

Saturday, 9th September, 1854

PROCEEDINGS

OF THE

**LEGISLATIVE COUNCIL
OF INDIA**

Vol. I

(1854 - 1855)

Mr. ELLIOTT presented the Report of the Select Committee on the Bills "for the suppression of outrages in the District of Malabar in the Presidency of Fort St. George" and "for restricting the possession of arms in Malabar."

Mr. GRANT moved the first reading of a Bill "to improve the Law relating to the Copper Currency in the Straits."

Bill read a first time accordingly.

Mr. MILLS moved the first reading of a Bill "for the more effectual suppression of affrays concerning the possession of property."

Bill read a first time accordingly.

Mr. MALET stated that, in consequence of Mr. Peacock's absence, he would postpone to Saturday next the first reading of a Bill relating to Deserters from the Indian Navy.

Mr. MILLS moved the second reading of a Bill "for the better supervision of Embankments."

Motion carried, and Bill read a second time accordingly.

Moved by the same that the above Bill be referred to a Select Committee consisting of Mr. Grant, Mr. Allen, and the Mover.

Agreed to.

Mr. MALET moved the second reading of the Bill "to amend Regulation III of 1833 of the Bombay Regulations."

Motion carried, and Bill read a second time accordingly.

Mr. MALET proposed to move to amend the Bill by omitting certain words therefrom.

THE PRESIDENT observed that the present Standing Orders did not allow such a motion; but that a special instruction to the Select Committee on the Bill, immediately after its appointment, might be moved under the 80th Standing Order.

Mr. MALET thereupon moved that the above Bill be referred to a Select Committee consisting of Mr. Peacock, Mr. Mills, and the Mover.

Agreed to.

The Council then resolved itself, on the motion of Mr. ELLIOTT (in the absence of Mr. Peacock), into a Committee for the consideration of the Bill "to extend the provisions of Act No. XII of 1843."

Section I of the above Bill being read by the Chairman—Mr. MILLS stated that the Bill had been altered by the Select Committee and reported by them in its altered form; and he suggested that the Committee of the whole Council should now proceed to settle the Bill as reported by the Select Committee.

The CHAIRMAN observed that, by the Standing Orders No. LXVIII and the following, the Report of the Select Committee did no more than propose amendments, and that the proposed alterations could not take effect until adopted by the Council or by the Committee of the whole Council.

The amendments proposed by the Select Committee were then severally adopted, and two new Sections were introduced as Sections III and V of the Bill; the former (on the motion of Mr. Grant) providing that decisions need not be written in open Court—and the latter (on the motion of Mr. Allen) providing that Native Judicial Officers may in certain cases write their decisions in English. In the latter case a debate ensued, and the Council divided as follows on the question of inserting the proposed Section.

Ayes 5.

Noes 4.

Mr. Allen.
Mr. Malet.
Mr. Mills.
Sir James Colville.
Mr. Dorin.

Mr. Elliott.
Mr. Grant.
General Low.
The Chairman.

So the motion was carried.

Verbal amendments were also made in the Preamble and Title, to correspond with Mr. Allen's new Section.

The Bill, as thus settled, was certified by the CHAIRMAN, who reported to the Council, when it resumed its sitting, the amendments made therein in Committee.

Mr. ELLIOTT thereupon gave notice that he would, on Saturday next, move the third reading and passing of the above Bill.

The Council adjourned.

Saturday, September 9, 1854.

PRESENT :

The Most Noble the Governor General, *President.*

Hon. J. A. Dorin, A. J. M. Mills, Esq.,
Hon. Major Genl. Low, D. Elliott, Esq.,
Hon. J. P. Grant, A. Malet, Esq., and
Hon. Sir James Colville, C. Allen, Esq.

THE CLERK presented the following Petitions:—

A Petition of the British Indian Association, praying that Miscellaneous Appeals to the Sudder Dewanny Adawlut may be placed on the same footing as Regular and Special Appeals, with regard to the number of Judges necessary for their disposal; and

A Petition of certain inhabitants of Mo-

radabad, praying for the modification of Section XLVI of the Bill "for the more easy recovery of small debts and demands in the Territories subject to the Government of the East India Company."

THE CLERK reported a communication from the Government of Fort St. George, forwarding the Draft of an Act "for regulating the Police Courts and for the good order and civil government of the Town of Madras," together with the papers relating thereto.

MR. GRANT gave notice, for next Saturday, of the second reading of the Bill "to improve the Law relating to the Copper Currency in the Straits."

MR. MILLS gave notice, for the same day, of the first reading of a Bill "to amend the Law relating to the appointment and maintenance of Police Chowkeedars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal."

Also of the second reading of the Bill "for the more effectual suppression of affrays concerning the possession of property."

MR. MALET moved the first reading of a Bill "for the better prevention of desertion from the Indian Navy."

Bill read a first time accordingly.

MR. GRANT postponed the first reading of a Bill "to improve the Law relating to sales of Land for arrears of revenue in the Bengal Presidency," of which he had given notice for this day.

SIR JAMES COLVILLE moved the first reading of a 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."

Bill read a first time accordingly.

The Order of the Day for the third reading of the Bill "to extend and amend the provisions of Act XII of 1843" being read—MR. ELIOTT proposed to move, under the 85th Standing Order, that the Bill be re-published for general information.

THE PRESIDENT observed that this motion was not regular, as the Order of the Day for the third reading had not been disposed of; but that leave might be asked to withdraw the motion for the third reading, after which the proposed motion might be made.

MR. ELIOTT said he would apply for leave to withdraw the motion for the third reading, of which he had given notice, and

afterwards move for the re-publication of the Bill.

SIR JAMES COLVILLE, speaking to Order, observed that no notice had been given of the motion to re-publish the Bill.

MR. ALLEN said that this motion could only be made at the time the Bill was settled in Committee.

THE PRESIDENT stated that the motion for a re-publication required no notice, and that the 85th Standing Order expressly directed that such a motion should be made in Council.

MR. ELIOTT then moved that the above motion be by leave withdrawn.

The question being proposed, a debate ensued.

The question being put, the Council divided.

Ayes 6.

Mr. Elliott.
Sir James Colville.
Mr. Grant.
General Low.
Mr. Dorin.
The President.

Noes 8.

Mr. Allen.
Mr. Malet.
Mr. Mills.

So the motion was carried.

MR. ELIOTT thereupon moved that the above Bill be re-published for general information and brought up for re-consideration on the 2nd of December next.

Motion carried after a debate.

The Council resolved itself, on MR. MILLS' motion, into a Committee on the Bill "to repeal certain parts of the 53 Geo. III, c. 155 and of Section II Regulation XV of 1806 of the Bengal Code."

The Bill was passed with a few trifling alterations, and was certified by the CHAIRMAN, who reported to the Council, when it resumed its sitting, the amendments made therein in Committee.

MR. MILLS then gave notice that he would, on Saturday next, move the third reading and passing of the above Bill.

MR. ELIOTT moved that the Bill "to amend the Law regarding the taking of Mochulkas or Penal recognizances in the Presidencies of Madras and Bombay," be referred to a Select Committee consisting of Mr. Grant, Mr. Mills, and the Mover, with directions to consider the reports of the Bengal and Agra Governments upon the working of Act V of 1848 in the Presidency of Bengal.

Motion carried.

The Council adjourned.