

Thursday, January 28, 1858

**LEGISLATIVE COUNCIL
OF
INDIA**

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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

January to December 1858.

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1858.

IMPRIMMEST OF LABOREES, &c.

MR. PEACOCK moved that General Low be requested to take 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" to the Governor General for his assent.

Agreed to.

NOTICE OF MOTION.

MR. CURRIE gave notice that he would, on Saturday next, move for a Committee of the whole Council on the Bill "for raising Funds for making and repairing roads in the Suburbs of Calcutta and the Station of Howrah."

ADJOURNMENT.

MR. LEGEYT moved that the Council do adjourn for ten minutes.

Agreed to.

The Council adjourned accordingly.

The Council afterwards met pursuant to adjournment.

STATE PRISONERS.

General Low returned to the Council Chamber with the Bill "to amend the Law relating to the arrest and detention of State Prisoners," and delivered it to the Vice-President, who thereupon announced that the Governor General had signified his assent to the same.

The Council adjourned.

Thursday, January 28, 1858.

An Extra-ordinary Meeting of the Legislative Council, called by order of the Governor General, was held this day.

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. Harrington, Esq.

ABSENCE OF GOVERNOR GENERAL.

THE VICE-PRESIDENT said, he had been entrusted with the following Message from the Governor General to the Legislative Council.

MESSAGE No. 125.

The Governor General in Council forwards to the Legislative Council extract of a Resolution passed this day, relative to the absence of the Governor General from the Council, and to the necessity for vesting the Governor General with certain powers during such absence.

By order of the Governor General in Council.

CECIL BEADON,
Secretary to the Govt. of India.

FORT WILLIAM,
The 27th January 1858.

The extract from the Resolution referred to was as follows:—

Extract of a Resolution of the Government of India in the Home Department, dated the 27th January 1858.

Resolved.—That it is expedient that the Governor General should visit the North-Western Provinces of the Presidency of Fort William in Bengal, and other parts of India, unaccompanied by any Member of the Council of India.

That the Honorable Mr. Dorin be requested to take charge of and bring into the Legislative Council, with a view to its being passed into Law, a Bill to authorize the Governor General alone, during his absence, to exercise all the powers which might be exercised by the Governor General in Council in every case in which the Governor General may think it expedient to exercise those powers.

True Extract.
CECIL BEADON,
Secretary to the Govt. of India.

In accordance with this Resolution, which notified, agreeably to the requirement of the Act of Parliament, the decision of the Council of India that it was expedient that the Governor General should proceed to the North-Western Provinces unaccompanied by any Member of the Supreme Council, he had the honor to lay before the Council such a Bill as would enable his Lordship to

leave Calcutta, carrying with him the full powers of the Governor General in Council; and proposed to move that the Standing Orders be suspended, in order that the Bill might be carried through all its stages forthwith.

Before doing this, however, he would state to the Council, very shortly, the circumstances under which the Governor General proposed to proceed to the North-West. The Council was aware that during the past autumn, when the communication with Agra had been entirely cut off, it was found necessary to depute a Member of the Supreme Council to assume charge of such of the districts as were accessible, for the purpose of establishing Civil Government within them. Accordingly, Mr. Grant proceeded, and took charge of those districts, under the designation of the Central Provinces. The arrangement was purely a temporary one. Shortly after, on the lamented death of the Lieutenant-Governor of the North-Western Provinces at Agra, it became necessary to make provision for the Government of the remainder of the North-Western Provinces, and it was considered desirable to do this rather in the shape of a Military Dictatorship vested in an Officer to be assisted by the Civil Power. This arrangement was also purely temporary, and was designed merely to meet the circumstances of the case as they presented themselves at the moment. Both measures had entirely answered the purpose for which they were intended; but the circumstances were totally changed, at present.

Owing to the exertions of the gallant troops under the orders of His Excellency the Commander-in-Chief, and the co-operation of Brigades from Delhi, the communications throughout the Doab were entirely re-opened, the dawk proceeded again with almost the same regularity as previously to the disturbances, and arrangements which were desirable before were now no longer necessary and were perhaps even inexpedient.

It was felt that the concentration of Civil authority in the North-Western Provinces was very desirable, and that there should be unity of action on the part of the Civil Government in aid of Military operations. In this view, it appeared to the Governor General proper that he should himself proceed and

assume charge of the Government of the North-Western Provinces, and the measure would be attended with this advantage—that the Head of the Supreme Government would thus be in the vicinity of the Head Quarters of His Excellency the Commander-in-Chief, and at hand to support with the whole weight of the Supreme Government all the Military measures which the Commander-in-Chief might think it expedient to initiate.

There were other considerations which seemed to indicate that, temporarily at all events, there should be in the North-West a power larger than that exercised by a Lieutenant-Governor. It was impossible not to have observed, during the late disturbances, that Agra was not a good position for the seat of the local Government. It was completely isolated and cut off; and practically it was impossible to exercise the functions of Government from it with any effect. It would be in the recollection of some Members of the Council that, when the Governorship of the Agra Presidency was first established, the seat of the local Government was not at Agra but at Allahabad; and that it was subsequently removed to Agra, in consequence of the then Governor, Sir Charles Metcalfe (the late Lord Metcalfe), being vested with the whole of the diplomatic and political relations of the North-Western Provinces. But that reason did not hold good after Sir Charles Metcalfe vacated the Government; for, subsequent to that period, the maintenance of Agra as a separate Presidency had been held in abeyance, and the successive Lieutenant-Governors had not been charged with the political relations of the North-West and of Central India. The main causes, therefore, which had induced the establishment of Agra as the seat of Government, had long ceased to exist, and there were no other practical considerations of weight which rendered it eligible for that purpose. The intention was to remove the seat of Government to Allahabad; and the carrying of this change into effect would probably, as he had before observed, require the temporary exercise of larger powers than were possessed by a Lieutenant-Governor.

He might mention other reasons for

the progress of the Governor General; but perhaps that was unnecessary; for no one could doubt the expediency of the Governor General, vested with full powers of the Governor General in Council, being on the spot to support the Military Authorities in the great operations which were about to be undertaken.

All these considerations were of a temporary character, and he therefore proposed that the duration of the Bill should not exceed six months. The Governor-General hoped to be able to return in considerably less time; but as it was impossible to foresee precisely what might occur in these unsettled times, he thought it would be prudent to fix six months as the period during which the Bill should have effect.

With these observations, he should move that the Standing Orders be suspended, to enable him to carry the Bill through all its stages forthwith.

MR. PEACOCK seconded the Motion, which was then carried.

THE VICE-PRESIDENT then moved the first reading of the Bill.

The Bill was read a first time.

THE VICE-PRESIDENT moved that the Bill be now read a second time.

MR. LEGEYT asked, if it was not the intention of the Bill to except the power of making Laws?

THE VICE-PRESIDENT said, no such exception was expressly made in the last Act passed by the Council for the absence of the Governor General from the Supreme Council. The assent of the Governor General would be necessary to every Law, but the power of making Laws would remain in the Legislative Council.

MR. PEACOCK said, under the Charter, the Legislative Council might authorize the Governor General alone to exercise all the executive powers which might be exercised by the Governor General in Council, but it clearly could not authorize him to make Laws and Regulations.

THE CHIEF JUSTICE said, the exception of the power to make Laws and Regulations appeared in Acts similar to this passed between 1834 and 1855, but had been omitted from the Act passed in the latter year. That omission was probably in consequence of the existence of the Legislative

Council as a distinct body from the Supreme Council. He was reminded by the Honorable Member for Madras, however, that the question had been considered and solemnly decided by the Council in connection with the Act of 1855; and it would be advisable to refer to the record of the proceedings.

THE VICE-PRESIDENT read the report referred to.

MR. LEGEYT said, he was not present at the debate of which the Report had been just read. Having heard the Report, he should move no amendment in the Bill before the Council.

The Motion for the second reading was then put and carried, and the Bill read a second time.

THE VICE-PRESIDENT moved that the Council resolve itself into a Committee upon the Bill.

Agreed to.

The Bill passed through Committee without amendment.

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

THE VICE-PRESIDENT moved that General Low be requested to carry the Bill to the Governor General for his assent.

Agreed to.

THE VICE-PRESIDENT moved that the Council adjourn for a few minutes.

Agreed to.

The Council resumed its sitting pursuant to adjournment.

GENERAL LOW reported that the Governor General had given his assent to the Bill.

The Council adjourned.

Saturday, January 30, 1855.

PRESENT:

The Hon'ble J. A. Dorin, Vice-President,
in the Chair.

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

The following Messages from the Governor-General were brought by General Low and read:—

The Vice-President