

Saturday, December 17, 1859

**LEGISLATIVE COUNCIL
OF
INDIA**

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for a series of offences; but except in the case of mutiny, this punishment was not retained in the present Bill. Now, therefore, as under the old Articles, the sentence for mutiny might be death.

A more material change now proposed related to the tribunals for the trial of these offences. The authorities whom he had consulted did not altogether agree upon the mode of conducting them. Major Rattray, the Inspector of the Military Police Battalions in Bengal, was rather disposed to view with favor the system of assessors. On the other hand, Colonel Williams, the Commissioner of the Police Battalions entertained in the North-Western Provinces, and the Officers under him, were of opinion that it was unadvisable to continue to Native Officers the exercise of powers with which they were invested under the old Courts. He (Mr. Sconce) had preferred, therefore, on the whole, to dispense with the services of Native Officers or Native Assessors, and to vest the conduct of these trials in Commanding Officers alone who, while empowered to inflict certain punishments of their own authority, were required to refer sentences of a graver nature for the confirmation of the Inspector of Police Battalions, or Commissioner as he was designated in the North-Western Provinces.

With these remarks, he begged to propose the first reading of this Bill.

The Bill was read a first time.

The Council adjourned at $\frac{1}{2}$ past 12 o'clock, on the Motion of Mr. Ricketts, to Saturday, the 17th Instant.

Saturday, December 17, 1859.

PRESENT:

The Honorable Lieut.-General Sir James Outram, Senior Member of the Council of the Governor-General, presiding.

Hon. H. Ficketts.		Hon. Sir C. R. M.
Hon. H. B. Harington.		Jackson, and
P. W. LeGayt, Esq.		A. Sconce, Esq.
H. Forbes, Esq.		

LICENSING OF TRADES AND PROFESSIONS.

THE CLERK presented a Petition from Native Inhabitants of Bombay

against the Bill "for the licensing of Trades and Professions."

MR. HARINGTON moved that the above Petition be printed.

Agreed to.

FOREIGNERS.

MR. HARINGTON presented the Report of the Select Committee on the Bill "to continue in force for a further period of two years Act XXXIII of 1857 (to make further provision relating to Foreigners)."

TRIALS BY SESSIONS JUDGES.

MR. HARINGTON presented the Report of the Select Committee on the Bill "to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court."

CIVIL PROCEDURE.

MR. HARINGTON presented the Report of the Select Committee on the Bill "to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)."

FOREIGNERS.

MR. HARINGTON moved, pursuant to notice, that the Standing Orders be suspended to enable him to pass through its remaining stages to-day the Bill to continue in force for the further period of two years, Act XXXIII of 1857, entitled an Act to make further provision relating to Foreigners. He said, the Bill for prolonging the operation of the Act in question was brought in on the 6th August last, and was read a second time without opposition on the 13th of that month. It was referred on the same day to a Select Committee, whose report from accidental causes had only just been presented. Meanwhile the Act, which it was proposed to continue in force, had expired, and it being very desirable, therefore, that the Bill should be proceeded with at once, instead of the usual interval being allowed to elapse between the presentation of the Report of the Select Committee and the resolution for going into Committee thereon, he hoped that the Council would not object to his

Motion. He might mention that no objection had been made to the Bill in any quarter, and that the Select Committee, to whom the Bill was referred, had not recommended any alteration in it beyond an addition, which they had proposed for the purpose of reviving as well as of continuing the operation of Act XXXIII of 1857 for two years from the 5th December 1857, and which had been rendered necessary by the expiration of the Act on that date.

MR. FORBES seconded the Motion, which was put and carried.

MR. HARRINGTON then moved that the Council resolve itself into a Committee on the Bill, and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended that it should be passed.

Agreed to.

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

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

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

MR. HARRINGTON 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.

TRIALS BY SESSIONS JUDGES.

MR. HARRINGTON moved that the Standing Orders be suspended to enable him to carry through its remaining stages on that day the Bill "to empower Sessions Judges to pass sentence in certain cases without reference to the Sudder Court." He said, his reason for making this Motion was that it was very desirable that the Bill, to which the Motion referred, should come into operation, if possible, from the 1st January next. The Council were aware that the two Sudder Courts of the Bengal Presidency, to which alone the Bill applied, were much oppressed with work, particularly the Sudder Court at Calcutta, and this was one of the measures intended for the relief of those Courts. The Bill had been before the public for

Mr. Harrington

six months, the second reading having taken place on the 18th June last, and it had met with no opposition from any quarter. No communication had been received from the Sudder Court at Calcutta on the subject of the Bill, and the only suggestion which had proceeded from the Sudder Court at Agra in respect to it was that the present opportunity should be taken to extend the powers of the Sessions Judges by allowing them to pass sentence of imprisonment for ten years in cases in which they were limited by the existing law to seven years. It appeared, however, to the Select Committee on the Bill, that the suggestion of the Agra Sudder Court could be more properly considered in connection with the Criminal Procedure Bill, and that it was not advisable, at the present stage of the Bill before the Council, to propose the introduction into it of so important an amendment of the existing law. With this explanation he trusted that the Council would accede to his Motion. He would only add that the Select Committee had not considered it necessary to propose any alteration in the Bill as read a second time.

MR. FORBES seconded the Motion, which was put and carried.

MR. HARRINGTON then moved that the Council resolve itself into a Committee on the Bill.

Agreed to.

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

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

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

MR. HARRINGTON 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.

TOLLS (CIRCULAR AND EASTERN CANALS).

MR. SCONCE moved the second reading of the Bill "to amend and extend Act XXII of 1836 (relating to the levy of a Toll on boats, rafts, and floats passing through the Circular and Eastern Canals)."

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

NOTICES OF MOTION.

MR. HARINGTON gave notice that he would, on Saturday next, move the first reading of the following Bills—

A Bill to empower the Governor-General in Council to raise the duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.

A Bill to repeal certain Laws relating to the jurisdiction of the Zillah Court of Furruckabad, and

A Bill to provide for the execution of Process within the precincts of the residence of His Majesty the King of Oude.

MR. HARINGTON also gave notice that he would, on the same day, move for a Committee of the whole Council on the Bill "to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)."

LAND FOR PUBLIC PURPOSES.

MR. LEGEYNT moved that a correspondence with the Bombay Government be laid upon the table and referred to the Select Committee on the Bill "to amend Act VI of 1857 (for the acquisition of Land for Public Purposes)."

Agreed to.

REPEAL OF REGULATIONS AND ACTS.

MR. LEGEYNT moved that a communication received by him from the Bombay Government be laid upon the table, and referred to the Select 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."

Agreed to.

WATER SUPPLY (KURRACHEE).

MR. LEGEYNT moved that a communication received by him from the Bombay Government be laid upon the table and referred to the Select Committee on the Bill "to provide for better supplying with water the Town and Suburbs of Kurrachee."

Agreed to.

POLICE (PRESIDENCY TOWNS AND STRAITS SETTLEMENT).

MR. LEGEYNT moved that a communication received by him from the Bombay Government be laid upon the table and referred to the Select Committee on the 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)."

Agreed to.

LICENSING OF TRADES AND PROFESSIONS.

MR. LEGEYNT moved that a communication received by him from the Bombay Government be laid upon the table and referred to the Select Committee on the Bill "for the licensing of Trades and Professions."

Agreed to.

STAMP DUTIES.

MR. LEGEYNT moved that two communications received by him from the Bombay Government be laid upon the table and referred to the Select Committee on the Bill "to consolidate and amend the law relating to Stamp Duties."

Agreed to.

EMIGRATION (MAURITIUS, &c.)

MR. LEGEYNT moved that a communication received by him from the Bombay Government be laid upon the table and referred to the Select Committee on the Bill "to amend the law relating to the Emigration of Native Inhabitants of India to the Island of Mauritius and other places."

Agreed to.

NOTICES OF MOTION.

MR. LEGEYNT gave notice that he would, on Saturday next, move the first reading of a Bill for the levy of Port-dues in the Ports of the Konkan Division of the Presidency of Bombay.

MR. SCONCE gave notice that he would, on the same day, move the second reading of the Bill "to provide for the good order and discipline of the Battalions of Military Police."

TOLLS (CIRCULAR AND EASTERN CANALS).

MR. SCONCE moved that the Bill "to amend and extend Act XXII of 1836 (relating to the levy of a Toll on boats, rafts, and floats passing through the Circular and Eastern Canals) be referred to a Select Committee consisting of Mr. LeGeyt, Mr. Forbes, and the Mover.

Agreed to.

EUROPEAN PRISONERS.

MR. LEGEYT gave notice that he would, on Saturday next, move the first reading of a Bill for increasing the diet money for Europeans imprisoned for debt.

The Council adjourned.

Saturday, the 24th December 1859.

PRESENT:

The Hon'ble H. Ricketts, Senior Member of the Council of the Governor-General, presiding.

Hon'ble Sir H. B. E. Frere.	H. Forbes, Esq.
P. W. LeGeyt, Esq.	Hon'ble Sir C. R. M. Jackson, and
H. B. Harington, Esq.	A. Sconce, Esq.

NATIVE PASSENGER VESSELS (BAY OF BENGAL); ARMS AND AMMUNITION; ARMY AND STATE OFFENCES.

THE PRESIDENT read Messages informing the Legislative Council that the Governor-General had assented to the Bill "to prevent the overcrowding of vessels carrying Native Passengers in the Bay of Bengal," the Bill "to continue in force for a further period Act XXVIII of 1857," and the Bill "to continue in force for a further period Acts XIV of 1857, XVI of 1857, and XVII of 1857."

CIVIL PROCEDURE.

THE CLERK presented to the Council a Petition from the British Indian Association concerning the Bill "to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)."

MR. HARRINGTON moved that the above Petition be printed.

Agreed to.

THE CLERK reported to the Council that he had received from the Home Department communications from the Governments of Bengal and the North-Western Provinces connected with Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter).

ELECTRIC TELEGRAPHS.

THE CLERK also reported to the Council that he had received from the Home Department a communication from the Governor of the Straits Settlement suggesting, with reference to the line of Telegraph which is being laid down by the Dutch Government between Batavia and Singapore, that due protection under law should be granted to any line of Telegraph laid within British Territory by a Foreign power.

MR. LEGEYT moved that the above communication be printed.

Agreed to.

MEERAS LANDS.

MR. LEGEYT presented the Report of the Select Committee on the Bill "to limit the period within which a Meerasdar may assert his claim to lands which he has abandoned, or for which he may have failed to pay assessment."

PASSENGERS.

MR. LEGEYT presented the Report of the Select Committee on the Bill "to amend the law relating to the carriage of Passengers by Sea."

JAMSETJEE JEJEEBHAY BARONETCY.

MR. LEGEYT presented the Report of the Select Committee on the Bill "for settling Promissory Notes of the Government of India producing an annual income of one lac of Rupees and a Mansion house and hereditaments called Mazagon Castle in the Island of Bombay, late the property of Sir Jamsetjee Jejeebhoy, Baronet, deceas