

Saturday, 25th April, 1857

PROCEEDINGS  
OF THE  
LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1857.

VOL. III.

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CALCUTTA :  
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1857.

"From Government of Fort Saint George, 1857, and enclosures.

"From Ditto, dated 24th idem, and enclosures.

has decided that Act I of 1844 was a personal Statute, which upon the death of the late Nawab of the Carnatic ceased to have any operation. It having thus been pronounced judicially that the said Act is already extinct, it appears unnecessary to repeal it formally.

"On the supposition that a Law was necessary to repeal the Act, it was intended by the Bill for that purpose to make an exception as to all contracts made, liabilities incurred, and acts done, prior to the repeal, by persons privileged under the provisions of the Act, in accordance with the opinion of the Government of India that great injustice would be done if the family of the Nawab were now made liable for debts contracted under the law. But as, by the decision of the Supreme Court, it appears that the protection of the persons referred to was confined by the law to the life-time of the Nawab, it would be virtually to give them a new privilege, *ex post facto*, to repeal the Act with an express provision to the same effect as the intended reservation."

The Motion was carried.

#### ACQUISITION OF LANDS FOR PUBLIC WORKS.

MR. ALLEN gave notice that, on Saturday next, he would move that the Bill "for the acquisition of land for public purposes" be read a third time and passed.

#### UNCOVENANTED SERVANTS (FORT ST. GEORGE.)

Also that, on the same day, he would, in the absence of Mr. Elliott, move that the Bill "for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George" be read a third time and passed.

The Council adjourned.

Saturday, April 25, 1857.

#### PRESENT :

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

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

VOL. III.—PART V.

#### CATTLE TRESPASS.

THE CLERK presented a Petition from Mr. C. F. Chamier, a Member of the Civil Service on the Madras Establishment. The Petitioner forwarded a draft enactment relating to Trespases by Cattle, as containing provisions better suited to the Presidency of Madras than those of Act III of 1857.

MR. CURRIE said, it appeared to him that it would have been better if the Memorialist had communicated his suggestions to the Select Committee while the Bill was under their consideration, or, failing that, had waited to see how Act III of 1857 did work in the Presidency of Madras. The Act had not been brought into operation yet; and it seemed premature, before it was brought into operation, to propose a new Law on the same subject for the Madras Presidency only.

#### BRIBERY (BOMBAY).

THE CLERK reported that he had received a communication from the Officiating Under Secretary to the Government of India in the Home Department forwarding for consideration, in connection with the state of the Law regarding Bribery, a copy of a correspondence with the Government of Bombay and of an Extract of a Despatch from the Honorable the Court of Directors relative to the case of a Patell in the Mahee Kanta who entered into a corrupt arrangement with two persons in Bombay (one of whom was a Clerk in the Political Department) for the purpose of obtaining redress from the British Government against the acts of his own Government.

MR. PEACOCK moved that these papers be printed and referred to the Select Committee on "The Indian Penal Code."

Agreed to.

#### ACQUISITION OF LANDS FOR PUBLIC WORKS.

MR. ALLEN moved that the Bill "for the acquisition of land for public purposes" be read a third time and passed.

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

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**UNCOVENANTED SERVANTS (FORT ST. GEORGE.)**

MR. ALLEN moved that the Bill "for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George" be read a third time and passed.

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

**SONTHAL DISTRICTS.**

MR. CURRIE moved that the Council resolve itself into a Committee on the Bill "to amend Act XXXVII of 1855;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee without amendment, and was reported.

**MESSENGER.**

MR. ALLEN moved that Mr. Peacock be requested to take the Bill "for the acquisition of land for public purposes," and the Bill "for the more extensive employment of Uncovenanted Agency in the Revenue and Judicial Departments in the Presidency of Fort St. George," to the Governor-General for his assent.

Agreed to.

**SMALL CAUSE COURTS.**

MR. LEGEYT moved that a communication which he had received from the Government of Bombay be laid upon the table and referred to the Select Committee on the Bill "to amend Act IX of 1850."

Agreed to.

**CRIMINAL PROCEDURE (BENGAL).**

MR. PEACOCK moved that the Petition of British Subjects, presented on the 14th ultimo, against the Bill "for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, for simplifying the procedure thereof, and for investing other Courts with Criminal Jurisdiction," be referred to the Select Committee on the Bill.

Agreed to.

The Council adjourned.

Saturday, May 2, 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.,
Hon. J. P. Grant,	and
Hon. B. Peacock,	Hon. Sir A. W. Buller.

**CARRIAGE AND HORSE TAX.**

THE CLERK presented a Petition of Mr. A. M. Murdoch, an Undertaker in Calcutta, praying that the exemption contained in Section XIV Act XXVIII of 1856 may be extended to conveyances used by him.

**BOMBAY UNIVERSITY.**

MR. LEGEYT moved that a Bill "to establish and incorporate an University at Madras" be now read a first time.

The Bill was read a first time.

**COMPULSORY LABOR (MADRAS).**

MR. CURRIE moved that the Bill "to make lawful compulsory labor for the prevention of mischief by inundation, and to provide for the enforcement of customary labor to certain works of irrigation in the Presidency of Fort St. George" be now read a second time.

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

**SONTHAL DISTRICTS.**

MR. CURRIE moved that the Bill "to amend Act XXXVII of 1855" (to remove from the operation of the general Laws and Regulations certain Districts inhabited by Sonthals and others, and to place the same under the superintendence of an Officer to be specially appointed for that purpose) be read a third time and passed.

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

**UNDER-TENURES.**

MR. CURRIE moved that a correspondence between himself and the