LEGISLATIVE COUNCIL

OF

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cause as many other persons named in the revised list as seem to the Court to be needed for such trial to be summoned. The names shall be drawn by lot, excluding those who have served within six months, unless when the number cannot be made up without them."

Agreed to.

THE CHAIRMAN then went back and proposed a verbal amendment in Section 236 of the Bill, which was carried.

MR. LEGEYT moved the introduction of the following new Section after Section 236:—

"The Court of Session may order such reasonable subsistence money, the amount per diem to be fixed from time to time by the local Government with the sanction of the Governor-General in Council, to be paid to every Juryman in attendance under a summons, which shall be paid by the Collector on the production of such order."

He said he felt convinced that, unless some reasonable subsistence were provided for bringing persons away from their homes, they would find excuses for keeping away. He thought it very hard to take them away from their usual daily occupations, and that a less objectionable way to do so would be as now proposed by him.

After some little discussion the Section was put and negatived; and the further consideration of the Bill postponed on the Motion of SIR JAMES OUTRAM.

STANDING ORDERS.

MR. HARINGTON postponed the Motion (which stood in the Orders of the Day) for a Committee of the whole Council on the Report of the Select Committee on the Message from the Governor-General in Council calling for a report on the practical working of the Standing Rules and Orders of the Legislative Council.

MALABAR OUTRAGES.

MR. FORBES moved that Mr. Harington be requested to take the Bill "for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George" to the Governor-General for his assent.

Agreed to.

NATIVE PASSENGER VESSELS (BAY OF BENGAL).

MR. FORBES moved that the Bill "to prevent the overcrowding of Vessels carrying Native Passengers in the Bay of Bengal" be referred to a Select Committee consisting of Mr. LeGeyt, Mr. Sconce, and the Mover.

Agreed to.

The Council adjourned at 5 o'clock, on the Motion of Sir James Outram, to Thursday, the 1st of September next.

Thursday, September 1, 1859.

PRESENT:

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

Hon. Lieut.-Genl. Sir James Outram,	Hon. Sir C. R. M. Jackson, and
Hon. H. B. Harington,	A. Sconce, Esq.
P. W. LeGeyt, Esq.,	
H. Forbes, Esq.,	

LICENSING OF TRADES AND PROFESSIONS.

THE CLERK presented to the Council a Petition from the Calcutta Trades Association against the Bill "for the licensing of Trades and Professions."

MR. HARINGTON moved that the above Petition be referred to the Select Committee on the Bill.

Agreed to.

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," the Council resolved itself into a Committee for the further consideration of the Bill.

The postponed Section 255 provided as follows:—

"If the case is one in which, if the defendant be convicted, he is liable to sentence of death, the Court of Session shall record the conviction, and refer the case to the Sudder Court, with a statement in writing of its opinion as to the sentence which should be passed upon the accused, with the reasons for such opinion; and in cases tried by Jury, the Court of Session shall report the substance of its direction to the Jury."

THE CHAIRMAN moved the omission of all the words after "the Court of Session shall" in the beginning of the Section, and the substitution of the following:—

"Pass sentence; and if sentence of death be passed, it shall not be executed without the confirmation of the Sudder Court. In any case submitted to the Sudder Court for confirmation of the sentence, the Court may either confirm the sentence or pass any other sentence warranted by law."

MR. HARINGTON said, he preferred the Section as framed by the Select Committee, and should vote against the amendment of the Honorable and learned Chairman. If that amendment were adopted, and if the Code of Criminal Procedure should come into operation before the Penal Code became law, some alteration of the present law must be made. According to the law now in force in the Presidencies of Bengal and Madras, a Sessions Judge could not pass sentence of punishment in a case of murder, but must refer his proceedings to the Sudder Court, and that Court, if it concurred in the conviction of the accused, could sentence him either to be hanged or to be imprisoned or transported for life, or it could pass any other sentence in the case that it deemed proper. Under the Bombay Code, he believed that, on a conviction for murder, the Sessions Judges could sentence the accused to transportation or imprisonment for life or to solitary confinement with corporal punishment. He did not think that this discretionary power should be vested in any subordinate Court. According to the Penal Code, the only alternative punishment to death was transportation for life, and he (Mr. Harington) thought that the power of determining which of these two punishments should be awarded should be exercised by the Sudder Court alone. On their first appointment to the Bench many of the Sessions Judges were necessarily young and inexperienced, for we were not heaven-born Judges, though we had been called so at home, and he did not think that in cases of murder it should be left to any Court below the Sudder to decide whether the penalty of death, which the law had prescribed for that crime, should be inflicted, or whether some other punishment, though allowed by law, should be substituted. It was not to be supposed that the Judges of the Sudder Court would pass sentence or give any order merely upon the report of the Sessions Judge; they would go through the proceedings and judge for themselves whether the record contained sufficient proof of the guilt of the accused to warrant a conviction, and, in that case, whether there were any mitigating circumstances justifying the remission of capital punishment.

The Section, as it now stood, introduced no new rule. It merely proposed to maintain a rule which had been in operation in India since 1793. The question then arose, had the rule worked well; what had been its practical effect; and was there any reason for altering it? If it could be shown that the operation of the rule had been attended with injustice to accused parties, or that it had caused any inconvenience in the administration of justice, he would withdraw his objections. But he did not think that any one who had had any practical acquaintance with the working of the rule could urge this as a ground for its discontinuance.

MR. LEGEYT said, it was his intention to support the amendment, and he was disposed to do so from his experience of the working of the law in the Bombay Presidency. There the law required the Sessions Judge to pass sentence in every case. When a sentence exceeded a certain limit, the case was referred to the Sudder Adawlut for confirmation, and that Court had the power to confirm, mitigate, or annul the sentence of the lower Courts. In cases of murder, as had been stated by the Honorable Member (Mr. Harington), the Sessions Courts in Bombay possessed the discretionary power of sentencing the accused to transportation for life, imprisonment for life, or to solitary confinement for two years, with corporal punishment. He had seen all these sentences resorted to. He had had fourteen years' experience of the working of the Sudder Court, and he recollected very few cases in which that Court had found fault with the leniency of a sentence by a Sessions Court. The effect of a sentence passed immediately on the close of a trial was beneficial to the by-standers and the people generally. He thought how-

ever that, when a trial was closed without the sentence being passed, people would not know on what principle the punishment afterwards awarded was come to. There could not be a more fit or proper person to form an opinion whether a capital punishment was called for than the Judge who had tried the case and had heard the evidence. As however he might make a mistake and pass a wrong sentence, it was well and proper in a case of life and death that the sentence which was irrevocable should go up to another and a higher Court for confirmation. For these reasons he thought the amendment was just what was required and would be a great improvement in the law as provided in the Bill, and he should therefore support the amendment.

MR. SCONCE said, he would state shortly the objections which he had to the adoption of the proposed amendment. Murder being the highest crime known under the law, the punishment imposed for it was death. Cases might occur where the question would arise whether, instead of enforcing sentence of death, a lesser punishment might not be inflicted. Substantially, however, in cases of murder, death was the proper punishment, and in practice the point for decision was whether the liability to a capital sentence having been incurred, a lesser punishment should be substituted; not whether the lesser punishment being the ordinary penalty, a capital sentence should be superadded. It seemed to him, therefore, that a higher and more experienced Court was in a far better position to determine in what cases a special provision of the law should be departed from, than an Officer of less mature experience. It was, he thought, not consistent with the dignity and position of the Sudder Court to send up to it only such trials as, in the opinion of the Sessions Judges, required a capital sentence to be enforced, as if it should be the duty of the Sudder Court simply to register the judgment of the lower Court. Now the grounds for not inflicting capital sentences were delicate and various; and a proper measure of the punishment in each case to be imposed was more likely to be taken in the Sudder Court than by twenty or five-and-twenty Sessions Judges. These were the reasons which induced him to think the Section as it stood preferable to the proposed amendment.

THE CHAIRMAN said that, as he understood the Code as it now stood, a Sessions Judge would in ordinary cases have the power to sentence to transportation for life or any minor punishment. But if he had to try any offence punishable with death, he could not pass sentence at all. There was no other case provided for by this Code, in which it would be necessary for the Sessions Judge to send up the case to the Sudder Court for the sentence to be passed, than the single case of an offence punishable with death.

Two objections had been made to the amendment which he had proposed. The first was that, in cases punishable with death or with an alternative punishment, the Sessions Judge, instead of sending up a case to the Sudder Court, would pass a sentence short of death to avoid the necessity of sending up the case for the sanction of the Sudder Court, and that in consequence persons who might be punished with death would get off with transportation for life or some minor punishment. He (the Chairman) could hardly conceive that any Judge, who knew a prisoner to be deserving of death, would punish him with transportation for life, merely to avoid the reference to the Sudder Court. He (the Chairman) was of opinion that a Judge who was capable of acting so was not fit to be a Judge.

The next objection was that many Sessions Judges were too young and inexperienced to be invested with the power of passing sentence of death. But, he would ask, why should the Sudder Court have to pass the sentence? The Judge who was competent to try a case and recommend what sentence ought to be passed ought to be competent to pass the sentence himself. If he was not competent to pass sentence, he ought not to be entrusted with the power of trial. It was well known that, in many of the Non-Regulation Provinces, the Judge who tried for murder actually passed sentence of death, although he could not carry the sentence into execution with-

out the confirmation of the Supreme Government. In Non-Regulation Provinces a Judge could be trusted with the power of passing sentence of death; but in the Regulation Provinces it was said it would be wrong that a prisoner should be sentenced to death, except by the Sudder Court.

In England, in cases where death was the only punishment, there was no discretion allowed to the Judge, who must either pass or record sentence of death. He might refer the case to the Secretary of State, with a recommendation either for pardon or commutation of the sentence passed. In this country the Sudder Court was said to try the prisoner upon the record. This, if it were substantially the case, would be most objectionable. When he first came out to this country, he remembered having been much surprised to hear that the Sudder Court tried prisoners in capital cases, in their absence and upon the record, without seeing the witnesses or hearing their evidence, and that the committing officer recommended the punishment to be inflicted. It struck him as being very objectionable that the committing officer should be allowed to pre-judge the case by recording what sentence ought to be passed. But he was glad to find upon investigation that, in substance, this was not really the case. In reality the prisoner was tried by the Sessions Judge, though that officer could not pass sentence, but only recommend what sentence should be passed. He had constantly seen it remarked by the late Honorable Court of Directors that trial upon the record, and without hearing the witnesses, was most objectionable. He should be very sorry himself to try a man and to sentence him to death without having the witnesses, and he could not require others to do what he would not do himself. According to English law, a prisoner was required to be present and to be asked whether he had any thing to say why sentence of death should not be passed. He had a right to move in arrest of judgment, and to urge that the act of which he had been found guilty did not amount to a capital offence. Suppose a prisoner were to say to the Sessions Judge, "You are going to send my case to the Sudder Court for trial, or for sentence, let me go up and be present whilst the trial goes on, and be heard in my defence, or let me show cause why sentence of death should not be passed against me." The Sessions Judge would not comply with the application according to the proposed law. The prisoner would not be told a syllable of what was to take place. The Judge would not even tell him that he was going to recommend the Sudder Court to pass sentence of death upon him. The Court would be closed, the prisoner would be taken back to the prison and there locked up, and he would know nothing more until he heard of the sentence passed upon him by the Sudder Court.

For these reasons he (the Chairman) should press his amendment. It might be however that the amendment did not go far enough, and it might be said that the Sudder Court should have the power of acquittal when a prisoner was manifestly innocent or when a wrong sentence was passed upon him. He (the Chairman) had no objection to giving the Sudder Court the power of reversing or mitigating a sentence, and of ordering a new trial, in any case in which a sentence of death might be sent up for confirmation.

SIR CHARLES JACKSON said, he objected entirely to the Sudder Court having the power to try upon record. When he was Advocate General, the case of Sonatun Naik, for whom he was engaged as Counsel, was heard before the Sudder Court. Sonatun Naik was charged with murder before a Judge at Midnapore, who partly heard the case and examined the greater number of witnesses called. That Judge was then removed, before he had finished the case, to another Station, and another Judge was appointed to Midnapore, who then took up the case as it stood at the departure of his predecessor, and examined a few more witnesses and then recorded his opinion that the prisoner should be hanged. This case, so tried, came up before the Sudder Court, and he as Counsel objected that it was a trial upon record, and that it was opposed to all principle that the Judge should recommend the sentence of death when he had not heard all the witnesses.

The Sudder Court (Mr. John Russell Colvin presiding) saw no objection to the course pursued in the case, and sentenced the prisoner to be hanged, whereupon he (Sir Charles Jackson) obtained a reprieve and referred the matter to Government. The Bengal Government agreed in opinion with the Sudder Court, and the prisoner, thus tried, was actually executed. He never saw the written answer on which Government proceeded, if any such were recorded, but he was afterwards informed verbally by a Government official that the English Law was analogous, inasmuch as a Justice in Chancery, when newly appointed, took up the proceedings of his predecessor as they stood, and never commenced the enquiry again *de novo*. To his great surprise, however, subsequently, when he was acting as Legislative Member of the Supreme Government, shortly before the arrival of the Honorable and learned Chairman, a Despatch arrived from the Court of Directors, in which they referred to this case and expressed a desire that steps should be taken to prevent the occurrence of such a case. Bearing this case in mind, he was not surprised at the views of the Honorable Member for the North-Western Provinces, but he should nevertheless vote in favor of the amendment proposed from the Chair.

After some further discussion the Council divided :—

Ayes 4.	*Noes* 3.
Sir Charles Jackson.	Mr. Sconce.
Mr. LeGeyt.	Mr. Forbes.
Sir James Outram.	Mr. Harington.
The Chairman.	

So the Motion was carried.

THE CHAIRMAN moved the addition of the following words to the above Section :—

"Or may reverse the conviction and order a new trial."

MR. HARINGTON said, he should not oppose the introduction of these words, because it would always be in the power of the Government to pardon the prisoner.

The Motion was carried, and the Section as amended then passed.

Section 257 provided as follows :—

"A case referred by a Court of Session for the sentence of the Sudder Court shall be heard by a Court constituted by three Judges of the said Sudder Court. The Sudder Court shall review the depositions of the witnesses, the conviction, and in cases tried by Jury, the direction of the Judge, and shall pass such judgment and sentence as to the Court shall seem right. The sentence shall be according to the opinion of the majority."

Several amendments were agreed to in this Section, on the Motion of the Chairman, which were rendered necessary by the alterations made in Section 255, and which made the Section run as follows :—

"A case referred by a Court of Session for confirmation of a sentence of the Court of Session shall be heard by a Court constituted by two or more Judges of the said Sudder Court. The confirmation of the sentence, or any new sentence or order passsed, shall be signed by not less than two of such Judges."

After some amendments in Section 258, the further consideration of that Section and of Sections 259 to 262 was postponed.

Section 263, which provided that "in cases tried without a Jury the Court in its judgment shall record the reason for its decision," was negatived.

Sections 264 to 270 were passed as they stood.

Chapter XXII, Sections 271 to 274, contained provisions relating to the Sudder Court as a Court of Revision.

MR. LEGEYT said, he had some amendments to submit to the Council with respect to this Chapter regarding Revisions and the following Chapter regarding Appeals. It appeared to him that granting an appeal of right in Criminal cases, which was so amply afforded by this Code, was a mistake and defect. They had tried this system for a great while, and found that the facility of appeals in Criminal cases was an obstruction to justice. Reading these two Chapters, it would appear that nothing was more important than allowing appeals. It appeared to him that Chapter XXIII, relating to appeals, invited every convict to seek a reversal of the sentence passed upon him. It was not his (Mr. LeGeyt's) intention to propose to shut the door on the amendment or reversal of an unjust sentence. But to hold out hopes to a convict, both before and after conviction, to set aside conviction, was what appeared to him (Mr. LeGeyt) to be highly improper. Chapter XXIII, which provided for certain revision, was

all very right and proper, and to such revision he was anxious of restricting the re-investigation of cases in which sentence had been passed. He had therefore, with this view, prepared two Sections, which, if adopted by the Council, would remove what he considered very great defects in the Code.

These Sections were as follows:—

"It shall be lawful for the Sudder Court to call for and examine the records of any subordinate Court, for the purpose of satisfying itself as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such subordinate Court. If the Sudder Court shall be of opinion that the sentence or order is contrary to law, the Court shall reverse the same, and pass such judgment and sentence as to the Court shall seem right, or, if it deem necessary, to order a new trial.

"It shall be at all times lawful for a Court of Session and for a Magistrate, or other Officer exercising the powers of a Magistrate, to call for and examine the records of any Court immediately subordinate to their respective Courts, for the purpose of satisfying themselves as to the legality of any sentence or order passed, and as to the regularity of the proceedings of such Subordinate Courts. If the Court or Magistrate shall be of opinion that the sentence or order is contrary to law, the Court or Magistrate shall annul the same, and pass such judgment and sentence as shall seem right, provided that in no case the sentence be more severe than the sentence originally passed."

After some conversation the further consideration of this Chapter and of Chapter XXIII Sections 275 to 282 was postponed.

MR. HARINGTON moved the introduction of the following Section after Section 282:—

"Every sentence or final order of a Court or Magistrate, together with the reasons for making or passing the same, shall be written in the vernacular language of the presiding Officer, and shall be dated and signed by such Officer at the time of his making or passing the same, and the original shall be filed with the record or proceedings, and a translation thereof, where the original is recorded in a different language to that in ordinary use in proceedings before such Officer, shall be incorporated in the record of the sentence or order."

Agreed to.

MR. HARINGTON moved the introduction of the following Section after the above:—

"If the vernacular language of the presiding Officer be not English, and the Officer be sufficiently conversant with the English language to be able to write the sentence or final order in a clear and intelligible manner in that language, and prefer to write the same in that language, the sentence or final order may be written in English."

Agreed to.

The consideration of Section 283 was postponed.

Sections 284 and 285 were passed as they stood.

The consideration of Section 286 was postponed.

Section 287 provided that—

"Nothing in this Act shall be held to alter or affect the jurisdiction or procedure in Criminal cases of Heads of Villages under the provisions of the Madras Code, or the jurisdiction or procedure in Criminal cases of District or Village Police Officers under the provisions of the Bombay Code, &c."

MR. FORBES said, he had an amendment to propose in this Section. The object of it was to give the District or Village Police in Madras the benefit of the exception which this Section, as it now stood, gave to the District or Village Police in Bombay. When the Code was before the Select Committee, it was proposed that its provisions should be applicable to the Madras Police, and the change he wished now to introduce was consequent on a wish expressed by the Government of Madras that the Police of that Presidency should have its own Procedure. The Bill for the organization of the Madras Police Force was framed on the principle of an entire separation of the Police from the Magisterial Department, and its constitution as a distinct department under the immediate control of Government.

He believed Honorable Members were willing that the Government of Madras should be allowed to carry out the proposed system in the manner they thought most fit, so as to give the experiment a fair and full trial. He should therefore move the omission of the words "in Criminal cases of Heads of Villages under the provisions of the Madras Code, or the jurisdiction or procedure in Criminal cases of District or Village Police Officers under the provisions of the Bombay Code," and the substitution of the following: "of the Heads of Villages or of the District or Village Police Officers in the Presidencies of Madras and Bombay."

The Motion was carried, and the Section as amended then passed.

MR. HARINGTON moved the introduction of the following new Section after Section 287 :—

"This Act shall not take effect in any part of the territories not subject to the general Regulations of Bengal, Madras, and Bombay, until the same shall be extended thereto by the Governor-General of India in Council, or by the local Government to which such territory is subordinate and notified in the Gazette."

Agreed to.

MR. HARINGTON moved the introduction of the following new Section after the above :—

"The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say),

"Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

"Words importing the masculine gender shall include females.

"In any part of the British Territories in India to which this Act may be extended under the provisions of Section , the expression 'Sudder Court' shall be deemed to include the highest Criminal Court of Appeal or revision in such part of the said territories."

Agreed to.

Forms A to D were passed as they stood.

MR. HARINGTON moved the addition of the following form :—

"FORM OF RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

I , of , do hereby bind myself to appear at in the Court of , at o'clock on the day of next, and then and there to prosecute, (or, as the case may be, "to prosecute and give evidence" or "to give evidence") in the matter of a charge of , against one A. B.: and in case of my making default herein, I bind myself to forfeit to Government the sum of Rupees.

Dated ."

Agreed to.

The postponed Sections 13, 14, 15, 30, 31, 98, 160, and 164, and the Preamble and Title, were passed as they stood, and the Council resumed its sitting.

CUSTOMS DUTY (BOMBAY).

The Order of the Day being read for a Committee of the whole Council on the Bill "to amend Act I of 1852 (for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay)"—

MR. LEGEYT said, this Bill was the result of the Report of the Select Committee, to whom were referred the two Bills relating to the Import Duty upon Salt, and to the Duty upon Spirits exported from any Port in India and imported to any Bombay Port. The Committee were instructed to consider whether it would not be advisable to consolidate the two Bills before publication, and they had so consolidated them. If the consolidated Bill were to run on in the usual course, a delay of three months after publication would take place. But he had since received a communication from the Government of Bombay, stating that the Bill relating to Salt was urgently required, and wishing it to be passed immediately. He proposed therefore that the Standing Orders be suspended, in order that the Bill might be passed through its subsequent stages.

SIR JAMES OUTRAM seconded the Motion, which was then carried.

MR. LEGEYT moved that the Council resolve itself into a Committee on the above Bill, 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.

Sections I to III were passed as they stood.

Section IV was passed after an amendment.

The Schedule, Preamble, and Title were passed as they stood.

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

LAND CUSTOMS (MADRAS AND BOMBAY).

THE VICE-PRESIDENT moved that the Council resolve itself into a Committee upon the Bill "to alter the rates of Duty on goods imported or exported by land from certain Foreign

Territories into or from the Presidencies of Madras and Bombay," 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 at 3 o'Clock.

Saturday, 3rd September 1859.

PRESENT:

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

Hon Lieut.-Genl. Sir J. Outram,	H. Forbes, Esq.,
Hon. H. B. Harington,	Hon'ble Sir C. R. M. Jackson,
P. W. LeGeyt, Esq.,	and
	A. Sconce, Esq.

MALABAR OUTRAGES.

THE VICE-PRESIDENT read a Message, informing the Legislative Council that the Governor-General had assented to the Bill " for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George."

ABSENCE OF THE GOVERNOR-GENERAL.

The following Message from the Governor-General in Council was read by the Vice-President:—

MESSAGE No. 185.

The Governor-General in Council forwards to the Legislative Council extract of a Resolution passed on the 2nd instant, relative to the absence of the Governor-General from the Council, and to the necessity for vesting the Governor-General with certain powers during such absence.

By order of the Governor-General in Council,

W. GREY,
Secy. to the Govt. of India.

Fort William,
The 3rd September 1859.

The extract from the Resolution referred to was as follows:—

Extract from the proceedings of the Right Honorable the Governor-General of India in Council in the Home Department, under date the 2nd September 1859.

Resolved.—That it is expedient that the Governor-General should visit the North-Western Provinces of the Presidency of Fort Wilnam in Bengal and other parts of India, unaccompanied by any Member of the Council.

That the Honorable Mr. Harington be requested to take charge of, and bring into the Legislative Council, with a view to its being passed into law, a Bill to authorize the Governor-General alone, during his absence, to exercise all the powers which might be exercised by the Governor-General in Council in every case in which the Governor-General may think it expedient to exercise those powers.

(True extract)
W. GREY,
Secy. to the Govt. of India.

MR. HARINGTON moved the suspension of the Standing Orders, to enable him to bring in a Bill " for providing for the exercise of certain powers by the Governor-General during his absence from his Council," and to pass the same at once through its remaining stages, in order that it might receive to-day the assent of His Excellency the Governor-General. This was necessary, as it was the last day on which the Council would sit for some time, and the course now resorted to was adopted with a view to consult the convenience of Honorable Members.

SIR JAMES OUTRAM seconded the Motion, which was carried.

MR. HARINGTON said, in pursuance of the Resolution which had been read from the Chair, and which, in accordance with the requirements of the Act of Parliament, notified the decision of the Council of India that it was expedient that the Governor-General should proceed to visit the North-Western Provinces and other parts of India unaccompanied by any Member of the Supreme Council, he had the honor to lay before the Council a Bill which would enable His Lordship to leave Calcutta, carrying with him the full powers of the Governor General in Council, except, of course, the power of making laws, which he mentioned, as on a former occasion there had been some discussion on this point. It wou'd still, however, be necessary for the Governor-General, wherever he might be, to give his assent to all laws passed by the Council before they could come into operation. This was required by the Act of Parliament already referred to, and could not be dispensed with.