

Saturday, January 16, 1858

LEGISLATIVE COUNCIL
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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

January to December 1858.

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cessary. It was always more convenient that a Member should state his objections to the leading principles of the Bill at the time of the second reading. But there was nothing in the Standing Orders to prohibit him from stating his objections either to the principle or to the details of a Bill at any other stage. If the Select Committee on a Bill could not alter the principle of the Bill because its Members had voted for the second reading, a Member who brought in a Bill could not move any amendment in it which was opposed to its general principle although he might think it right to do so upon reflection, or after considering the opinions of others more intimately acquainted with the subject.

Under these circumstances, and especially for the reasons which had been adduced by the Honorable and Learned Chief Justice, it appeared to him that it would be mere waste of time to refer the Bill to a Select Committee for a preliminary Report previous to publication; and he should therefore press his original Motion.

The amendment was then put and negatived, and the original Motion was carried.

✓ The Council adjourned.

measures

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Saturday, January 16, 1858.

PRESENT:

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

Hon. the Chief Justice,	P. W. LeGeyt, Esq.
Hon. Major Genl. J. W. Low,	Hon. Sir A. W. Buller, and
Hon. B. Peacock,	H. B. Harington, Esq.
D. Elliott, Esq.	

COTTON-FRAUDS (BOMBAY).

MR. LEGEYT moved the second reading of the Bill "for the better suppression of frauds in the Cotton-trade in the Presidency of Bombay."

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

IMPRESSIONMENT OF LABORERS, &c.

MR. PEACOCK moved that the Standing Orders be suspended to enable him to bring in and proceed with a Bill "to authorize the impressment of artisans

and laborers for the erection of Buildings for the European Troops in India, and for works urgently required for military purposes."

GENERAL LOW seconded the motion, which was then carried.

MR. PEACOCK then moved the first reading of the Bill. He said, in the early part of this week, he had received a letter from the Lieutenant-Governor of the Central Provinces shewing the necessity which existed for securing compulsory labor for the erection of buildings for European troops in India. At Benares, buildings were necessary, though, according to the statement of His Honor the Lieut.-Governor, existing buildings to a great extent might be made available there. Barracks had to be provided at Mirzapore, for one Regiment; at Ghazepore, for another; and at Allahabad, for four Regiments, and five companies of European Artillery. The buildings, to be of any use, must be constructed within the next three months, and it was almost impossible that this could be done unless some means were provided for obtaining compulsory labor. No return had been received as to the progress which had been made in the North-Western Provinces. No doubt, measures similar to those proposed by this Bill would be required there. The subject had been laid before the Governor-General in Council. His Lordship in Council concurred in the views of the Lieutenant-Governor and considered that some means should be provided for securing compulsory labor. No one who knew the Lieutenant-Governor of the Central Provinces, or had listened to his speech on the Bill to amend the law regarding the impressment of carriage and supplies for Troops, could believe that he was a person to propose such a measure unless he considered it to be absolutely necessary. With respect to carts and supplies, it might be said that Government ought to provide them without impressment with the carriage necessary for troops on their march under ordinary circumstances; but no Government could have anticipated what had taken place in India during the last few months, or could have had in readiness barracks for the accommodation of the forty thousand additional European soldiers which it had been necessary to

The Chief Justice

send from England for the protection of this country. That necessity had arisen ; forty thousand additional troops were now here ; and either they must remain during the ensuing hot weather without shelter, or barracks must be provided for them at once. He therefore now brought in a Bill to impress artisans and laborers for the erection of buildings for European troops in India and for works urgently required for Military purposes.

Section I provided that—

"In any District or place to which the provisions of this Act shall be extended by order of the Governor-General in Council or of the Executive Government of any Presidency or place, it shall be lawful for any Officer or Officers authorized in that behalf by the Governor-General in Council or by such Executive Government as aforesaid, to impress native artisans and laborers of any sort which in the judgment of such Officer or Officers may be necessary for the erection or completion of any Building required for the accommodation of European Troops, or for the collection, preparation, or manufacture of materials for that purpose, or for any other work connected with the erection or completion of such Building ; and also to impress such boats, carts, bullocks, or other animals as may be necessary in that behalf : and any such artisan or laborer, boat, cart, bullock, or other animal may be so impressed whether such artisan or laborer shall be under a contract to work for, or such boat, cart, bullock, or other animal shall have been previously let to hire to, any private person or not."

Section II provided that—

"No action or other proceeding shall be commenced or prosecuted against the East India Company, or against Government, or against the Officer ordering the impressment, or against any person acting in his aid or under his orders, for any thing done in pursuance of this Act ; nor shall any person who shall be impressed, or whose property shall be impressed, under the provisions of this Act, be liable to any action or proceeding for the non-performance of any contract which he shall have entered into, and which he shall be prevented from completing, by reason of such impressment or of any thing done under the authority of this Act."

This protection being extended, it was but reasonable that compensation should be made by Government for any damage which might be sustained by breaches of contract occasioned by impressment. The Bill accordingly provided that—

"If any person with whom any contract shall have been entered into for the personal labor or services of any person impressed under this Act, or for the hire of any boat, cart, bullock, or other animal which may be so impressed, shall sustain damage by reason of any

breach of such contract occasioned by any such impressment, or of any thing done under the authority of this Act, he shall be entitled to full compensation for such damage, to be paid out of the General Treasury."

The Bill next provided that the claimant should send in to the Officer by whom or under whose orders the impressment should be made, a written demand stating the terms of the contract for the breach of which he claimed compensation, the period for which the contract was entered into, the amount of advances (if any) made to the persons impressed, the nature of the damage sustained, and the amount of compensation claimed ; it also enacted that, in case any dispute should arise as to the amount of such compensation, it should be determined by arbitration ; and he had inserted Sections regarding the appointment and proceedings of Arbitrators somewhat similar to those provided for the assessing of compensation for land taken for public purposes.

The Bill provided that every person impressed, or whose property should be impressed, under the Act, should be paid the full market-value of his labor, or of the hire of his property, as the case might be ; the amount, in case of dispute, to be settled by a Magistrate.

The Bill provided a penalty for any person liable to be impressed under this Act who should abscond or conceal himself, or endeavor to abscond or conceal himself ; or should be guilty of any device for the purpose of preventing the impressment of himself or of any boat, cart, bullock, or other animal ; or should without reasonable cause desert the work upon which he should be employed by Government before the same should have been completed, or should refuse or wilfully neglect to bestow his labor upon such work to the best of his ability.

The operation of the Act was limited to the period of six months.

With these observations, he should move the first reading of the Bill. To carry it through its various stages in the usual course, would be to defeat the object of the Bill ; and he proposed to move the second and third reading next week.

The Bill was read a first time.

At the suggestion of the Chief Justice, Mr. Peacock moved that the Bill be now read a second time.

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

MR. PEACOCK moved that the Bill be referred to a Select Committee consisting of Mr. Elliott, Mr. Harington, and the Mover, with instructions to report upon it within a week.

Agreed to.

COTTON-FRAUDS (BOMBAY).

MR. LEGEYT moved that the Bill "for the better suppression of frauds in the Cotton-trade in the Presidency of Bombay" be referred to a Select Committee consisting of Mr. Currie, Sir Arthur Buller, and the Mover.

Agreed to.

The Council adjourned.

Saturday, January 28, 1858.

PRESENT:

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

Hon. the Chief Justice,	P. W. LeGeyt, Esq.,
Hon'ble Major General	E. Currie, Esq.,
J. Low,	Hon. Sir A. W. Buller,
Hon'ble B. Peacock,	and
D. Elliott, Esq.,	H. B. Harington, Esq.

The following Messages from the Governor-General were brought by Mr. Peacock and read:—

COMPULSORY LABOR (MADRAS).

MESSAGE No. 128.

The Governor-General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 2nd January 1858, entitled "A Bill to make lawful compulsory labor for the prevention of mischievous inundation, and to provide for the enforcement of customary labor on certain works of irrigation in the Presidency of Fort St. George."

By order of the Right Honorable the Governor-General.

CECIL BEADON,
Secty. to the Govt. of India.
FORT WILLIAM, }
The 20th Jan., 1858. }

PORT-DUES (CUTTACK).

MESSAGE No. 124.

The Governor-General informs the Legislative Council that he has given his assent to the Bill which was passed by them on the 2nd January 1858, entitled "A Bill for the levy of Port-dues in certain Ports in the Province of Cuttack."

By order of the Right Honorable the Governor-General.

CECIL BEADON,
Secty. to the Govt. of India.
FORT WILLIAM, }
The 20th Jan., 1858. }

ESCAPED OFFENDERS.

MR. PEACOCK presented the Report of the Select Committee on the Bill "for the punishment of certain offenders who have escaped from Jail, and of persons who shall knowingly harbour such offenders."

IMPRESSMENT OF LABORERS, &c.

MR. PEACOCK presented the Report of the Select Committee on the Bill "to authorize the impressment of artisans and laborers for the erection of Buildings for the European Troops in India, and for works urgently required for Military purposes."

STATE PRISONERS.

MR. LEGEYT moved the first reading of a Bill "to amend the Law relating to the arrest and detention of State Prisoners." He said, he had prepared this Bill in consequence of a communication which he had received from the Government of Bombay relative to some difficulty which had arisen in that Presidency with regard to the confinement in a neighbouring Mofussil jail of certain persons who had been arrested in the Presidency Town. The legality of such confinement had been brought into question, and it had been held by the Chief Justice of the Supreme Court of Bombay that there were great doubts respecting it. The persons in question had been arrested under Regulation XXV. 1827 of the Bombay Code, which was in effect the same as Regulation III. 1818 of the Bengal