

Saturday, 10th February, 1855

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF INDIA

Vol. I

(1854-1855)

BOUNDARY MARKS (MADRAS.)

Mr. ELIOTT moved that the Bill "for the establishment and maintenance of boundary marks in the Presidency of Fort St. George," be now read a second time.

Agreed to.

ASSAM COMPANY.

Mr. MILLS moved that the Bill "for incorporating for a further period, and for giving further powers to the Assam Company," be now read a third time and passed.

Agreed to.

Mr. ALLEN was requested to carry the Bill to the Most Noble the Governor General for his assent.

PROCESS OF EXECUTION.

SIR JAMES COLVILE moved that the Council resolve itself into a Committee on the Bill "to assimilate the process of execution on all sides of Her Majesty's Supreme Courts, and in the Courts for the Relief of Insolvent Debtors; and to extend and amend the provisions of Act XXV of 1841."

Agreed to.

The Bill was passed in Committee, with only one material alteration, which had been recommended by the Select Committee, and by which Insolvent Courts are excepted from its operation.

WRITS OF EXECUTION.

SIR LAWRENCE PEEL moved that the Council resolve itself into a Committee on the Bill "to extend the operation of, and regulate the mode of executing writs of execution in Her Majesty's Supreme Courts of Judicature," 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 in Committee in its amended form.

NOTICES OF MOTION.

SIR JAMES COLVILE gave notice that, at the next Meeting of the Council, he would move that the Bill "to assimilate the process of execution on all sides of Her Majesty's Supreme Courts, and to extend and amend the provisions of Act XXV of 1841," be read a third time and passed.

SIR JAMES COLVILE also gave notice that, as the Hon'ble and learned the Chief Justice would not be present at the next Meeting of the Council, he would move, on

that occasion, that the Bill "to extend the operation of, and regulate the mode of executing writs of execution in Her Majesty's Supreme Courts of Judicature," be read a third time and passed.

BOUNDARY MARKS (MADRAS.)

Mr. ELIOTT moved that the Bill "for the establishment and maintenance of boundary marks in the Presidency of Fort St. George," be referred to a Select Committee, consisting of Mr. Mills, Mr. Allen, and the Mover.

Agreed to.

NOTICES OF MOTION.

Mr. PEACOCK gave notice that, on Saturday after next, he would move that the Council resolve itself into a Committee of the whole Council on the Bill "to amend the Law relating to the office and duties of Administrator General;" and also on the Bill "to amend the Law of arrest on mesne process in civil actions in the Supreme Courts of Judicature, and to provide for the subsistence of destitute prisoners confined under Civil process of any of the said Courts."

COPPER CURRENCY (STRAITS.)

Mr. GRANT moved that the Petition from the Inhabitants of Singapore against the Bill "to improve the Law relating to the Copper Currency in the Straits," presented to the Council last Saturday, be printed and referred to the Select Committee on the Bill. Mr. Grant said he should have made this motion last Saturday, when the Petition was presented, had he not been under the impression that it would be referred to the Select Committee as a matter of course; but on looking at the Standing Orders, he found he was mistaken.

Motion carried.

The Council adjourned.

—
Saturday, February 10, 1855.

PRESENT :

The Most Noble the Governor General, *President*.
Hon. J. A. Doris, A. J. M. Mills, Esq.,
Hon. J. P. Grant, D. Elliott, Esq.,
Hon. B. Peacock, A. Malet, Esq., and
Hon. Sir James Colville, C. Allen, Esq.

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

MESSAGE No. 29.

The Governor General informs the Legislative Council that he has given his assent to the Act passed by them on the 2nd February 1855, entitled "An Act for incorporating for a further period, and for giving further powers to the Assam Company."

By Order of the Governor General.
CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM, }
The 9th February 1855. }

THE CLERK presented a Petition from Moulvee Golam Botool Tumkin, Moonsiff of Beerhoom, suggesting an amendment of Act XIX of 1853, and submitting a Draft Act in the Bengalee language.

THE CLERK reported to the Council that he had received, by transfer from the Home Department, a communication from the Straits Government, submitting the Draft of a Bill for the better preservation of the public peace of the Island, and the places subordinate thereto, together with connected papers.

THE CLERK further reported that he had received, by transfer from the Financial Department, a communication from the Government of Fort St. George relative to the Commission charged by the Administrator General at Madras, and requesting information as to the practice in Bengal, together with the Report of the Auditors of the accounts of the Administrator General of Bengal thereon.

MR. MILLS presented a correspondence which had passed between the Lieutenant Governor and himself, regarding the obligation of Commanders of foreign vessels who ship lascar-crews at this port, to have them registered and article in accordance with the provisions of Acts XXVII and XXVIII of 1850, in the same manner as is done with the native crews of British ships. He said, the question had been raised by the Consul General of Sardinia, who disputed the obligation of Commanders of foreign vessels so to register and article them. The Lieutenant Governor had referred the matter to him, and he had stated, in reply, that native crews shipped on board of foreign vessels should, in his opinion, have the same protection as they now had, under the Marine Act, when shipped on board British vessels; and that it would, therefore, be advisable to make provisions for that object. The correspondence which he now presented, fully stated the whole question; and

as the amendment of the Marine Registration Acts was in consideration by a Select Committee appointed to report on certain projects of law connected with the Marine Department, he begged to move that the correspondence be referred to that Committee.

Motion carried.

MUNICIPAL LAW (BENGAL).

(Point of Order).

MR. MILLS said, it would be in the recollection of the Council that, in December last, he had moved the first reading of a Bill "to modify the provisions of Act XXVI of 1850 so far as it relates to places in the Bengal division of this Presidency." That Act concerned the public health and convenience in the Mofussil, and was based upon the principle that when people desire their places of abode to be more cleanly and better kept, they should themselves provide for these purposes, and declare themselves for or against the enforcement of the Act in their places of residence. By the Bill which was read in Council for the first time in December, he proposed to modify the Act so as to enable the Lieutenant Governor to apply its provisions, whenever it should appear to him advisable, even in those towns the inhabitants of which should not have applied to have them put in force. When he moved the first reading, he was not aware that the Hon'ble the Court of Directors had sent out a Despatch on the subject of the Law, in which they expressed their anxiety that Act XXVI of 1850 should not be put in force against the wishes of the inhabitants, unequivocally declared. A copy of the Despatch, together with the copy of a Minute which the Lieutenant Governor had recorded thereon, had been forwarded to him since; and before giving notice of a motion that the Bill should be read a second time, he thought it desirable that those Members of the Council who had not yet seen the Despatch, should be made aware of its contents, and also of the sentiments of the Lieutenant Governor of Bengal thereon. He should, therefore, move that a communication which he had received from the Secretary to the Government of Bengal relative to the Bill to amend the Law, with its annexures (consisting of the Despatch from the Court and the Lieutenant Governor's Minute upon it), be printed.

MR. GRANT remarked, he was not quite sure that the Hon'ble Member was in order. The time had not yet come for Members to submit motions.

THE PRESIDENT said, on the strict and literal interpretation of the 112th Clause of the Standing Orders, undoubtedly the communications to be received by the Council at this stage of the proceedings were those only which had been received by the Clerk, and were reported by him. But whether it was intended that communications from certain Governments to Hon'ble Members who represent those Governments should also be reported by the Clerk, or whether they might be reported by the Hon'ble Members themselves, was a question which he should desire the Council to determine. If they might be reported by the Members themselves, then, as motions relating to Petitions or Communications received by the Clerk were regular after such Petitions or Communications had been reported by him, and as, by Clause 113 of the Standing Orders, it was competent to a Member to make any motion regarding any Order of the Day,—it would seem to follow, by analogy, that the present motion might be admitted now. He should refer the point to the Council, however, that they might determine it for the future regulation of their proceedings.

MR. GRANT said, this was the first time the question had come before the Council; but the Clerk would probably be able to afford them some information regarding it. His own impression was, that all communications were to be made to the Council direct, and to be reported to the Council by the Clerk. He did not think that there was any provision for communications to be made in any other manner.

THE PRESIDENT then suggested that Mr. Mills should either transmit through the Clerk the communication forwarded to him, or reserve his motion regarding it until the time arrived when he could bring it forward regularly.

MR. MILLS said he would reserve his motion.

THE PRESIDENT said, it must henceforward be understood that the only communications which could be admitted at this early stage of the proceedings, should be communications that had been received by the Clerk, and were reported by him.

REPORTS OF SELECT COMMITTEES.

MR. ELIOTT presented the Report of the Select Committee on the Bill "for the amendment of procedure in cases of regular appeal to the Sudder Court in the Presidency of Fort St. George;"—and the Report of the

Select Committee on the Bill "to amend the Law of Evidence in the Civil Courts of the East India Company in the Madras Presidency."

MR. PEACOCK presented the Report of the Select Committee on the project of Law for extending the Admiralty jurisdiction of Her Majesty's Supreme Court of Judicature at Madras.

MR. PEACOCK said that the Select Committee on the Communication from the Governor of the Straits Settlements respecting the Act for the Management of the Post Office, had not concluded their Report yet; but he would be prepared to present it on Saturday next.

PROCESS OF EXECUTION.

SIR JAMES COLVILLE moved that the Bill "to assimilate the process of execution on all sides of Her Majesty's Supreme Courts, and to extend and amend the provisions of Act XXV of 1841," be now read a third time and passed.

Agreed to.

WRITS OF EXECUTION.

SIR JAMES COLVILLE next moved that the Bill "to extend the operation of, and regulate the mode of executing writs of execution in Her Majesty's Supreme Courts of Judicature," be read a third time, and passed.

Agreed to.

MESSENGER.

Both Bills having been read and passed accordingly, Mr. Allen was requested to carry them to the Most Noble the Governor General for his assent.

ADMINISTRATOR GENERAL.

MR. PEACOCK moved that the Council resolve itself into a Committee of the whole Council on the Bill "to amend the Law relating to the office and duties of Administrator General," and that it 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 to XIV of the Bill were passed as they stood.

The 15th Section of the Bill provides that "the Administrator General of the Presidency may be appointed an Official Trustee under Act No. XVII of 1843."

On this Section being proposed,—

SIR JAMES COLVILLE said, he begged to ask a question of the Hon'ble Member opposite (Mr. Peacock) with respect to it.

He did not know whether the fact had been considered by the Select Committee; but, according to his recollection, the Supreme Court here had already appointed the Administrator General, Official Trustee in certain cases; and he desired to know whether it was intended that the 15th Section of this Bill should have retrospective, as well as prospective effect. It was desirable not to throw any doubt on the validity of the appointments already made.

MR. PEACOCK said he would answer the Hon'ble Member's question. The Section was not intended to have retrospective effect, but was inserted because of a preceding one, which provided that no Administrator General should hold the office of Ecclesiastical Registrar, nor, without the express sanction of Government, any other office. If the Supreme Court thought fit now, as it had done previously, to appoint the Administrator General an Official Trustee, it might do so with the sanction of the Government. The office of Official Trustee, unlike that of Ecclesiastical Registrar, was quite compatible with the office of Administrator General.

SIR JAMES COLVILLE said, he had no objection to the 15th Section as it stood. He would only express a hope that, until some better arrangements could be made as to the office of Receiver—which was a difficult subject—if the Supreme Court should find it necessary to entrust the duties of that office to the Administrator General, the sanction of Government would not be withheld.

MR. PEACOCK said, the Bill before the Council provided that the Administrator General and the Ecclesiastical Registrar should not be the same person; and the reason for this provision was, that the duties of the two offices were incompatible. But it did not preclude the Administrator General from holding any other office with the express consent of the Government. If the Supreme Court should think it necessary to appoint the Administrator General to the office of Receiver, it would, under this Act, have the power to do so with the consent of Government. Whether the Government would give that consent or not, he, of course, in the Legislative Council, could not undertake to say.

Sections XV to LI were then passed as they stood.

On Section LII being proposed,—

MR. PEACOCK said, the Hon'ble Member to his left (Mr. Elliott) had brought to

his notice that Section V of Regulation IV of 1809 of the Madras Code, and Section VI of Regulation XV of 1806 of the Bengal Code, provided that it should be the duty of Zillah Judges, whenever any British European subject should die within the limits of their jurisdictions, and no Will should be found among the effects of the deceased, to report the circumstance forthwith to the Ecclesiastical Registrar of the Supreme Court, retaining the property under their charge until Letters of Administration should have been obtained by that Officer, or by some other person, from the Supreme Court, when they must deliver it to the person obtaining such letters. The Bombay Code, which he had examined, did not contain any similar Clause. As the present Bill substituted the Administrator General for the Ecclesiastical Registrar, he proposed to introduce into it the two following additional Sections:—

“Section VI of Regulation XV of 1806 of the Bengal Code, and Section V of Regulation IV of 1809 of the Madras Code, are hereby repealed.”

And—

“Whenever any British subject shall die leaving personal assets within the limits of the jurisdiction of a Zillah Judge, and no Will shall be found among the effects of the deceased, it shall be the duty of the Zillah Judge to report the circumstance without delay to the Administrator General of the Presidency, retaining the property under his charge until Letters of Administration shall have been obtained by the Administrator General, or by some other person, from the Supreme Court of Judicature, when the property shall be delivered over to the person obtaining such Letters of Administration, or, in the event of a Will being discovered, to the person who may obtain probate of the Will.”

It would be observed that, besides the substitution of the Administrator General for the Ecclesiastical Registrar, there was a difference between the last proposed Section and the Sections of the existing Regulations. According to the latter, the property to be taken charge of and reported upon by the Zillah Judge, must be property left by a British subject who had died intestate within the limits of his jurisdiction. But it might sometimes happen that a British subject might die beyond the limits of the jurisdiction of a Zillah Judge, leaving property within those limits. In such a case, it would be equally desirable that the Zillah Judge should report the circumstance without delay, and retain charge of the property for

the time; and he (Mr. Peacock) had framed the Section which he now proposed, in such a manner as to provide for that object.

The two new Sections proposed by the Hon'ble Member, were passed.

On the 53rd, or Interpretation Clause of the Bill being proposed—MR. PEACOCK said, it had been suggested to him that the words "British subject," used in preceding Sections, might be considered ambiguous. He (Mr. Peacock) had framed the Bill; and, in adopting the words "British subject" in it, he had followed the language used in the Charters of the Supreme Courts, and of the Act of the British Legislature which authorized the appointment of the Ecclesiastical Registrar to act as Administrator of deceased British subjects. But as it had been suggested to him that the words might be ambiguous, he should move that the following explanatory Clause be added to the 53rd Section:—"The words 'A British subject' shall be deemed to mean a European British subject."

MR. GRANT inquired if the addition now proposed would not restrict the meaning of the words "British subject" so that, for instance, they would not include a Canadian British subject.

MR. PEACOCK said, he understood that the Supreme Court had always construed them, as used in the Charters, to mean a European British subject.

SIR JAMES COLVILLE said, he did not think the term had received so limited a construction. He apprehended that it had been held to include all who were subjects of the Crown otherwise than by reason of their being natives of India—certainly, all of that class who were of European descent, whether born in England or the Colonies.

MR. PEACOCK said, when he framed this Bill, he had no doubt that it would receive the same interpretation which the Charters and the Act of the British Legislature, to which he had referred, had always received; and for that reason, "British subject" being the words used in those enactments, he had adopted them in the Bill. It had not occurred to him that any doubt would arise about their meaning; and therefore he had not consulted the Hon'ble and learned the Chief Justice, who was on the Select Committee, upon the point. The possibility of such a doubt arising had been suggested to him afterwards, and the addition which he had proposed to the 53rd Section was intended to obviate any future doubt. But he had no wish to press his

Mr. Peacock

motion. If the interpretation given to this Act would be the interpretation given to the Charters of the Supreme Courts and the Act of the British Legislature authorizing the appointment of an Ecclesiastical Registrar to act as Administrator, it would be better to leave the 53rd Section as it stood; and therefore, with the permission of the Council, he would withdraw his motion.

MR. GRANT said, an Act for the general interpretation of words which might be open to doubt, would be requisite, and he hoped that one would soon be passed. But the question as to what might or might not be the meaning of the words "British subjects," as they were used in this Bill, would require more thought than the Council were able to give it at that moment. He was, therefore, very glad that the Hon'ble Member had withdrawn his motion.

The 53rd and remaining Sections of the Bill were then passed as they stood.

On the Preamble being about to be proposed,—

MR. DORIN said that, with reference to the Standing Orders, and the approaching departure of the Governor General, it would not be possible that this Act should commence and take effect from the 1st of March next, as was proposed by the 56th Section; and he had therefore intended to suggest that the date should be altered to the 1st of May next.

THE PRESIDENT said, the Hon'ble Member had missed his opportunity for moving the alteration, since the Section had now been passed. If the objection to the Section in its present form was a serious one, the alteration might be made by a re-committal of the Bill, which would not delay its progress. But at present, the Section had been passed.

MR. PEACOCK said, he intended to move, at the proper time, that the Standing Orders should be suspended, so that the Bill might be read and passed forthwith, and the assent of the Governor General to it be taken before he left the Presidency.

MR. DORIN said, this would entirely remove the obstacle to which he had referred.

The Preamble and Title were then passed.

ARREST ON MESNE PROCESS.

MR. PEACOCK moved that the Council resolve itself into a Committee upon the Bill "to amend the Law of arrest on mesne process in Civil actions in the Supreme Courts of Judicature, and to provide for the subsistence of destitute prisoners confined under Civil process of any of the said Courts;" and

that it 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 to XI of the Bill were passed as they stood.

The 12th Section was as follows:—

“It shall be the duty of the Sheriff and of the keeper of every prison in which any person shall be confined under any such process as above mentioned, to report to the Court out of which the process issued, the name of every prisoner confined under such process who shall appear to be unable to maintain himself in prison, or who shall complain that he has been arrested without cause: and it shall be lawful for the Court or a Judge, upon any such report, to cause the prisoner to be forthwith brought before them, or to make such other order as may seem fit: and the Sheriff shall be bound to serve any rule, summons, or order made under this Act which the Court or Judge shall order him to serve.”

SIR JAMES COLVILE suggested that so much of this Clause as made it the duty of the Sheriff and of the Jailer to report to the Court the name of every prisoner confined under a Civil process of the Court, who should appear to be unable to maintain himself in prison, was no longer necessary. As the Bill was originally drawn, it cast upon the creditor the burthen of advancing subsistence money for the prisoner in those cases only in which it was established to the satisfaction of the Court or a Judge that the prisoner was unable to maintain himself. It was, therefore, desirable to provide this mode of bringing the inability of a debtor to maintain himself in prison to the notice of the Court. As the Bill now stood, the creditor was in every case bound to advance subsistence money, at the rate of four annas per diem, subject to the operation of the Clause under which the rate of subsistence money might be reduced to one anna on the application of the creditor, or, in the case of illness, increased to eight annas on the application of the prisoner. He (Sir James Colville) confessed that when he came into the room this morning, he entertained some doubts about the expediency of the alteration. He had doubts whether, in this country, where it was so very common for debtors to make away with their property *benamée* in fraud of their creditors, it was desirable to cast the burthen of supporting a debtor in prison, if he was really able to support himself, upon the creditor, and to make the creditor's default—which might be owing either to an accident, or to his being tired of throwing

good money after bad—an additional chance of escape for the debtor. To many, it would doubtless appear extremely improbable that one who was able to maintain himself, would voluntarily remain in prison when, if unable to pay his debts, he might obtain his discharge by the operation of the Insolvent Act. But the fact really was that, in a great number of cases, the means of debtors in jail, whether contributed by their friends or derived from their own resources, were far more than sufficient for their personal subsistence. He had recently occasion to try a case in which it became necessary to inquire whether the habits of a person who had taken out a policy of insurance on his life, had been temperate or the reverse whilst he was in jail for debt. It came out in evidence that, by the rules of the jail, prisoners on the debtors' side were not allowed to exceed one pint of brandy per diem—a piece of information which somewhat surprised him, and which induced him to remark that he imagined the “limit” was very seldom reached. The Jailer's reply, however, was—“On the contrary, it was only the other day that a lady in custody on the Civil side vehemently protested against the restriction, and threatened to complain against me for enforcing it!” Now, where a debtor in prison could find means to indulge himself in this way, he had clearly no need of four annas a day from his detaining creditor for subsistence. However, after speaking on this subject to his honorable friend (Mr. Peacock), he (Sir James Colville) had come to the conclusion that it was, upon the whole, more convenient to make the subsistence money payable in the first instance in all cases at the rate of four annas per diem, and to cast on the creditor the burthen of applying to the Court to reduce the allowance to the minimum amount of one anna per day where the debtor was able to maintain himself, than to make it incumbent on the debtor, who might be really destitute, to come up to the Court and prove his state of need; and he (Sir James Colville) had therefore made no opposition to the Sections by which the alteration to which he referred had been introduced into the Bill. But as these Sections now stood part of the Bill, it seemed to him that it was no longer necessary to impose on the Sheriff and the Jailer, as the 12th Section did, the duty of reporting to the Court the name of every prisoner confined under its Civil process, who should appear to be unable to maintain himself in jail.

— Mr. PEACOCK said, the object of this Section was to provide a party unjustly arrested and unable to maintain himself in prison, with the means of obtaining his discharge from custody without the necessity of employing an attorney to take him before the Court. As the Law now stood, if a person was improperly arrested on mesne process, he must employ an attorney to move the Court for his discharge. But it frequently happened that a party unjustly arrested was so poor that he had not the means to employ an attorney to do this. In England, the Court of Chancery had power, by Act of Parliament, where persons were detained under process of contempt, to send an Officer to visit the prison for the purpose of ascertaining and reporting whether any of the prisoners were improperly detained. Here, there was at present no Officer whose duty it was to do this; and the office of Paupers' Attorney had been done away with. It might, therefore, often happen that a person who had been improperly arrested, but who had not the means to employ an attorney to bring his case before the Court, would lie in jail for want of an opportunity to make his case known. It was true that, under the 10th Section of this Bill, the prisoner must be supported in jail by the creditor. His object, however, would be not to be supported in jail by the creditor, but to be discharged out of custody, and to be allowed to support himself. He could not obtain his release without the order of the Court; and, therefore, there being no longer a Pauper's Attorney, it appeared to him (Mr. Peacock) only reasonable to provide, as this Section did, that where a party complained of having been arrested without cause, and appeared to be unable to maintain himself, it should be the duty of the Sheriff or of the Jailer to report his case to the Court, in order that the Court might direct the prisoner to be brought up at once, and thus afford him the means, without employing an attorney, of showing that he ought to be discharged out of custody.

Sir JAMES COLVILLE said, the Hon'ble Member had misapprehended the drift of his observations. He should be most sorry to see omitted from this Section the passage which said it should be the duty of the Sheriff and the Jailer to report to the Court the name of every prisoner who should complain that he had been arrested without just cause. That was one of the most valuable provisions of a most valuable Act, for which he individually felt greatly indebted to his

Hon'ble friend, inasmuch as it restricted the exercise of a power which was to him (Sir James Colville) one of the most odious of those vested in him by Law. What he had suggested as matter which should be omitted, was the passage which required that the Sheriff and the Jailer should report to the Court the name of every prisoner confined under its Civil process who should appear unable to maintain himself in prison. He doubted whether this provision was any longer necessary, since the preceding Clauses of the Bill made it incumbent on the detaining creditor to provide subsistence money in advance in every case, at the rate of 4 annas *per diem*, unless he should come into Court himself and show sufficient grounds why that rate should be reduced. The provision could do no harm, however; and if his Hon'ble friend thought it desirable to retain the words, he (Sir James Colville) would offer no opposition to their retention.

— Mr. PEACOCK said, still it appeared to him that the provision referred to ought to be retained. If it were struck out, the Jailer would only report the name of a prisoner who complained of having been arrested without cause. But in many cases, the Court upon such report, might not think it necessary to order that the party should be brought before it. It might say he should employ an attorney, and bring his case before the Court and show that he was entitled to be discharged. This was not all that he (Mr. Peacock) wanted. In addition to it, he wanted, now that the office of Paupers' Attorney had been abolished, that if the party was unable to maintain himself in prison, the Jailer should report that fact also to the Court, so that the Court might, upon that report, see that it was a proper case to make an order for his being brought before it forthwith, in order to ascertain whether or not he was improperly detained. He (Mr. Peacock) had at first thought of wording the Section so as to make it the duty of the Sheriff or of the Jailer to report to the Court the case of every prisoner who should appear to be unable to maintain himself, and who should complain that he had been arrested without cause. But then, it occurred to him that, if that were the wording, the Sheriff and the Jailer might think that it would not be their duty to report the case of a debtor who complained of having been unjustly arrested, if he did not also appear unable to maintain himself; and to prevent this, he (Mr. Peacock) had used the disjunctive conjunction, in order that the

case should be reported of every prisoner who was either too poor to maintain himself in jail, or who complained that he had been unjustly arrested.

The Section was ultimately passed as it stood.

The remaining Sections were also passed as they stood, except as to an alteration in Section XVI, by which it was provided that, in the application of the Act in the Settlement of Prince of Wales' Island, Singapore, and Malacca, a dollar should be deemed equal to two Rupees and one-fifth of a Rupee, and three cents to one anna.

Both the Bills were then reported to the Council, with the amendments.

ADMINISTRATOR GENERAL.

MR. PEACOCK then said, as no alteration had been made in the principle of the Bill "to amend the Law relating to the office and duties of Administrator General," and as the Governor General was about to leave Calcutta probably before there would be time to pass the Bill in the ordinary course, he should move that the 83rd Standing Order be suspended, in order that the Bill might be read a third time at once, and the assent of the Governor General to it be received before His Lordship left the Presidency.

MR. DORIN seconded this Motion, which was then carried.

MR. PEACOCK next moved that the Bill be now read a third time, and passed.

Agreed to.

The Bill having been read a third time, and passed, MR. DORIN was requested to carry a Message to the Governor General requesting his Lordship's assent thereto.

ARREST ON MESNE PROCESS.

MR. PEACOCK moved that the 83rd Standing Order be suspended, so that the Bill "to amend the Law of Arrest on mesne process in Civil actions in Her Majesty's Supreme Courts of Judicature, and to provide for the subsistence of prisoners confined under Civil process of any of the said Courts," might be read a third time forthwith, and passed.

SIR JAMES COLVILLE seconded this Motion, which was then carried.

The Bill having been read a third time and passed, MR. DORIN was requested to carry a Message to the Governor General requesting his Lordship's assent thereto.

MUNICIPAL LAW (BENGAL.)

The Orders of the Day having now been disposed of,—

MR. MILLS moved that the communication which he had received from the Secretary to the Government of Bengal, dated 2nd February 1855, with its enclosures, relative to the Bill to amend Act XXVI of 1850, be printed.

Agreed to.

PRESIDENT'S ADDRESS.

MR. DORIN moved that, there being no further business, the Council do adjourn.

THE PRESIDENT said, before he put this Motion, he begged permission respectfully to take leave of the Legislative Council for a time. He desired respectfully to offer them his thanks for the courteous support which they had given to his authority in the Chair, and for the kind forbearance they had exercised with regard to any errors on his part which they might have detected, but of which he himself was not conscious. He hoped to return to the Presidency in a short time, and again to take his share in the Proceedings of the Council during the short period which would then precede his departure from India.

The Council adjourned.

Saturday, February 17, 1855.

PRESENT :

Hon. J. A. Dorin, Senior Member of the Council of India, *Presiding*.

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

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

MESSAGE No. 30.

The Governor General informs the Legislative Council that he has given his assent to the Act passed by them on the 10th February 1855, entitled "An Act to assimilate the process of Execution on all sides of Her Majesty's Supreme Courts, and to amend and amend the provisions of Act XXV of 1841."

By Order of the Most Noble the Governor General.

CECIL BEADON,

Secy. to the Govt. of India.

FORT WILIAM. }
The 13th February 1855. }