

Saturday, March 19, 1859

LEGISLATIVE COUNCIL
OF
INDIA

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P . L .

Mr. GRANT moved the addition of the following words to the Item :—

“And the Collector of Customs, subject to the General Orders of the local Executive Government, shall decide what articles come within the above definition, and such decision shall be final in law.”

Agreed to.

Mr. GRANT moved that the word “general” be inserted before the word “orders” in Item No. 9.

Agreed to.

Items 16 to 21 were passed as they stood.

Item 22 (“Porter, Ale, Beer, Cider, and other similar fermented liquors”) was passed after amendments.

Item 23 (subjecting all unenumerated articles to a duty of 10 per cent.) being proposed—

THE CHIEF JUSTICE said, he was happy to state that, though a delay of forty-eight hours had been allowed between the introduction of the Bill and its consideration in Committee, no objection had been made to him to the proposed Tariff, except one—a circumstance from which he hoped he was justified in inferring that this measure was as popular as any increase of taxation could be to any community. The objection was that it would not be right to double the duty on medical drugs and surgical instruments.

THE CHAIRMAN said, he was not aware until now that this objection was felt in any quarter. With respect to surgical instruments, he did not think that the objection was a very sound one. One surgical instrument did a great deal of work. Every body did not want a surgical instrument, and he did not think that a duty of 10 per cent. would make any difference with respect to the supply of such articles to those who used them. With respect to drugs, the objection might probably be better founded. He knew that, either from irregularity in sending them up, or from their spoiling by keep, the want of them had been very much felt Up-country. But he doubted whether any case had been made out for reducing the duty upon them below 10 per cent. He did not know what the amount of duty now collected upon

them was. If the Honorable and learned Chief Justice proposed to make any motion on the subject, he should like to have time to consider it.

THE CHIEF JUSTICE said, he had no Motion to make, and the Item was then put and carried.

Schedule B (which related to Exports) was passed after amendments.

The Title was agreed to.

The Council having resumed its sitting, the Bill was reported.

THE GOVERNOR-GENERAL moved that the Bill be now read a third time and passed.

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

THE GOVERNOR-GENERAL announced that he had given his assent to the Bill.

The Council adjourned.

Saturday, March 19, 1859.

PRESENT :

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

Hon. J. P. Grant,	E. Currie, Esq.,
Hon. Lieut.-Genl. Sir	H. B. Harrington, Esq.,
J. Outram,	H. Forbes, Esq.,
Hon. H. Ricketts,	and
Hon. B. Peacock,	Hon. Sir C. R. M.
P. W. LeGeyt, Esq.,	Jackson.

CARNATIC ESTATE.

THE CLERK presented a Petition from certain creditors of the estate of the late Nawab of the Carnatic against the passing of Act II of 1859.

MR. FORBES moved that this Petition be laid upon the table.

Agreed to.

INDIAN NAVY.

THE CLERK reported to the Council that he had received from the Home Department a communication from the Bombay Government, relative to a suggestion by the Commander-in-Chief of the Indian Navy, respecting the propriety of obtaining an Act of Parliament conferring on the Indian Navy certain powers given to the Officers in

command of vessels of the Royal Navy by the Merchant Shipping Act of 1854, within the limits of the Indian seas.

MR. PEACOCK moved that the above Petition be printed.

In answer to a question from Mr. Currie—

THE VICE-PRESIDENT read the Section of the Act which His Excellency the Commander-in-Chief proposed to alter, namely, Section 26J, which ran as follows :—

“ Any Officer in command of any ship of Her Majesty on any foreign station, or, in the absence of such Officer, any Consular Officer, may summon a Court, to be termed a ‘ Naval Court,’ in the following cases (that is to say)

(1.) Whenever a complaint which appears to such Officer to require immediate investigation is made to him by the Master of any British ship, or by any certificated Mate, or by one or more of the Seamen belonging to any such ship.

(2.) Whenever the interest of the owner of any British ship or of the cargo of any such ship appears to such Officer to require it.

(3.) Whenever any British ship is wrecked or abandoned, or otherwise lost at or near the place where such Officer may be, or whenever the Crew or part of the Crew of any British ship which has been wrecked, abandoned, or lost abroad, arrives at such place.”

THE VICE-PRESIDENT said, he doubted whether the Council could alter the Act. It certainly could not extend the powers given by the Section he had just read beyond the Indian Ports, but he thought that the communication might be printed.

MR. PEACOCK said, he doubted whether it would be expedient to make the alteration even if the Council had the power to do so. A Despatch had been sent out from the Court of Directors a short time ago, ordering that none of the provisions of the Articles of War relating to the Indian Navy should be altered by the Indian Legislature, without previous reference to the Home Authorities. That Despatch, he thought, was still in force, although the Court of Directors was a body no longer in existence.

The Motion was agreed to.

PRISONERS UNDER SENTENCE OF TRANSPORTATION.

THE CLERK reported a communication from the Bombay Government on

the subject of subjecting prisoners sentenced to transportation to hard labor during the period intervening between sentence and deportation.

MR. PEACOCK moved that the above communication be printed.

He believed that the subject would be provided for in the Penal Code. It seemed very right that prisoners sentenced to transportation should be kept to hard labor until their deportation.

The Motion was agreed to.

OATHS AND AFFIRMATIONS.

THE CLERK reported a communication from the Revd. Dr. Wilson of Bombay, with annexures, containing objections to the principle of the Bill “ concerning Oaths and Affirmations.”

MR. FORBES moved that the above communication be printed.

Agreed to.

POLICE (PRESIDENCY TOWNS AND STRAITS SETTLEMENT).

MR. CURRIE moved the first reading of a Bill “ to amend Act XIII of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales’ Island, Singapore, and Malacca.)”

He said the object of the Bill was to amend one of the provisions of the Act. By the Law which was in force in the Town of Calcutta before the Act of 1856 came into operation, it was provided that the keepers of all houses, shops, and rooms of public resort and entertainment, wherein provisions, liquors, or refreshments of any kind should be sold or consumed, were obliged to take a license from the Justices of the Peace. Under the Act now in force in all the Presidency Towns, the necessity of obtaining a Police license was restricted to keepers of places in which spirits or fermented liquors were sold. The consequence was that in Calcutta a number of Coffee Houses and Boarding Establishments for Sailors had been set up without the cognizance of the Police, and repeated representations had been made by the Commissioner of Police as to the expediency of subjecting them to check. It had also been represented by the licensed keepers of shops and

taverns that these unlicensed houses were an easy means of evading the Excise Law, and that, though it was difficult to convict them of the offence, there could be no doubt that spirits, beer, and wines were sold in them. The Commissioner of Police and the Honorable the Lieutenant-Governor of Bengal were very desirous that the old Law should be restored, and be applicable to all houses of public resort and entertainment whether spirits and other liquors were sold in them or not. The main object of the Bill was to make this amendment in the existing Act. It also provided for one or two trifling omissions in that Act, upon which, however, it was unnecessary that he should detain the Council.

The Bill was read a first time.

CIVIL PROCEDURE.

MR. PEACOCK moved that the Bill "for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter" be now read a third time and passed.

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

SALES OF LAND IN EXECUTION OF DECREES.

MR. RICKETTS said, it was not his intention to proceed with the Motion (which stood in the Orders of the Day) respecting sales of land in execution of decrees of Court, and, with the leave of the Council, withdrew it.

MADRAS POLICE.

MR. FORBES moved that the Bill "for the better regulation of the Police within the Territories subject to the Presidency of Fort St. George" be referred to a Select Committee consisting of Sir James Outram, Mr. Peacock, Mr. LeGeyt, Mr. Harington, and the Mover.

Agreed to.

CIVIL PROCEDURE.

MR. PEACOCK moved that Mr. Ricketts be requested to take the Bill "for simplifying the Procedure of the Courts of Civil Judicature not establish-

ed by Royal Charter" to the Governor General for his assent.

Agreed to.

The Council adjourned.

Saturday, March 26, 1859.

PRESENT.

The Hon'ble J. P. Grant, Senior Member of the Council of the Governor-General, Presiding.

Hon. Lieut.-Gen. Sir James Outram,	E. Currie, Esq.,
Hon. H. Ricketts,	H. Forbes, Esq.,
Hon. B. Peacock,	and
P. W. LeGeyt, Esq.,	Hon. Sir C. R. M. Jackson.

CIVIL PROCEDURE.

THE PRESIDENT read a Message informing the Legislative Council that the Governor-General had assented to the Bill "for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter."

PENAL CODE.

THE CLERK reported to the Council that he had received a communication from the Home Department relative to light and debased Coin tendered by the public at the General Treasury, with a view to the introduction of a new law for enabling the Government to deal with such Coin and the parties tendering them in a more stringent manner than is provided for by the existing law.

MR. PEACOCK moved that the above communication be referred to the Select Committee on "The Indian Penal Code."

Agreed to.

ABKAREE REGULATIONS (MILITARY CANTONMENTS).

THE CLERK also reported that he had received from the Home Department a communication concerning a proposed introduction of corporal punishment for breach of the Abkaree Regulations in Military Cantonments, and referring to objections to the principle of commuting labor for fine.