

Saturday, June 12, 1858

**LEGISLATIVE COUNCIL
OF
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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

January to December 1858.

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1858.

if no other measure were adopted, would be liable to be sued and imprisoned. It did not appear to him expedient that, after having affirmed the principle that the exemption given by Act I of 1844 should be continued to certain members of the family of the late Nabob for life, the Council should leave them to be sued and arrested between the 4th of July and the time when it would have an opportunity of fully discussing the Bill which had just been read a second time. No appeal could now be brought under Act XVIII of 1857 against the decision of the Supreme Court. But if it was right, as the Council had determined it to be, that the family and retainers of the late Nabob should have the privilege conferred upon them by Act I of 1844 continued, he thought it was also right that they should have the same protection during the progress of the Bill introduced by the Honorable Member for Madras through its several stages. He, therefore, proposed to read for a first and second time to-day a Bill to continue for six months the privileges granted by Act I of 1844 to certain member of the family, household, and retinue of his late Highness the Nabob of the Carnatic. He had fixed six months, lest any objections might come in from creditors of the Nabob which might delay the final settlement of the Bill introduced by the Honorable Member for Madras; but if Honorable Members considered six months too long, he had no objection to limit the operation of the Bill to four months.

He moved this Bill necessarily without any previous notice. He could not have given notice that he would move it, because he could not be sure that the Council would adopt the principle of the Bill which had been brought in by the Honorable Member for Madras.

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

MR. PEACOCK moved that the Bill be now read a first time.

The Bill was read a first time.

MR. PEACOCK moved that the Bill be now read a second time.

The Motion was carried, and the Bill read a second time.

MR. PEACOCK then moved that the Bill be referred to a Select Committee consisting of Mr. Harrington, Mr. Forbes, and the Mover, with an instruction to

report upon it at the next Meeting of the Council.

Agreed to.

The Council adjourned.

Saturday, June 12, 1858.

PRESENT :

The Hon'ble the Chief Justice, *Vice-President*,
in the Chair.

Hon. J. P. Grant,	E. Currie, Esq.
Hon. H. Ricketts,	H. B. Harrington, Esq.
Hon. B. Peacock,	and
P. W. LeGeyt, Esq.	H. Forbes, Esq.

ARMY AND STATE OFFENCES; HEINOUS OFFENCES; MUTINY AND DESERTION.

THE VICE-PRESIDENT read a Message informing the Legislative Council that the Governor General had assented to the Bill "to continue in force for a further period Acts XIV of 1857, XVI of 1857, and XVII of 1857, and to authorize in certain cases the transportation of offenders sentenced to imprisonment."

ESTATE OF THE LATE NABOB OF THE CARNATIC.

THE CLERK brought to the notice of the Council a Petition purporting to be "The Humble Petition of His Highness Azeem Jah Bahadoor, Nabob of the Carnatic and Subahdar of Arcot," and signed "Azeem Jah," against the Bill "to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic."

MR. GRANT said, he apprehended that the Council could not receive the Petition. There was no such title recognized as the Nabob of the Carnatic and Subahdar of Arcot. The title had lapsed in 1855.

The Petition was not received.

MR. PEACOCK said, to give the Petitioner an opportunity of presenting his Petition in a correct form, he should move that the Clerk of the Council do inform him of the grounds upon which the present Petition had been rejected.

THE VICE-PRESIDENT said, he should take this opportunity of mentioning that he had reason to believe

that the full Petition of Prince Azem Jah was not yet before the Council. By the last Mail, he had received a letter from a person describing himself as Secretary of the Prince, stating that the Prince intended to present a fuller Petition, a copy of which was enclosed, headed in the same way as that which the Council had just decided to be objectionable. He understood from the Clerk that the original of this Petition had not yet been received.

MR. PEACOCK'S Motion was then put and agreed to.

SUSPENSION OF SUITS AGAINST THE FAMILY, &c. OF THE LATE NABOB OF THE CARNATIC.

MR. PEACOCK presented the Report of the Select Committee on the Bill "to continue for six months the privileges granted by Act I of 1844 to certain members of the family, household, and retinue of his late Highness the Nabob of the Carnatic."

STATE OFFENCES.

MR. PEACOCK moved the second reading of the Bill "to make further provision for the trial and punishment of offences against the State."

The Motion was carried, and the Bill read a second time.

MUNICIPAL ASSESSMENT (BOMBAY).

On the Order of the Day for the third reading of the Bill "for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay" being read, Mr. LeGeyt, who had given notice of a motion to recommit the Bill under the 87th Standing Order, moved that the consideration of the Bill be postponed.

Agreed to.

SUSPENSION OF SUITS AGAINST THE FAMILY &c. OF THE LATE NABOB OF THE CARNATIC.

MR. PEACOCK moved that the Council resolve itself into a Committee on the Bill "to continue for six months the privileges granted by Act I of 1844 to certain members of the family, household, and retinue of his late Highness the Nabob of the Carnatic."

Agreed to.

The Vice-President

The Bill passed through Committee without amendment, and was reported.

MR. PEACOCK moved that the Bill be now read a third time and passed.

The Motion was carried, and the Bill read a third time.

MR. PEACOCK moved that Mr. Ricketts be requested to take the Bill to the President in Council in order that it might be submitted to the Governor General for his assent.

Agreed to.

THE INDIAN PENAL CODE.

MR. LEGEYT said, he had received a communication from the Government of Bombay enclosing a copy of a correspondence with Brigadier General Sir R. Shakespear, Political Commissioner of Guzerat, with a request that he would lay it before the Council with a view to some legislation. The subject of the correspondence was the transmission of twigs throughout the Province of Guzerat, which had been detected by Mr. Spiers, Acting Deputy Magistrate of the Ahmedabad district, at a village near Cambay, and brought to the notice of Sir R. Shakespear, who reported it to the Government as a suspicious circumstance requiring careful enquiry. Some enquiry had been made by Mr. Spiers, but it did not seem to have elicited any such information as would enable the Authorities to come to a definite conclusion. This was the second time that twigs had been lately sent through the Province. A sketch of the route by which they had passed, had been forwarded with the correspondence. It appeared that, in answer to all the enquiries made respecting them at the different villages along this route, the one universal answer given was—"We know nothing of what they mean. The tracks arrived, and, according to custom, we passed them on." The custom here referred to was a very old one throughout the Province. When a robbery took place, the footsteps of the robbers were searched for and measured by straws or twigs and then tracked from village to village, and the village at which the track stopped was held responsible for the property robbed. In this case, there had been an attempt to show that a robbery had been committed in one of

the villages; but it appeared that no information had been given to the Police of any such robbery until after the enquiry regarding the twigs had been instituted, and the story of its occurrence seemed hardly deserving of credit. Under all the circumstances, and seeing that the system of carrying signs from village to village afforded great facility for disseminating secret intelligence through the country, Sir R. Shakespear and the Government of Bombay were of opinion that some legislation was necessary to prohibit all persons from taking charge of signs without the direct orders of the Government. There was no Law at present under which the transmission of signs by villagers could be treated as a penal offence, though there was a Regulation under which village Officers in the service of Government, who after prohibition disobeyed orders in passing on these signs could be dealt with. The object now was to put a stop to the transmission of such signs entirely, whether by villagers or by village Officers. He had not thought that he would be justified in preparing a special Bill upon this subject. The Government of Bombay, in forwarding the correspondence to him, had requested that he should "submit for the consideration of the Legislative Council of India the propriety of rendering the system, as applicable to India generally, a penal offence." It appeared to him that the best way of dealing with the matter was to move, as he now did, that the communication received by him from the Government of Bombay on the subject of rendering the transmission of signs from village to village a penal offence, be laid upon the table and referred to the Select Committee on "The Indian Penal Code."

Agreed to.

CRIMINAL PROCEDURE (BENGAL).

Mr. CURRIE moved that a communication received by him from the Bengal Government on the subject of private prosecutions in cases of forgery be laid upon the table and referred to the Select Committee on the Bill "for extending the jurisdiction of the Courts of Criminal Judicature of the East India Company in Bengal, for simplifying the Procedure thereof, and for in-

vesting other Courts with Criminal jurisdiction."

Agreed to.

STATE OFFENCES.

Mr. PEACOCK moved that the Standing Orders be suspended to enable him to proceed with the Bill "to make further provision for the trial and punishment of offences against the State."

Mr. HARRINGTON seconded the Motion, which was then agreed to.

Mr. PEACOCK moved that the above Bill be referred to a Select Committee consisting of the Vice-President, Mr. Harrington, and the Mover, with an instruction to report upon it at the next Meeting of the Council.

Agreed to.

The Council adjourned.

Saturday, June 19, 1858.

PRESENT :

The Hon'ble the Chief Justice, *Vice-President*.

Hon. B. Peacock,	H. B. Harrington, Esq.
	and
E. Currie, Esq.,	H. Forbes, Esq.

The Members assembled at the Meeting did not form the quorum required by law for a Meeting of the Council for the purpose of making Laws.

Saturday, June 26, 1858.

PRESENT :

The Honorable the Chief Justice, *Vice-President*,
in the Chair.

Hon J. P. Grant,	E. Currie, Esq.,
Hon. H. Ricketts,	H. B. Harrington, Esq.,
Hon. B. Peacock,	and
P. W. LeGeyt, Esq.,	H. Forbes, Esq.

KURNOOL.

THE VICE-PRESIDENT read a Message informing the Legislative Council that the Governor General had assented to the Bill "for bringing the District of Kurnool under the Laws of the Presidency of Fort St. George."