might fairly be attributed—none of its deficiencies could justly be charged—to him who was its first President.

Without further preface, he begged to move the following Resolution:—

"That the thanks of this Council are eminently due to the Most Noble James Andrew, Marquis of Dalhousie, for the constant interest

which he has taken in its proceedings; for the large part which he had in its organization; and for the care with which during the first period of its existence he personally presided over its deliberations."

The Resolution was carried unanimously.

SIR JAMES COLVILLE then moved that the Resolution be communicated by the Vice President to the Most Noble the Marquis of Dalhousie.

The motion was carried.

NOTICES OF MOTION.

MR. LEGEYNT gave notice that he would, on Saturday the 8th of March, move that the Bill "to enable the Bombay Government to provide for a due supply of water for public use in the Islands of Bombay and Colaba" be read a second time.

Also, that the Standing Orders be suspended to enable him, on the same day, to pass the above Bill through its subsequent stages.

MR. LEGEYNT also gave notice that he would, on the same day, move the third reading of the Bill "for the better control of the Gaols within the Presidencies of Fort St. George and Bombay."

PENAL CODE FOR PILOTS (BENGAL).

MR. CURRIE moved that a communication received by him from the Secretary to the Government of Bengal, forwarding for consideration, in connection with the proposed revision of the Penal Code for Bengal Pilots, an extract of a Despatch from the Honorable the Court of Directors remarking on the reluctance on the part of the Marine Courts of Enquiry to award adequate punishment to Pilots when convicted on trial of the charge preferred against them, be laid upon the table, and referred to the Select Committee on the Projects of Law connected with the Marine Department.

Agreed to.

The Council then adjourned until Saturday the 8th instant, on the motion of Sir James Colville.

Saturday, March 8, 1856.

PRESENT:

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

Hon. Sir J. W. Colville, Hon. B. Peacock,
H. E. the Commander- D. Elliott, Esq.,
in-Chief, P. W. LeGeyt, Esq.,
Hon. Major Genl. J. Low, C. Allen, Esq., and
Hon. J. P. Grant, E. Currie, Esq.

THE VICE PRESIDENT acquainted the Council that he had received a letter from the Most Noble the Marquis of Dalhousie, in answer to a letter communicat-