

Wednesday, January 14, 1863

**COUNCIL OF GOVERNOR GENERAL
OF
INDIA**

VOL . 2

JAN. - DEC.

1863

P . L .

Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Vic., cap. 67.

The Council met at Government House, on Wednesday, the 14th January, 1863.

PRESENT :

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

Major-General the Hon'ble Sir R. Napier, K.C.B.

The Hon'ble H. B. Harington.

The Hon'ble H. Sumner Maine.

The Hon'ble Sir C. E. Trevelyan, K.C.B.

The Hon'ble C. J. Erskine.

The Hon'ble W. S. Fitzwilliam.

The Hon'ble D. Cowie.

The Hon'ble Rajah Deo Narain Singh Bahadoor.

The Hon'ble Rajah Dinkar Rao Rugonauth Moontazim Bahadoor.

The Hon'ble R. S. Ellis, C.B.

The Hon'ble A. A. Roberts, C.B.

TREATY WITH THE KING OF BURMAH.

The Hon'ble MR. MAINE introduced the Bill to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah, and moved that it be referred to a Select Committee with instructions to report in two weeks. He said that it was extremely desirable that this Bill, to give effect to some of the provisions of the Burmese Treaty, should be passed without delay, and, in the first instance, he had intended to apply to His Excellency to suspend the Rules of Business in order that it might be passed at once. But on consideration it appeared to be better, in reference to the great importance of the commercial interests at stake, to refer it to a Select Committee, on which he hoped that the Members of the Council who were connected with the commercial community would consent to serve. He proposed that the Committee should be instructed to report in two weeks, and

when the Report was presented, he would then request permission, under a suspension of the Rules, to move that the Bill be passed.

His Excellency the VICEROY said that, before putting the question to the vote, he must observe that great credit was due to Colonel Phayre for the manner in which he had managed the Treaty. It was a well known fact that the Burmese Government had always manifested a great disinclination to enter into relations either political or commercial with the Government of India, and it was his impression that the disinclination had been removed by the tact and good judgment displayed by Colonel Phayre without the use of menace or the application of any undue pressure. The present engagement was hardly sufficiently comprehensive to be called a commercial Treaty, but it was without doubt a step towards the development of trade by opening up an intercourse, not only between British Burmah and Burmah Proper, but by opening up a similar intercourse between British Burmah and the States on the south-west frontier of China. The importance of opening up some direct communication with these Provinces of China had been much insisted on of late. Various routes had been spoken of; among others, it had been suggested that a road might be opened up through British Burmah and the Shan States to a town named Esmok in the Chinese Province of Yunan. He had, however, looked much into these matters, and his impression at that moment was, that the most practicable route would be up the Irrawaddy to Bamoo, and thence across the Yunan frontier. It was true that they were not aware of the nature of the country to be traversed between Bamoo and the frontier of Yunan, but it was satisfactory to know that the distance was not great, probably not more than 120 or 130 miles, and that the route was one constantly frequented in time of peace by Chinese Traders, and he thought that one of the most flattering prospects connected with the Treaty was, as far as he could gather from conversation with Colonel Phayre, the extreme interest evinced by these men in the success of his negotiations. He need hardly say that if this enterprising class of persons found it to be their interest to resort to British Burmah or to Assam either as Traders or as Settlers, it would be highly conducive to the interests of those Provinces. The Bill now about to be submitted to a Select Committee, would enable the Executive Government to make certain concessions, which would, he hoped, induce the Burmese Government to follow the example thus set them, and enter upon a more liberal policy. With reference to these concessions, he would merely remark that, with the exception of a certain sacrifice of Revenue, which Colonel Phayre had recommended the Government of India to make on other and independent grounds, they would involve no loss, and that even in the absence of more perfect reciprocity, they were likely to conduce to a mutually profitable trade; and, besides, it was intended

to reserve with the Executive the power of re-imposing the duties alluded to, should the expected reciprocity not be granted. He (His Excellency) would not certainly guarantee that all the advantages he had just mentioned would follow on the Treaty. He had had too much experience of the difficulties of bringing into harmony Oriental Governments and European Traders to speak positively on such a subject, but he had every confidence that, if carried out properly, the engagement now made would result in the development of a vast amount of wealth. He hoped, too, that, by conciliatory conduct and firmness the Agents of Government in Burmah would be able to remove the difficulties which were always apt to arise in carrying out engagements of this nature with such States, and would repeat his opinion that great advantages would accrue, not only to British interests, but to the interests of those States themselves.

The Motion was put and agreed to.

ADMINISTRATION OF CIVIL JUSTICE (DARJEELING) BILL.

The Hon'ble MR. MAINE introduced the Bill to improve the administration of Civil Justice in the Settlement of Darjeeling, and moved that it be referred to a Select Committee with instructions to report in three weeks.

The Motion was put and agreed to.

CIVIL PROCEDURE (BRITISH BURMAH).

The Hon'ble MR. HARRINGTON moved that the Report of the Select Committee on the Bill to define the Jurisdiction, and to regulate the Procedure of the Courts of Civil Judicature in British Burmah, and to provide for the extension of certain Acts to the said Territory, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. HARRINGTON also moved that the Bill be passed with the amendments recommended by the Select Committee.

The Motion was put and agreed to.

APPEALS TO THE PRIVY COUNCIL (NON-REGULATION PROVINCES).

The Hon'ble MR. HARRINGTON moved that the Report of the Select Committee on the Bill to regulate the admission of Appeals to Her Majesty in

Council from certain judgments and orders in Provinces not subject to the general Regulations, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. HARRINGTON also moved that the Bill be passed with the amendments recommended by the Select Committee.

The Motion was put and agreed to.

STRAITS' SETTLEMENT POLICE BILL.

The Hon'ble MR. HARRINGTON moved that the Report of the Select Committee on the Bill to amend the law for regulating the Police of the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. HARRINGTON also moved that the Bill be passed with the amendments recommended by the Select Committee.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to give effect to certain provisions of a Treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah : The Hon'ble Mr. Harrington, the Hon'ble Sir Charles Trevelyan, the Hon'ble Messrs. Erskine, Fitzwilliam, and Cowie.

On the Bill to improve the administration of Civil Justice in the Settlement of Darjeeling : The Hon'ble Messrs. Harrington, Ellis, and Roberts.

The Council adjourned.

M. WYLIE,

*Depy. Secy. to the Govt. of India,
Home Department,*

CALCUTTA;
The 14th January, 1863. }