

Saturday, April 13, 1861

***INDIAN LEG.
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North-Western Provinces, the Council should pass a temporary Act giving effect to those Clauses of the Code until the date fixed for the whole Code coming into general operation. That would get over the difficulty as regards the Police.

MR. HARRINGTON said that it was not only the Procedure to which he referred ; he had also in view the offences of which the Police should take cognizance.

MR. FORBES said that the Madras Police had a law of Procedure of its own which had been found to work well, and perhaps the Honorable Member for the North-Western Provinces might, as a temporary measure, adapt the Clauses relating to it to the North-Western Provinces.

THE VICE PRESIDENT said, he thought that that was certainly the most advisable course to follow with reference to the Police. He saw no objection to the insertion of any particular Clauses of the Penal Code or the Code of Criminal Procedure in a temporary Act, so that it might be passed and come into force whenever it might be considered necessary. The only question now was, whether we should allow the Penal Code to come into force by the 1st of May before the whole system might be completed and thoroughly understood. He should therefore press his Motion for the suspension of the Standing Orders, to enable him to bring in and proceed with the Bill.

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

The Standing Orders having already been suspended, the Council then resolved itself into a Committee on the Bill which was passed without amendment.

The Council having resumed its sitting, the Bill was reported, after which it was read a third time and passed, and Mr. Beadon was requested to take it to the Governor-General for his assent.

The Council adjourned.

Saturday, April 13, 1861.

PRESENT :

The Hon'ble Sir Henry Bartle Edward Frere,
Senior Member of the Council of the Governor-General, in the Chair.

Hon'ble C. Beadon,	C. J. Erskine, Esq.,
Hon'ble S. Laing,	and
H. B. Harrington, Esq.,	Hon'ble Sir C. R. M.
H. Forbes, Esq.,	Jackson.
A. Seance, Esq.,	

PENAL CODE.

THE PRESIDENT read a Message, informing the Legislative Council that the Governor-General had assented to the Bill "to alter the time from which the Indian Penal Code shall take effect."

CATTLE TRESPASS.

THE CLERK presented to the Council a Petition from the Indigo Planters' Association, praying for certain amendments in Act III of 1857 (relating to Cattle Trespass).

MR. BEADON moved that the Petition be printed.

Agreed to.

PARSEES.

THE CLERK presented a Petition from the Parsee Inhabitants of Calcutta in favor of the passing of the draft Code of law sent up by the Parsee Inhabitants of Bombay.

MR. ERSKINE moved that the Petition be referred to the Select Committee on the question to which it related.

Agreed to.

PUBLIC CONVEYANCES ; AND MASTERS AND SERVANTS.

THE CLERK reported to the Council that he had received a communication from the Governor of the Straits Settlement on the subject of the regulation of Public Conveyances and the relations of Master and Servant.

Mr. SCONCE moved that the communication be printed.

Agreed to.

SMALL CAUSE COURTS.

Mr. BEADON postponed the presentation of the preliminary Report of the Select Committee on the Bill "to amend Act XLII of 1860 (for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter.)"

CONSTITUTION OF COURTS.

The Order of the Day being read for the first reading of the Bill "to constitute Courts of Civil Judicature"—

Mr. HARINGTON said, this Bill, and the Bill which stood next to it in the Orders of the Day for a first reading, namely, the Bill "to constitute Courts of Criminal Judicature," were prepared, as the Council were aware, by the Select Committees to which the Codes of Civil and Criminal Procedure, sent out from England, were originally referred. The Bills were presented to the Council so far back as the month of April 1859, since which nothing had been done towards passing them into law. The receipt of a Despatch from the Right Honorable the Secretary of State for India had, he believed he might say, been to some extent the cause of the delay. When he gave notice on Saturday last of his intention to move to-day the first reading of both Bills, he fully expected that the Indian Penal Code would come into operation on the 1st May next, and he had great hopes that the Code of Criminal Procedure, if not completed and capable of being introduced on the same day, would pass into law and might take effect after no long interval of time; and as the communication which he mentioned he had received from the Executive Government appeared to have removed the only obstacle which previously existed to their proceeding

with the Bills for constituting Courts of Civil and Criminal Judicature, it seemed very desirable that the Courts which were to carry out the provisions of the two Codes should be constituted on a uniform system in the several Presidencies with as little delay as possible. The Council, however, determined on Saturday last that the introduction of the Penal Code, and along with it the Code of Criminal Procedure, should be deferred until the 1st January next, and an Act was passed to that effect, the Governor-General's assent to which had just been communicated. There was therefore no longer the same necessity for their hurrying on the Bills for the constitution of the Courts, and as it seemed very advisable that these Bills should undergo further revision by a Select Committee in reference to the communication from the Executive Government to which he had already referred, and to other circumstances which had occurred since the Bills were prepared, instead of moving that they be read to-day a first time, he begged to move that they be referred back to a Select Committee consisting of Mr. Forbes, Mr. Sconce, Mr. Erskine, and the Mover, and that the Select Committee be instructed to propose any alterations in them which they might deem necessary, and to make an early report. Should this Motion be adopted, it was his intention to move in Committee certain additions to the Bills to make them more complete, as well as the insertion of a Section to repeal all the existing laws relating to the constitution of the Courts and the appointment, removal, and duties of their Ministerial Officers.

Agreed to.

GRANTS OF IMMOVEABLE PROPERTY

Sir BARTLE FRERE, in moving the first reading of a Bill "for securing grants of immoveable property made by the State," said that this Bill was intended to make the same provision in respect to real property granted by the State, which had been made by

Act VI of 1849 with regard to Military and Naval Pensions and superannuation allowances. The object of the Bill was to enable the State, as it were, to entail landed property on the heirs of those to whom it had been granted for eminent services, and to give the holders of such property the same privileges as were conferred by the other Act. The Bill was introduced at the instance of the Honorable the Lieutenant-Governor of the North Western Provinces, whose letter was included in the papers on the subject, which were ordered by the Council on the 29th September last to be printed. In that letter were distinctly set forth the reasons for the introduction of the Bill, and he would not therefore trouble the Council by referring to them at present.

The Bill was read a first time.

CRIMINAL PROCEDURE.

The Order of the Day being read for the adjourned Committee of the whole Council on the Bill "for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter"—

Mr. HARINGTON said that, in the absence of the Honorable and learned Chief Justice, he (Mr. Harington) felt sure that the Council would agree with him that they ought not to go on with this Bill to-day, and he begged therefore to move that the consideration of the Bill be postponed until Saturday next.

Agreed to.

ROHILCUND DIVISION.

Mr. HARINGTON moved that the Order of the Day for the adjourned Committee of the whole Council on the Bill "to remove certain tracts of country in the Rohileund Division from the jurisdiction of the tribunals established under the general Regulations and Acts" be also postponed. He had made a communication on the subject of the Bill to the Honorable the Lieutenant-Governor of the North-

Western Provinces, and he wished to receive His Honor's reply before the consideration of the Bill was resumed.

Agreed to.

PORT-DUES (AMHERST).

Mr. SCONCE moved that the Council resolve itself into a Committee on the Bill "for the levy of Port-Dues in the Port of Amherst."

Agreed to.

The Bill passed through Committee after the insertion of the "1st day of July 1861" as the date of the commencement of the Act; and the Council having resumed its sitting, the Bill was reported.

REPEAL OF REGULATIONS AND ACTS (CIVIL PROCEDURE).

Mr. HARINGTON moved that the Council resolve itself into a Committee on the Bill "to repeal certain Regulations and Acts relating to the Procedure of the Courts of Civil Judicature not established by Royal Charter;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee without amendment, and, the Council having resumed its sitting, was reported.

MINORS.

Mr. SCONCE moved that the Council resolve itself into a Committee on the Bill "to amend the law relating to Minors;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee without amendment, and, the Council having resumed its sitting, was reported.

The Council adjourned.

Sir Bartle Frere