

Saturday, July 10, 1858

**LEGISLATIVE COUNCIL  
OF  
INDIA**

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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

January to December 1858.

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1858.

the period prescribed by the Standing Orders. On the 12th of June, Prince Azeem Jah presented a Petition to the Council describing himself as the Nabob of the Carnatic, and Subahdar of Arcot; and because he gave himself that title, the Council thought it could not receive his Petition. The Petition was accordingly rejected; and, on the 17th of June, the Clerk of the Council wrote a letter to the Prince stating that it had been rejected, and the grounds of the rejection. The Council had lately received a letter from the Government of Madras stating that the principal creditors of the late Nabob approved of the Bill, and urged that it should be passed as quickly as possible. On Saturday last, he was about to present the Report of the Select Committee upon the Bill; but he had postponed doing so for reasons which he stated at the time. To-day, the Council had heard the Petition of Mr. Orr, requesting that progress with the Bill should be delayed until the 17th of July. Under the circumstances of the case, he thought it was but reasonable that this should be granted. But it must be distinctly understood that on the 17th July the Report of the Select Committee would be presented, unless some fresh Petition should that day come before the Council which would induce it to refer it to the Select Committee for consideration.

He should, therefore, move that the Select Committee be instructed to delay the presentation of their Report until the 17th Instant.

Agreed to.

#### TRANSPORTATION OF CONVICTS.

Mr. LEGEYT moved that the Select Committee appointed to consider and report on the existing Law in the Straits Settlement regarding the transportation of convicts, be discharged. Since the appointment of the Committee, cases had occurred to show that any further proceeding on the subject referred to the Committee was unnecessary.

Agreed to.

The Council adjourned.

Mr. Peacock

Saturday, July 10, 1858.

#### PRESENT:

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

Hon'ble J. P. Grant,	Hon'ble Sir Arthur
Hon'ble B. Peacock,	Buller,
Hon'ble H. Ricketts,	H. B. Harington, Esq.
P. W. LeGeyt, Esq.,	and
E. Currie, Esq.,	H. Forbes, Esq.

#### NABOB OF SURAT.

THE CLERK presented a Petition of Meer Jafur Alee Khan Bahadour of Surat, on the part of himself and the widow and grand-daughters of the late Nabob of Surat, praying for the passing of an Act to amend Act XVIII of 1848 (for the administration of the Estate of the late Nabob of Surat, and to continue privileges to his Family) in conformity with the draft of an Act forwarded with the Petition.

MR. PEACOCK moved that the Petition be printed.

Agreed to.

#### MASTERS AND SERVANTS.

THE CLERK also presented a Petition from the Master, Wardens, and Members of the Calcutta Trade Association, praying for the introduction of a legislative measure to check wilful breaches of contract or desertion of service by workmen or servants by a system of summary punishments and summary remedies to be enforced by a Magistrate.

MR. CURRIE moved that the Petition be printed.

Agreed to.

#### MADRAS MARINE POLICE.

MR. FORBES presented the Report of the Select Committee on the Bill "for the maintenance of a Police Force for the Port of Madras." In doing so, he said he should have occasion for a very few minutes to trespass on the attention of the Council. Honorable Members were aware that the Police Force for the Towns of Calcutta, Madras, and Bombay exercised their powers under Act XIII of 1856. By Section XXIV of that Act, the Police had authority within the towns and suburbs of Calcutta, Madras, and Bombay; and by one

of the Clauses of Section II, the word "Town" was defined to "include all places within the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay." At Madras, the jurisdiction of Her Majesty's Supreme Court extended only to low-water mark; and in Calcutta and Bombay, only parts of the Ports were within the jurisdiction of Her Majesty's Supreme Courts. The draft of the present Bill sent up from Madras, contained a Section, inserted on the advice of the Company's Advocate General, providing that the Marine Police Force should have authority within the limits of the Port, which it was considered it would not have if it were constituted under Act XIII of 1856. But Mr. Elliott, in introducing the Bill, held a different opinion. He found that by Section XXVI of that Act the Magistrates of Police had authority to punish offences committed within the limits of the Port; and he argued that, if the Magistrates of Police had authority to punish offences committed within those limits, *ipso facto* the Police Force must have authority to bring the offenders before them for punishment; and that therefore the jurisdiction of the Police and the jurisdiction of the Magistrate must be co-ordinate. Accordingly, in the Bill which he brought in, he omitted that Section, and stated his reasons for so doing in a Minute which he transmitted to the Government of Madras, and which was by them referred to the Advocate General. That learned Gentleman gave every consideration to Mr. Elliott's reasoning, but was unable to agree with it. He maintained that, however much it might have been the intention of the Legislature that the jurisdiction of the Magistrates and of the Police should be co-ordinate, the Act of 1856, by some omission, made no such provision; that the Act must be construed strictly and literally; and that, as the jurisdiction which it gave to the Police was restricted to the Town, and the Town of Madras was comprised within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, the Police could not have authority within that part of the Port of Madras which was beyond that jurisdiction. The subject had been taken into consideration by

the Select Committee on the Bill, who thought that it was one of considerable importance. Had it related to Madras only, they would have felt it incumbent on them to introduce such amendments into this Bill as would provide for the case in question; but it appeared to them that the question concerned Calcutta and Bombay just as much as it concerned Madras; and that, therefore, it ought to be considered in connexion, not with the present Bill which related only to Madras, but with Act XIII of 1856 which was applicable to the whole of India. The Select Committee had not the advantage of being associated with any Member of the Council who belonged to the profession of the Law; and they considered the question of sufficient importance to warrant their recommending that a Select Committee should be appointed to report upon it, of whom the Honorable and learned Chief Justice and the Honorable Mr. Peacock should be Members, in order that it might receive an authoritative and final decision. He should move for the appointment of such a Committee; and in doing so, he should propose that they be directed to submit their Report within one week; because, as the Bill for the maintenance of a Police Force for the Port of Madras would go before a Committee of the whole Council on Saturday next, and as, if it passed through the Committee, he should move that it be read a third time and passed, it was necessary that any amendment which might be desirable in Act XIII of 1856, should be made at the same time, in order that the Madras Marine Force might not find itself, directly it was constituted, unable to act within the Port within which its functions were to be exercised. He should therefore move that the Report of the Select Committee on the Madras Marine Police Bill, a Minute upon the Bill by the late Member for Madras, and the opinion of the Advocate General at Madras upon the question raised in that Minute, be referred to a Select Committee, consisting of the Vice-President, Mr. Peacock, and the Mover, with instructions to consider and report, at the next Meeting of the Council, whether, in their opinion, any amendment of Act XIII of 1856 was necessary.

Agreed to.

**INSTITUTION OF SUITS AND APPEALS  
(N. W. PROVINCES).**

MR. HARINGTON presented the Report of the Select Committee on the Bill "for the relief of persons who, in consequence of the recent disturbances, may have been prevented from instituting or prosecuting suits or appeals in the Courts of the North-Western Provinces within the period allowed by law."

**SETTLEMENT OF ALLUVIAL LANDS  
(BENGAL).**

MR. CURRIE presented the Report of the Select Committee on the Bill "to make further provision for the settlement of land gained by alluvion in the Presidency of Fort William in Bengal."

**NOTICE OF MOTION.**

MR. HARINGTON gave notice that he would, on Saturday the 17th instant, move the first reading of a Bill for conferring Civil jurisdiction in certain cases upon Cantonment Joint-Magistrates, and for constituting those Officers Registers of Deeds within the limits of their respective jurisdictions.

The Council adjourned.

*Saturday, July 17, 1858.*

**PRESENT:**

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

Hon'ble J. P. Grant,	P. W. LeGeyt, Esq.,
Hon'ble Major General	E. Currie, Esq.,
Sir James Outram,	H. B. Harington, Esq.,
Hon'ble H. Ricketts,	and
Hon'ble B. Peacock,	H. Forbes, Esq.

**BOMBAY MUNICIPAL ASSESSMENT:  
OFFENCES AGAINST THE STATE.**

THE VICE-PRESIDENT read Messages informing the Legislative Council that the Governor General had assented to the Bill "for appointing Municipal Commissioners and for raising a Fund for Municipal purposes in the Town of Bombay,"—and the Bill "to make further provision for the trial and punishment of offences against the State."

**ESTATE OF THE LATE NABOB OF  
THE CARNATIC.**

MR. PEACOCK presented the Report of the Select Committee on the Bill "to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic."

**POLICE OF THE PORTS OF THE  
PRESIDENCY TOWNS.**

MR. FORBES presented the Report of the Select Committee on the jurisdiction of the Commissioner of Police and of the Police Force within the Ports of the Presidency Towns.

**LUNATIC ASYLUMS.**

MR. CURRIE presented the Report of the Select Committee on the Bill "relating to Lunatic Asylums."

**PROCEEDINGS IN LUNACY IN THE  
SUPREME COURTS.**

MR. CURRIE postponed the presentation of the Report of the Select Committee on the Bill "to regulate proceedings in Lunacy in Her Majesty's Courts of Judicature."

**CANTONMENT JOINT MAGISTRATES.**

MR. HARINGTON moved the first reading of a Bill "for conferring civil jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers Registers of Deeds within the limits of their respective jurisdictions."

In doing so, he said, the proposition to invest Cantonment Joint Magistrates with civil jurisdiction in certain cases, and to appoint those Officers Registers of Deeds within the limits of their respective jurisdictions, was not now submitted to the consideration of the Legislature for the first time. From a correspondence which had been handed to him by the Clerk of the Council, he found that, so far back as the year 1847, Brigadier Steel, who at that period held the appointment of Superintendent of Cantonment Police, brought to the notice of the Commander-in-Chief certain objections which appeared to him to exist as respected the working of Act XI of 1841, the 2d Section of