

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 917-18 Press
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Dated 13.6.1862 #

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B.O. No. 89

G.O. No. 916 Judicial (P). 13-6-1862

14/10/58 Gazette No. 14

*Proceedings of the Madras Government, Judicial Department,
13th June 1862.*

No. 90. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated London, 8th May 1862, No. 1.

1. I request that a copy of the proceedings of your Council at its meetings for making Laws and Regulations may be regularly forwarded to me, in the form adopted by the Government of India, (for which you are requested to apply to that Government) with the addition of brief marginal abstracts, indicating the proceedings on each separate Bill.

2. I have further to request that a copy of each Bill when presented to the Council, with the papers relating to it, and a copy of each Act when approved by the Governor General, may be sent to me with as little delay as possible; each Bill being numbered in its order of presentation to the Council, and each Act in that of its approval by the Governor General.

No. 91. ORDER THEREON, 13th June 1862, No. 917.

Communicated to the Clerk of the Council for making Laws and Regulations.

2. The Government of India will be applied to for the form referred to in the Despatch.

3. Mr. Mayne is requested to furnish, for transmission to the Secretary of State, copies of the Proceedings of the Council already published, and of the Bills presented to the Council, with their annexures, duly numbered, commencing with the first. The Acts that have been assented to by the Governor General, will be put up with the corresponding Bills in the Government Office.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

No. 92. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 13th June 1862, No. 918.

Referring to Sir C. Wood's Despatch, 8th ultimo, No. 1, Legislative, to this Government, I am directed to request that a full copy of the Proceedings of the Governor General's Council for making Laws, in the form in which they are drawn up for transmission to the Secretary of State, may be furnished to this Government, for the guidance of the Clerk of the Madras Council for making Laws and Regulations.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. F. Cartledge.

Pranoy

Abstract of the Proceedings of the Council of the Governor of Fort Saint George 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 the Council Chamber in Fort Saint George, on Wednesday the 22nd day of January 1862.

PRESENT.

His Excellency Sir WILLIAM DENISON, K.C.B., Governor of Madras,	} <i>President.</i>
His Excellency Lieutenant General Sir J. H. GRANT, G.C.B., Commander- in-Chief,	
The Honorable W. A. MOREHEAD,	} <i>Members.</i>
Do. E. MALBY,	
Do. T. S. SMYTH,	
Do. T. PYCROFT,	
Do. C. PELLY,	
Do. W. R. ARBUTHNOT,	
Do. R. O. CAMPBELL,	
Do. V. SADAGOPAH CHARLOO,	

The Honorable T. S. SMYTH,	} <i>Were sworn and took their seats as additional Members.</i>
Do. T. PYCROFT,	
Do. C. PELLY,	
Do. W. R. ARBUTHNOT,	
Do. R. O. CAMPBELL,	
Do. V. SADAGOPAH CHARLOO.	

The President thanked the Members for having undertaken the duties of the office.

Read notices of motion.

The Honorable W. A. Morehead applied for leave to postpone till next Council day the motion, of which he had given notice, for leave to introduce a Bill to amend Act No. IV of 1842, or the Madras Boat Act.

Motion postponed accordingly.

The Honorable T. Pycroft applied for leave to introduce two Bills: one* for the levy of Port dues in the Port of Ganjam; the other† for making further and better provision for the preventing of the over-crowding of Native passenger vessels in the Bay of Bengal.

Leave was granted.

The Council was then adjourned till Wednesday the 5th‡ February 1862.

* Read a first time 4th February.—Amended and passed 4th March.—Received assent of Governor General, 12th April.—Numbered Act I of 1862.

† Read a first time 4th February.—Amended and passed 4th March.—Received assent of Governor General, 12th April.—Numbered Act II of 1862.

‡ This was subsequently altered to the 4th by order of the President.

Respecting that a full copy of the proceedings of the Governor General's Council for making Laws in the form in which they are drawn up for transmission to the Secretary of State for the Colonies of the West of the Statutes Council for making Laws and Regulations—

At 918

At the Secretary to the Government of Madras

Dated 13th June 1862.

At 1423.

January 1862

Tuesday, 14th February 1862.

PRESENT.

His Excellency Sir William Denison, K.C.B.,
Governor of Madras, } President.

The Honorable W. A. Morehead,
Do. E. Maltby,
Do. T. S. Smyth,
Do. T. Pycroft,
Do. C. Pelly,
Do. W. R. Arbuthnot,
Do. R. O. Campbell,
Do. V. Sadagopah Charloo, } Members.

* Read a first time and referred to a Select Committee, 18th February.—Report considered and Bill amended, 6th April.—Bill finally passed, 15th April.—Assent of Governor General not yet received.

The Honorable W. A. Morehead, moved for leave to introduce* a Bill to amend Act IV of 1842, or the Madras Boat Act.

Leave was granted.

The Honorable T. S. Smyth moved for leave to introduce† a Bill entitled “an Act enabling the Commissioner of Police at Madras to make Bye-Laws, for more effectually carrying out in the Town of Madras the objects of Act 48 of 1860; and for the better and more effectual preservation of order in the said Town.”

Leave was granted.

The Honorable T. Pycroft moved the first reading of a Bill for the levy of Port dues in the Port of Ganjam.

The Bill was read a first time.

It was ordered, that the consideration of the Bill should be resumed in one month from the present date, and that, in the meantime, the Bill, with its statement of objects and reasons and annexures, should be published for general information in the Fort Saint George Gazette; and that the Bill, with its statement of objects and reasons and an abstract of the annexures showing the increase of trade in the Port of Ganjam, should also be published in the Local Gazettes of Vizagapatnam and Ganjam.

The Honorable T. Pycroft moved the first reading of a Bill to make better provision for the preventing of the over-crowding of Native passenger vessels in the Bay of Bengal.

The Bill was read a first time.

It was ordered that the consideration of the Bill should be resumed in one month from the present date, and that, in the meantime, the Bill, with its statement of objects and reasons and annexures, should be published in the Fort Saint George Gazette; and also in the Local Gazettes of Madras, Tinnevely and Tanjore, but without the annexures.

The President gave notice that, on the second reading, he should move to amend the Bill by omitting the word “Native,” so as to make the provisions applicable to all classes of passengers. Also, by inserting a clause enabling the Government of Fort Saint George, from time to time, to apply the powers of Act 22 of 1855 to other Ports, without the necessity of specific enactments on each occasion.

The Council was then adjourned till 18th February 1862.

Tuesday, 18th February 1862.

PRESENT.

His Excellency Sir William Denison, K.C.B.,
Governor of Madras, } President.

His Excellency Lieutenant General Sir J. H. Grant, G.C.B., Commander-in-Chief,
The Honorable W. A. Morehead,
Do. E. Maltby,
Do. T. Pycroft,
Do. C. Pelly,
Do. W. R. Arbuthnot,
Do. R. O. Campbell,
Do. V. Sadagopah Charloo, } Members.

The Honorable W. A. Morehead moved for leave to bring in a Bill* for preserving order upon the Madras Pier and for preventing damage thereto; and to provide for the levying of tolls upon the same.

Leave was granted.

The Honorable W. A. Morehead moved the first reading of a Bill to amend Act IV of 1842, or the Madras Boat Act.

The Bill was read a first time.

The Honorable W. A. Morehead moved, that the Bill should be referred to a Select Committee composed of the following gentlemen, viz:—

The Honorable W. A. Morehead,
Do. C. Pelly,
Do. R. O. Campbell,
Do. V. Sadagopah Charloo.

The motion was put and agreed to.

It was ordered that the Committee should make their report in one month from the present date, and that, in the meantime, the Bill with its statement of objects and reasons, should be published in the Fort Saint George Gazette for general information.

The Honorable W. A. Morehead moved the first reading of a Bill entitled “an Act enabling the Commissioner of Police at Madras to make Bye-Laws for more effectually carrying out in the town of Madras the objects of Act 48 of 1860; and, for the better and more effectual preservation of order in the said town.”

The Bill was read a first time.

It was ordered, that the consideration of the Bill should be resumed in one month from the present date, and that, in the meantime, the Bill with its statement of objects and reasons, should be published in the Fort Saint George Gazette for general information.

The Council was then adjourned till Tuesday the 4th March 1862.

4
Tuesday, 4th March 1862.

PRESENT.

His Excellency Sir William Denison, K.C.B., } President.
Governor of Madras,

His Excellency Lieutenant General Sir J. }
H. Grant, G.C.B., Commander-in-Chief, }
The Honorable W. A. Morehead, }
Do. E. Maltby, } Members.
Do. T. Pycroft, }
Do. C. Pelly, }
Do. W. R. Arbuthnot, }
Do. V. Sadagopah Charloo, }

A Petition from Mahfooz Khan Bahadur, suggesting the propriety of appointing a competent person as Member of the Madras Council for making Laws and Regulations to represent the Mahomedan Community, was read by the Clerk of the Council who reported, that he had certified on the back of the petition, that it was not framed in conformity with Rule XIV.

The petition was rejected, and it was ordered that it should be returned to the petitioner, and the reason of its rejection communicated to him.

* Bill read a first time and referred to Select Committee, 18th March.—Report of Committee considered, and Bill amended, 15th April.—Bill finally passed, 20th April.—Received assent of Governor General, 14th June 1862.—Numbered Act V of 1862.

The Honorable T. Pycroft moved for leave to bring in a Bill* for regulating the Bank of Madras.

Leave was granted.

The Honorable W. A. Morehead moved the first reading of a Bill for preserving order upon the Madras Pier, and for preventing damage thereto, and to provide for the levying of tolls upon the same.

The Bill was read a first time.

The Honorable W. A. Morehead moved that the Bill should be referred to a Select Committee, composed of the Honorable W. A. Morehead, the Honorable E. Maltby, and the Honorable W. R. Arbuthnot, who should report in one month from the present date, and that, in the meantime, the Bill, with a statement of objects and reasons, should be published in the Fort Saint George Gazette for general information.

The motion was put and agreed to.

The Honorable T. Pycroft moved the second reading of a Bill for the levy of Port dues in the Port of Ganjam.

The motion was put and agreed to.

The Honorable T. Pycroft moved the following amendment: Section V.—To omit all the words after "May 1862."

The President moved, that the following Section should be inserted after Section VI:—

"The Government of Fort Saint George may, by public Notification, declare any port, navigable river or channel, within the said Presidency, to be subject to the provisions of Act XXII of 1855, and may, also, fix the amount of Port dues to be levied therein. They may, also, define and alter the limits of such port, river or navigable channel, and, from time to time, alter the amount of port dues to be levied therein. Such Notification shall be published in the manner prescribed in Section 8 of the said Act, and from such date as may be fixed in the Notification, all the provisions of the said Act shall have effect in such port, river or channel."

5.

The Honorable E. Maltby suggested that it would be more advisable to effect this object by a separate Act.

The amendment was finally withdrawn.

The Honorable T. Pycroft moved that the Bill, as amended, do now pass.

The motion was put and agreed to.

The Clerk of the Council was ordered to prepare a Bill to enable the Government of Fort Saint George, to extend the provisions of Act XXII of 1855 to any Port, without special enactment.

The Honorable T. Pycroft moved the second reading of a Bill to make further and better provision for the preventing of the over-crowding of Native Passenger Vessels in the Bay of Bengal.

The motion was put and agreed to.

The President withdrew the amendment, of which he had given notice, in Section I, that the word "Native" should be omitted before "Passengers." He observed that the effect of such an amendment would be to make the present Act more general in its terms than Act XXV of 1859.

Numerous amendments on the latter half of this Section were suggested, and finally it was moved by the Honorable W. R. Arbuthnot, that all the words in Section I after "Fort Saint George" should be omitted.

The Honorable T. Pycroft moved to amend the Preamble by inserting after the words "whereas it is necessary," the following words:—

"To extend the provisions of Act XXV of 1859 entitled an Act to prevent the over-crowding of vessels carrying Native Passengers in the Bay of Bengal."

It was ordered that the Title should be amended in conformity with the Preamble.

The Honorable T. Pycroft moved that the Bill, as amended, do now pass.

The motion was put and agreed to.

The Honorable W. A. Morehead moved the second reading of a Bill entitled "an Act enabling the Commissioner of Police at Madras to make Bye-Laws for more effectually carrying out in the Town of Madras the objects of Act 48 of 1860; and for the better and more effectual preservation of order in the said town."

The motion was put and agreed to.

The following amendments were proposed:—

Section I. The Honorable W. A. Morehead moved to insert the words "Act 13 of 1856" before "Act 48 of 1860," and to alter last words into "the aforesaid Acts."

The Honorable T. Pycroft moved to change "Local Government" into "Government of Fort Saint George."

Section II. The Honorable W. A. Morehead moved to omit the word "Local" before "Government."

Section III. The Honorable W. A. Morehead moved to omit the words between "Gazette" and "for one month."

Section IV. The Honorable W. A. Morehead moved to omit the words between "Gazette" and "and a copy thereof."

Section VI. The Honorable V. Sadagopah Charloo moved, that the Section should be amended as follows:—

"Copies of such Bye-Laws shall be transmitted to the Clerk of the Council of Fort Saint George for making Laws and Regulations, as soon as conveniently may be after the confirmation thereof; and such Bye-Laws shall have effect unless disallowed by order of the said Council within six months."

The motion was put to the vote, when there appeared—

For the amendment.

His Excellency Sir J. H. Grant, G.C.B.,

The Honorable W. R. Arbuthnot,

Do. V. Sadagopah Charloo.

Against the amendment.

The Honorable W. A. Morehead,

Do. E. Maltby,

Do. T. Pycroft,

Do. C. Pelly.

The amendment was negatived.

The Honorable W. A. Morehead moved to omit Section VI.

The motion was put to the vote, when there appeared—

For the motion.

His Excellency Sir William Denison, K.C.B.

The Honorable W. A. Morehead,

Do. E. Maltby,

Do. T. Pycroft,

Do. C. Pelly.

Against the motion.

His Excellency Sir J. H. Grant, G.C.B.

The Honorable W. R. Arbuthnot

Do. V. Sadagopah Charloo.

The motion was carried in the affirmative.

The Honorable T. Pycroft moved the insertion of the following Section:

VI. "For any breach of such Bye-Laws the offender shall be liable to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labor, for a period not exceeding ten days."

The Honorable V. Sadagopah Charloo moved to amend the proposed Clause by altering the words "twenty Rupees" and "ten days" into "ten Rupees" and "one week."

The amendment was put to the vote, when there appeared—

For the amendment.

The President,

The Honorable W. A. Morehead,

Do. C. Pelly,

Do. V. Sadagopah Charloo.

Against the amendment.

His Excellency Sir J. H. Grant, G.C.B.

The Honorable E. Maltby,

Do. T. Pycroft,

Do. W. R. Arbuthnot.

The votes being equally divided, the amendment was carried by the President's casting vote.

The Honorable V. Sadagopah Charloo moved, as a further amendment upon the proposed clause, to alter the word "or" between "Rupees" and "to imprisonment" into "and in default of payment."

The Honorable W. A. Morehead moved the omission of Section VIII.

The Honorable W. A. Morehead moved that the Bill, as amended, do now pass.

The motion was put and agreed to.

Upon the suggestion of the Honorable W. A. Morehead, the Honorable W. R. Arbuthnot was added to the Select Committee upon the Madras Boat Act.

The Council was then adjourned till Tuesday the 18th March 1862.

Tuesday 18th March 1862.

PRESENT.

His Excellency Sir W. Denison, K.C.B., } *President.*
Governor of Madras,

His Excellency Lieutenant General Sir J.

H. Grant, G.C.B., Commander-in-Chief,

The Honorable W. A. Morehead,

Do. E. Maltby,

Do. T. Sydney Smyth,

Do. T. Pycroft,

Do. C. Pelly,

Do. W. R. Arbuthnot,

Do. R. O. Campbell,

Do. V. Sadagopah Charloo, } *Members.*

The Honorable T. Pycroft moved the first reading of a Bill for regulating the Bank of Madras.

The Bill was read a first time.

The Honorable T. Pycroft moved that the Bill should be referred to a Select Committee composed of the Honorable E. Maltby, the Honorable T. Pycroft, and the Honorable R. O. Campbell, who should report at the next meeting of Council; and that, in the meantime, the Bill, with its statement of objects and reasons, should be published in the Fort Saint George Gazette, for general information.

The motion was put and agreed to.

Upon the suggestion of the Honorable W. A. Morehead, the Honorable R. O. Campbell was appointed as member of the Select Committee on the Pier Bill, vice the Honorable W. R. Arbuthnot.

It was ordered, on the application of the Honorable W. A. Morehead, that the time allowed for the report of the Select Committee on the Boat Act should be extended till the next meeting of Council.

The Council was then adjourned till

Tuesday the 1st* April 1862.

* This was subsequently postponed to 8th April, by order of the President.

Tuesday, 8th April 1862.

PRESENT.

His Excellency Sir William Denison, K.C.B., } *President.*
Governor of Madras,

His Excellency Lieutenant General Sir J.

H. Grant, G.C.B., Commander-in-Chief,

The Honorable W. A. Morehead,

Do. E. Maltby,

Do. T. Pycroft,

Do. C. Pelly,

Do. W. R. Arbuthnot,

Do. R. O. Campbell,

Do. V. Sadagopah Charloo, } *Members.*

The Clerk of the Council read a petition from V. Soobiah and P. Chengadu of Chittoor, dated 3rd March 1862, complaining that the Zemindar has entirely neglected to provide them with means of irrigation for the last 40 years; that he and his Officers give them much trouble in collecting Moturpha and other taxes unjustly; and that they (petitioners) cannot even gain access to the presence of the Zemindar, to represent their grievances, unless the guards are bribed: and praying that a Commissioner may be appointed to investigate the matter and to redress their grievances.

The Clerk of the Council having certified that the petition is not in conformity with Rule XIV, it was ordered that the petition should be returned to the petitioners, and the reason of its rejection communicated to them.

The Clerk of the Council read a letter from the Honorable T. Pycroft, Chief Secretary to Government, dated 1st April 1862, No. 113, intimating that Acts I, II and III of 1862 were forwarded for the Governor General's assent on the 1st instant.

Ordered to be recorded.

The Honorable W. A. Morehead, moved that the "Bill to make better provision for the management of Boats and Catamarans in the Madras Roads," as amended by the Special Committee, should be taken into consideration.

The motion was put and agreed to.

The following amendments were proposed and carried:—

Section I. The words "It is hereby enacted that" were struck out of this Section, and added to last words of the Preamble.

Section II. The words "It is hereby enacted that" were omitted. The words "coming into operation of this Act" were inserted between the words "after the" and "no person." The words "on conviction before a Magistrate of Police" were transposed and placed between the words "such person shall" and "be liable," and the words "as that Magistrate shall direct" were omitted.

Section III. The President moved to amend the Section as follows:—

"It shall be lawful to the Master Attendant, and he is hereby required to issue, to the owner of any Boat or Catamaran, a license to use such Boat or Catamaran for the purpose of conveying Passengers, Goods or Letters, to and from any vessel lying in the Madras Roads, provided that the said Master Attendant shall, previously to the issue of such license, satisfy himself, that such Boat or Catamaran is of the proper dimensions and capacity, and that the same is seaworthy and fit for the purposes aforesaid: provided also, that the owner of such Boat or Catamaran shall, when making application for a license, deliver to the Master Attendant a written paper signed by himself, specifying his name, occupation, place of residence, and the names of every Tindal, Coxswain, Boatman or other person, employed or proposed to be employed in the navigation and management of any Boats or Catamarans for which he may obtain a license. Such license to remain in force for one year from the date thereof, unless previously forfeited, cancelled or suspended, under the provisions of this Act."

Section V. The words "and shall also subscribe to a declaration in writing that he fully understands all the provisions of this Act" were omitted. The words "on conviction before a Magistrate of Police" were transposed and placed between the words "shall" and "forfeit," and the words "as that Magistrate shall direct" were omitted.

Section VI was amended by making a similar alteration to that last stated.

Section IX. All the words commencing from "and it is hereby enacted"

down to the word "previous," and the words "or his Deputy," wherever they occur in this Section, were omitted. The words "requiring such license" were omitted, and the words "for which a license may be required" inserted in lieu.

Section X. The words "and it is hereby enacted that" were omitted. The words "or cause to be painted" inserted between the words "paint" and "in black" and the word "twelve" substituted for the word "six" before the words "inches in length."

Section XI. The words commencing from "and for the better prevention" down to the words "so often" were omitted. The words "or Catamaran" inserted between the words "Boat" and "shall neglect." The words "on conviction before a Magistrate of Police" were transposed and placed between the words "shall" and "forfeit," and the words "as that Magistrate shall direct" omitted. The word "knowingly" was inserted between the words "shall" and "assist," and all the words of the Section commencing from the words "one moiety" down to the end, omitted; and the words "on conviction before a Magistrate of Police a sum not exceeding 50 Rupees" inserted in lieu.

Section XII was amended by the omission of the words "and it is hereby enacted".

Section XIII. The words "and it is hereby enacted that," were omitted; also the words "on conviction before a Magistrate of Police," between the words "fifty Rupees" and "for every such surplus." In lieu of the words "with or without hard labor" the following words were inserted: "or such offenders shall, at the discretion of the Magistrate, be liable to imprisonment for a period not exceeding 14 days with hard labor."

Section XIV was amended as follows:—

The words commencing the Section, viz. "And it is hereby enacted that." The words "to or" between "putting off" and "from," and the words "or his Deputy" wherever they occur in this Section, were omitted.

The words "put off when such flags are hoisted without the permission of the Master Attendant" were inserted in lieu of the words "offend against this clause."

Section XV was amended by the omission of the words "And it is hereby enacted that," and "or his Deputy" and "it is hereby declared that."

Section XVI was amended by the omission of the words "And it is hereby enacted that" and "as that Magistrate shall determine."

Section XVII was amended by the omission of the words "And it is hereby enacted that" and "or his Deputy."

Sections XVIII to XX were amended by the omission of the words "And it is hereby enacted that" at the commencement of each Section.

The Honorable R. O. Campbell, moved to omit Section XXI.

The Honorable E. Malthy, moved to amend the Section as follows:—

"No Catamaran shall be permitted to carry any spirituous or fermented liquors to the shipping in the roads under a penalty not exceeding 5 Rupees, or imprisonment not exceeding 14 days, with or without hard labor, at the discretion of the Magistrate."

The amendment was put to the vote, when there appeared
For the amendment.

His Excellency Lieutenant General Sir J. H. Grant, G. C. B.
The Honorable E. Maltby,
Do. T. Pycroft.

Against the amendment.

The Honorable W. A. Morehead,
Do. C. Pelly,
Do. R. O. Campbell,
Do. W. R. Arbuthnot,
Do. V. Sadagopah Charloo.

The amendment was negatived.

The original proposition, that the Section should be omitted, was then put to the vote and carried.

Sections XXII to XXVII were amended by the omission of the words "And it is hereby enacted that" at the commencement of each Section.

Section XXVIII was amended by the omission of the words "And it is hereby enacted that," and "it is hereby further enacted that," "or his Deputy," and the words "on the roads or otherwise."

Sections XXIX to XXXI were amended by the omission of the words "And it is hereby enacted that" and "And it is hereby further enacted that."

Section XXXII was amended as follows:—

The words "All charges preferred under this Act" were substituted for the words "And it is hereby enacted that all pecuniary forfeitures and penalties had or incurred under or against this Act." The word "sale" was substituted for the words "buying thereof." The words "and that" between the words "satisfied" and "all the said forfeitures" were omitted, and the word "reward" was substituted for "compensation."

Section XXXIV. The following addition was made to this Section:—

"The word Master Attendant shall include the Deputy or Assistant Master Attendant."

Section XXXV. The words "1st July 1862" were inserted, as the date from which the Act shall commence and take effect.

The Preamble was amended by the addition of the words "it is enacted as follows."

It was ordered that the Bill should be printed with the amendments now proposed and passed, and that the consideration of the Bill should be resumed at the next Meeting of Council.

The Honorable W. A. Morehead presented the report of the Select Committee on the Madras Pier Bill.

It was ordered that the Bank Bill and the Pier Bill, as amended by the Special Committees, should be taken into consideration at the next Meeting of Council.

The Council was then adjourned till Tuesday the 15th of April 1862.

Tuesday, 15th April 1862.

PRESENT.

His Excellency Sir William Denison, K.C.B., Governor of Madras,	} President.
His Excellency Lieutenant General Sir J. H. Grant, G.C.B., Commander-in-Chief,	
The Honorable W. A. Morehead,	} Members.
Do. E. Maltby,	
Do. T. S. Smyth,	
Do. T. Pycroft,	
Do. C. Pelly,	
Do. W. R. Arbuthnot,	
Do. R. O. Campbell,	
Do. V. Sadagopah Charloo.	

The Honorable E. Maltby moved
for leave to bring in a Bill* to exempt
enfranchised Inams from the operation of
Regulation IV of 1831, and Acts XXX of 1836 and XXIII of 1838.

Leave was granted.

The Honorable W. A. Morehead moved that the Bill to make better provision for the management of Boats and Catamarans in the Madras Roads, as amended at the last Meeting of Council, be now passed.

The Bill was passed accordingly.

The Honorable T. Pycroft moved that the Bill for regulating the Bank of Madras, as amended by the Special Committee, be taken into consideration.

The motion was put and agreed to.

Section XVI. The Honorable W. R. Arbuthnot proposed to introduce the words "joint stock" between the words "any other" and "Bank," and to omit the words "or who shall be a partner of or Managing Agent for."

The motion for the introduction of the words "joint stock" was seconded by the Honorable R. O. Campbell and put to the vote, when there appeared

For the motion.

The Honorable T. S. Smyth.

Do. C. Pelly.

Do. W. R. Arbuthnot.

Do. R. O. Campbell.

Against the motion.

The Honorable W. A. Morehead.

Do. E. Maltby.

Do. T. Pycroft.

Do. V. Sadagopah Charloo.

The votes being equally balanced, the amendment was carried by the President's casting vote.

The Honorable W. R. Arbuthnot then withdrew the rest of his amendment.

The Section was further amended by omitting the word "and" before "unincumbered" and by making the latter word stand before the word "shares." The two Clauses of the Section were also united.

Section XXIII. The Honorable R. O. Campbell moved to insert the words "or duly authorized to discharge the duties" between the words "Office" and "of Secretary."

Section XXVII. The President moved to amend the section by altering the word "Railways," in both places where it occurs, into, "Railway or other Companies."

The Preamble was amended by omitting after the word "modified" the words "as hereinafter appears."

It was ordered that the Bill should, as now amended, be finally considered at the next Meeting of Council.

The Honorable W. A. Morehead moved that the Pier Bill, as amended by the Special Committee, should be taken into consideration.

Section X. The Honorable T. S. Smyth moved to add, at the end of the Section, the words "or if necessary by seizure and sale of such vessel."

Section XI was amended by a similar addition to that last stated.

Section XII was amended by inserting the word "Master" in the first line, between the words "or the" and "owners."

Section XV was amended by omitting the words "annoyances" and "encroachments."

The President moved to insert the following additional Section:—

Section XIX. "This Act may be cited, for all purposes, as the Madras Pier Act 1862."

It was ordered that the Bill as now amended, should be finally considered at the next Meeting of Council.

The Council was then adjourned till Tuesday the 29th of April 1862, at 11 o'clock.

Tuesday, 29th April 1862.

PRESENT.

His Excellency Sir William Denison, K.C.B.,
Governor of Madras, } *President.*

His Excellency Lieutenant General Sir J. H. Grant, G.C.B., Commander-in-Chief, }

The Honorable W. A. Morehead, } *Members.*
Do. E. Maltby,
Do. T. Pycroft,
Do. W. R. Arbuthnot,
Do. R. O. Campbell,
Do. V. Sadagopah Charloo.

The Honorable E. Maltby moved for leave to introduce a Bill* for amending and codifying the Laws which relate to the recovery of Revenue, and define the powers and duties of Servants of Government entrusted with the realization of the Land Revenue.

*Read a first time and referred to a Select Committee, 6th May.

Leave was granted.

The President announced the assent of the Governor General to

Act I of 1862,

„ II of 1862,

„ III of 1862.

The Honorable V. Sadagopah Charloo withdrew the motion, of which he had given notice, for leave to introduce a Bill for the peremptory registration of Deeds and Assurances, as a similar Bill is before the Council of the Governor General of India.

The Honorable V. Sadagopah Charloo moved for leave to introduce a Bill* for enabling Government to divest itself of Religious endowments of Hindoos and Mahomedans, and for the better protection of such endowments.

*No further steps have been taken upon this Bill which awaits the sanction of the Governor General under Acts 24 and 25 Victoria, Chapter 67, Section 19, Clause 2.

Leave was granted.

The Honorable V. Sadagopah Charloo moved for leave to introduce a Bill† for organizing a popular form of Municipal Corporation, in lieu of the present Municipal Board for the Town of Madras.

†Read a first time and referred to a Special Committee, 6th May.

Leave was granted.

The Honorable T. Pycroft moved that the Bill for regulating the Bank of Madras be now finally considered and passed.

The motion was put and agreed to.

The Honorable W. A. Morehead moved that the Madras Pier Bill be now finally considered and passed.

The motion was put and agreed to.

The Honorable E. Maltby moved the first Reading of a Bill to exempt enfranchised Inams from the operation of Regulation IV of 1831 and Acts XXX of 1836 and XXIII of 1838.

The Bill was read a first time.

It was ordered that the consideration of the Bill should be resumed at the next Meeting of Council, and that, in the meantime, the Bill, with its Statement of Objects and Reasons, should be published in the Fort Saint George Gazette for general information.

The Council was then adjourned till Tuesday the 6th May 1862, at 11 o'clock.

Tuesday, 6th May 1862.

PRESENT.

His Excellency Sir William Denison, K. C. B.,
Governor of Madras, } *President.*

The Honorable W. A. Morehead, } *Members.*
Do. E. Maltby,
Do. C. Pelly,
Do. R. O. Campbell,
Do. W. R. Arbuthnot,
Do. V. Sadagopah Charloo.

The Honorable E. Maltby moved the final consideration of a Bill to exempt enfranchised Inams from the operation of Regulation IV of 1831, and Acts XXX of 1836 and XXIII of 1838.

The motion was put and agreed to.

The Honorable E. Maltby then moved the following amendments:—

Section I. After the word "Inams"—the introduction of the words "of the classes described in Clause I, Section 2, Regulation IV of 1831, which have been or shall be;" and after the word "Commissioner" the words "and converted into freeholds in perpetuity, or into absolute freeholds in perpetuity."

In the same Section. The omission of the words "are exempt" and the substitution of the words "shall be exempted."

In the Preamble. To strike out the words "personal Grants of rent free, or Lakhiraj, land," and to insert the words "hereditary and personal Grants of Land Revenue" in lieu thereof.

The Honorable V. Sadagopah Charloo then moved the following three further amendments to the Preamble:—

1st. After the word "1830" the introduction of the words "and XXIII of 1838." 2nd. After the word "cognizance" the insertion of the words "and process." 3rd. The omission of the words "said rights of reversion," and the substitution of the words "reversionary rights of Government."

The Honorable E. Maltby then moved that the Bill, with the amendments proposed, be passed.

The motion was put and agreed to.

The Honorable E. Maltby then moved the first Reading of a Bill for amending and codifying the Laws which relate to the recovery of Revenue and Rent, and define the powers and duties of servants of Government entrusted with the realization of Land Revenue.

The Bill was read a first time.

The Honorable E. Maltby moved that the Bill should be referred to a Select Committee composed of,

The Honorable E. Maltby,

Do. T. Pycroft,

Do. C. Pelly,

Do. V. Sadagopah Charloo.

The motion was put and agreed to.

It was ordered that the Committee should make their Report on the 1st November next, and that, in the meantime, the Bill, with its Statement of Objects and Reasons, should be published in the Fort Saint George, and Local Gazettes, for general information.

The Honorable V. Sadagopah Charloo moved for leave to postpone the first Reading of the Bill relating to Religious endowments of Hindoos and Mahomedans, till next Meeting of Council.

Leave was granted.

The Honorable V. Sadagopah Charloo then moved the first Reading of a Bill for organizing a popular form of Municipal Corporation, in lieu of the present Municipal Board, for the town of Madras.

The Bill was read a first time.

The Honorable V. Sadagopah Charloo then moved that the Bill should be referred to a Select Committee consisting of.

The Honorable W. A. Morehead,

Do. W. R. Arbuthnot,

Do. R. O. Campbell,

Do. V. Sadagopah Charloo.

The motion was put and agreed to.

It was ordered, that the Committee should make their Report on the 1st September next, and that, in the meantime, the Bill, with its Statement of Objects and Reasons should be published in the Fort Saint George Gazette for general information.

The Council was then adjourned till Tuesday the 27th May* 1862 at 11 o'clock.

* By a subsequent order of the President the Council was adjourned until further notice.

W. A. Morehead

Clerk of the Council.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Recd Dispatch from the
Secretary of State in the
Legislative Dept. — Inter 8th May '62 N^o 1.

Order — 13 June 1862 No 917

Communicated to the
Clerk of the Council
for making Laws &
Regulations.

2. The Govt. of India
will be applied to
for the form referred
to in the Dispatch.

3. Mr. Mayne is request-
ed to furnish, for
transmission

transmission to the Secretary of State, copies of the Proceedings of the Council already published, & of the Bills presented to the Council, with their annexures, duly numbered, commencing with the first. The Acts that have been assented to by the Governor Genl., & will be put up with the corresponding bills in the Govt. Office.

The Clerk of the Council
for making Laws &
Regulations.

3 } Despt. 14th

Despt. 14th

N^o. 918.

The Secretary to the Govt. of India.
Home Dept. -

Sir,

Referring to Sir C. Wood's Despatch, 8th Ult. N^o. 1, Legislative, to this Govt., I am directed to request that as full copy of the Pros: of the Governor Genl's Council for making Laws, in the form in which they are drawn ^{up} for transmission to the Secretary of State, may be furnished to this Govt., for the guidance of the Clerk of the Madras Council for making Laws & Regulations.

For S. H. Gomp
13 June 1862

12 Copies

*Recd of Mr. J. C. Smith
 100 of 1862*

Journal 1862, Department.

No. 917

PROCEEDINGS OF GOVERNMENT.

Dated 103rd of June 1862

Office 1273.

1279.
 1423.

*Regarding the House of the
 3rd and 4th of June 1862
 the question to be asked, for time.
 reference to the day of state,
 copies of the 3rd of June 1862
 already published and of the
 Bill presented to the Council
 with their answers only
 numbers concerning just
 the first.*

9292