

Saturday, 2nd December, 1854

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA

Vol. I

(1854 - 1855)

MR. PEACOCK then moved the first reading of the above Bill.

Bill read a first time accordingly.

MR. GRANT moved the third reading and passing of the Bill "to provide for the levy of duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces."

Motion carried, and Bill certified accordingly by the President.

Ordered, that Mr. ALLEN carry the Bill to the Most Noble the Governor General for his assent.

MR. PEACOCK moved that the communication from the Straits Government respecting the Act for the management of the Post Office, reported by the Clerk at the last Meeting of the Council, be referred to a Select Committee, consisting of Mr. Elliott, Mr. Malet, and Mr. Peacock, who were the Members of the Select Committee which had reported on that Act.

Agreed to.

SIR LAWRENCE PEEL gave notice that he would, next Saturday, move for a Committee of the whole Council on the Bill "to abolish real actions, including fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable."

MR. PEACOCK gave notice that he would, on the same day, move that the necessary Standing Orders be suspended, to enable him to pass through its several stages the Bill "to facilitate enquiries respecting the alleged use of torture in the Presidency of Fort St. George."

The Council adjourned.

—
Saturday, December 2, 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.,
 Hon. B. Peacock, and
 Hon. Sir James Colville, C. Allen, Esq.

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

MESSAGE No. 20.

The Governor General informs the Legislative Council that he has given his assent to the Act which was passed by them on the 25th November 1854, entitled "An Act

to provide for the levy of Duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces."

By Order of the Most Noble the Governor General.

C. ALLEN,
Offg. Secy. to the Govt. of India.

FORT WILLIAM, }
The 1st Dec., 1854. }

THE CLERK presented the following Petitions :—

A Petition from the Inhabitants of Penang and Province Wellesley, against the Bill "to improve the Law relating to the Copper Currency in the Straits."

A Petition from Mr. G. H. SMITH of Penang, praying that the above Bill be not made to operate retrospectively.

A Petition from the Inhabitants of St. Thomas's Mount, praying that an Act may be passed empowering the Superintendent of Police and Junior Magistrate to carry sentences of hard labor, passed by him under Act XVIII of 1853, and Regulations VII of 1832 and IX of 1816, into execution at the station, instead of sending the offenders for punishment to a distant Jail according to Section XIX Regulation VII of 1832 of the Madras Code.

THE CLERK reported a communication from the Secretary to the Government of Fort St. George, submitting the opinion of the Government and the Sudder Court on the Bill "to extend and amend the provisions of Act XII of 1843."

Also a communication from the Secretary to the Government of the North-Western Provinces, submitting the opinion of the Lieutenant Governor on the same Bill.

Also a communication from Sayed Salamat Ali, of Allahabad, offering certain suggestions on the above Bill and also for the improvement of the Code of Civil Procedure.

Also (by transfer from the Officiating Secretary to Government in the Financial Department) a communication from the Straits Government relative to the Bill "to improve the Law relating to the Copper Currency in the Straits."

Also (by transfer from the Officiating Secretary in the Home Department) a Despatch from the Hon'ble the Court of Directors respecting an application for the grant of a Patent for the Manufacture of Sugar.

MR. ELIOTT moved that the papers reported this day by the Clerk, relative to the Bill "to extend and amend the provisions of Act XII of 1843," be printed.

Agreed to.

MR. ELIOTT then gave notice that he would, next Saturday, move for a Committee of the whole Council on the above Bill.

MR. ALLEN gave notice that he would, on the same day, move the third reading and passing of the said Bill.

MR. MALET moved that a report by the Commander-in-Chief of the Indian Navy on the provisions of the Bill "for the better prevention of desertion from the Indian Navy," which had been forwarded to him by the Government of Bombay, be referred to the Select Committee on that Bill.

Agreed to.

MR. MILLS inquired whether the Petitions concerning the Bill "to improve the law relating to the Copper Currency in the Straits" were to be printed.

MR. GRANT observed that the words of the 67th Standing Order would include Petitions; but to avoid question, it was moved by him that the Petitions be printed.

Agreed to.

MR. ALLEN moved that the papers reported this day by the Clerk of the Council, regarding an application for the grant of a Patent, be referred to the Select Committee appointed to consider and report upon the law relating to Patents for inventions.

Agreed to.

MR. ALLEN presented the Report of the Select Committee on the Bill "for regulating the construction and management of Electric Telegraphs in India."

MR. ALLEN gave notice that he would, next Saturday, move for a Committee of the whole Council on the above Bill.

SIR JAMES COLVILE (in the absence of Sir L. Peel) moved the first reading of a Bill "to amend the law of England in force within the territories in the possession and under the Government of the East India Company, relating to the administration of the estates of deceased persons charged with any money by way of mortgage, and descending or devised."

Bill read a first time accordingly.

MR. PEACOCK moved the second reading of the Bill "to facilitate inquiries into the alleged use of torture in the Presidency of Fort St. George."

Motion carried after a debate, and Bill read a second time accordingly.

MR. PEACOCK moved suspension of Standing Orders Nos. LXV to LXXXVII for the purpose of passing the Bill through its several stages.

Agreed to.

The Council then, on MR. PEACOCK's motion, resolved itself into a Committee for the consideration of the above Bill.

The consideration of Section I and of the Preamble and Title was postponed, on the motion of MR. GRANT.

Sections II and III were passed as they stood.

Section IV being read by the CHAIRMAN, SIR JAMES COLVILE moved to add certain words thereto.

The question being proposed, a debate ensued.

SIR JAMES COLVILE proposing to add certain words to his motion — The CHAIRMAN observed that it was not in order to do so, but that the motion might, by leave, be withdrawn, and another substituted for it.

The motion was accordingly, by leave, withdrawn, and SIR JAMES COLVILE moved that the following words be added to the Section — "and every person who, upon such examination, shall be compelled to give evidence which may tend to expose him to penal consequences, shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions to which he may have been, or may become liable or subject within any part of the territories in the possession and under the Government of the East India Company, for any thing done by such person in respect of any acts relating to which he shall be examined, unless the Commissioners or Commissioner, Judge, Collector, Magistrate, or other Officer who shall have examined such witness, shall certify in writing under their or his hands or hand, that such witness is not entitled to the protection lastly hereinbefore given, on the ground that he has not made a full and true disclosure, touching all matters to which he has been so examined."

The question being proposed, a debate ensued.

The question being put, the Council divided.

Ayes 5.

Mr. Allen.
Mr. Malet.
Sir James Colvile.
Mr. Grant.
The Chairman.

Noes 5.

Mr. Mills.
Mr. Elliott.
Mr. Peacock.
General Low.
Mr. Dorin.

The numbers being equal, the Chairman gave a casting vote with the "Ayes."

So the motion was carried, and the Section, as amended, was agreed to.

Sections V to VIII were severally agreed to.

The Council resumed its sitting.

The Order of the day for the second reading of the Bill "to extend and amend the provisions of Clauses 3 and 4 Section X Regulation XV of 1816 of the Madras Code to the Courts of District Moonsiffs" being read—MR. ELIOTT moved for leave to withdraw the Bill.

Motion carried, and Bill accordingly withdrawn.

The Council, on the motion of SIR JAMES COLVILE (in the absence of Sir Lawrence Peel) resolved itself into a Committee on the Bill "to abolish real actions including fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable," as amended by the Select Committee.

A slight verbal amendment was made in Section VI; and the Bill, as settled, was certified by the CHAIRMAN.

The Council resumed its sitting, and the CHAIRMAN reported the Bill as amended.

SIR JAMES COLVILE gave notice that he would, next Saturday, move the third reading and passing of the above Bill.

MR. GRANT gave notice that he would, on the same day, move that the Council do resolve itself into a Committee to consider the Standing Orders proposed by the Standing Orders Committee concerning the admission of strangers.

Also, on the Report of the Committee of the whole Council, that the Standing Orders, as settled in Committee, be adopted.

The Council adjourned.

—
Saturday, December 9, 1854.

PRESENT :

The Most Noble the Governor General, President,
Hon. Sir Lawrence Peel, Hon. Sir James Colvile,
Hon. J. A. Dorin, A. J. M. Mills, Esq.,
Hon. Major Genl. Low, D. Elliott, Esq.,
Hon. J. P. Grant, A. Mait, Esq., and
Hon. B. Peacock, C. Allen, Esq.

THE CLERK presented a Petition from the Secretary to the British Indian Association against the Bill "for the more effectual suppression of Affrays concerning the possession of property."

MR. MILLS moved that the same be printed and referred to the Select Committee on the Bill.

Agreed to.

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. ALLEN, who had given notice of this motion, stated that the Bill being under the charge of another Member, he did not desire to move the third reading; but expressed a wish that the proper course should be explained.

THE PRESIDENT observed that it was not in accordance with the practice of the Imperial Parliament for one Member to assume charge of a Bill introduced by, and in the hands of, another; and that it would be only on an extraordinary occasion that the Council should sanction this proceeding.

SIR JAMES COLVILE moved the third reading and passing of the Bill "to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable."

Motion carried, and Bill certified accordingly by the PRESIDENT.

Ordered that MR. ALLEN carry the Act to the Most Noble the Governor General for his assent.

The Council resolved itself, on the motion of MR. PEACOCK, into a Committee for the further consideration of the Bill "to facilitate inquiries respecting the alleged use of torture in the Presidency of Fort St. George."

Three new Sections were introduced after Section III, on the motion of MR. PEACOCK—the first providing for the examination of witnesses beyond jurisdiction by means of interrogatories to be sent by letter—the second making it obligatory to appear and answer such interrogatories—and the third authorizing the payment of expenses of witnesses. The rest of the Bill was agreed to as it stood.

The Bill, as settled, was certified by the CHAIRMAN, and the Council resumed its sitting.

THE PRESIDENT observed that, the Standing Orders being suspended, the Bill might be forthwith carried through its subsequent stages.

The Bill, as amended in Committee, having been reported to the Council—MR. PEACOCK moved that the same be now read a third time and passed.