

Monday, September 2, 1861

***INDIAN LEG.
COUNCIL
DEBATES***

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1861

Monday Evening, September 2, 1861.

PRESENT :

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

Hon'ble Major General	C. J. Erskine, Esq.,
Sir R. Napier,	Hon'ble Sir C. R. M.
H. B. Harrington, Esq.,	Jackson,
H. Forbes, Esq.,	and
	W. S. Seton-Karr, Esq.

BANKS.

THE PRESIDENT read a Message informing the Legislative Council that the Governor-General had assented to the Bill "to enable the Banks of Bengal, Madras, and Bombay, to enter into arrangements with the Government, for managing the issue, payment, and exchange of Government Currency Notes, and certain business hitherto transacted by the Government Treasuries."

LIMITATION OF SUITS.

THE CLERK presented to the Council a Petition from the Madras Trades' Association, praying for an amendment of Act XIV of 1859 (to provide for the Limitation of Suits).

MR. FORBES moved that the above Petition be printed.

Agreed to.

ARTICLES OF WAR (NATIVE ARMY).

SIR ROBERT NAPIER moved that the Council resolve itself into a Committee on the Bill "to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army;" 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 and II and Articles 1 to 47 were passed as they stood.

Article 48 was passed after verbal amendments.

Articles 49 to 53 were passed as they stood.

Article 54 was passed after a verbal amendment.

Articles 55 to 65 were passed as they stood.

Articles 66 and 67 were passed after amendments, on the Motion of Mr. Erskine.

Articles 68 to 72 were passed as they stood.

Article 73 was passed after an amendment, on the Motion of Sir Robert Napier.

The following new Article was introduced after Article 73, on the Motion of Sir Robert Napier :—

"Whenever any Native Troops subject to these Articles of War are not attached to the Forces of any Presidency, the Governor-General of India in Council shall authorize the Commander-in-Chief of any Presidency to issue his warrant to the General or other Officer having the Command of such Troops to appoint Courts Martial in conformity with this Article."

Articles 74 to 76 were passed as they stood.

Article 77 was passed after verbal amendments.

Article 78 was passed as it stood.

Article 79 was passed after an amendment, on the Motion of Sir Robert Napier.

Articles 80 to 88 were passed as they stood.

Articles 89 and 90 were transposed.

Article 91 was passed after a verbal amendment.

Article 92 was passed as it stood.

The following new Article was introduced after Article 92, on the Motion of Sir Bartle Frere :—

"Trials by Courts Martial may be carried on at any time without restriction. The hour of original assembly of the Court shall be named by the Officer convening the Court, but the adjournment of the Court and the hour of its re-assembling shall be determined by the Court itself.

Article 93 was passed after verbal amendments.

Article 94 was passed as it stood.

Articles 95 and 96 were passed after amendments.

Articles 97 to 101 were passed as they stood.

Article 102 was passed after an amendment.

Article 103 was passed as it stood.

Articles 104 to 108 were passed after amendments.

Articles 109 to 120 were passed as they stood.

Articles 121 and 122 were passed after verbal amendments.

Articles 123 to 146 were passed as they stood.

Article 147 was passed after a verbal amendment.

Articles 148 to 165 were passed as they stood.

Article 166 was passed after the inclusion of Article 81 among the Articles to be promulgated.

Article 167 was passed after the insertion in the blanks, (on the Motion of Sir Robert Napier) of the 1st November 1861, as the date from which the Articles should take effect.

The Preamble and Title were passed as they stood; and the Council having resumed its sitting, the Bill was reported.

The Council adjourned at 6 o'clock, on the Motion of Sir Robert Napier, till Saturday the 7th instant.

Saturday, September 7, 1861.

PRESENT:

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

Hon'ble Sir H. B. E. Frere.	C. J. Erskine, Esq., Hon'ble Sir C. R. M. Jackson,
Hon'ble Major-Genl. Sir R. Napier,	and
H. B. Harington, Esq.,	W. S. Seton-Karr, Esq.
H. Forbes, Esq.,	

CRIMINAL PROCEDURE.

THE VICE-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 Criminal Judicature not established by Royal Charter."

RECOVERY OF RENT (BENGAL.)

THE CLERK presented a Petition from the Landholders' and Commercial Association of British India, regarding

the Bill "to amend Act. X of 1859 (to amend the law relating to the recovery of rent in the Presidency of Fort William in Bengal)."

THE CLERK also presented a Petition from the British Indian Association relative to the same Bill.

MR. HARRINGTON moved that the Clerk of the Council be requested to read the Petitions when the Council went into Committee on the Bill.

Agreed to.

INCOME TAX.

THE CLERK reported to the Council that he had received a communication from the Financial Department, forwarding papers and a Resolution of the Government of India thereon, relative to the working of the lump assessment in the cities of Allahabad and Benares.

SIR BARTLE FRERE moved that the communication be printed.

Agreed to.

BENGAL MILITARY ORPHAN SOCIETY.

SIR CHARLES JACKSON presented the Report of the Select Committee on the Bill "to amend Act XXI of 1860 (for the registration of Literary, Scientific, and Charitable Societies)," and gave notice that he would, at a later part of the day, move for a suspension of the Standing Orders, with a view to passing the Bill through all its stages to-day.

TOBACCO AND PAWN (BENGAL).

MR. SETON-KARR rose and said—
Sir,—In moving the first reading of a Bill "to provide for the imposition of a tax on Tobacco and Pawn in the Districts subordinate to the Government of Bengal," I think it necessary to explain briefly why the measure has been entrusted to me, instead of to one of the Honorable Members for Government. I have no doubt that the Honorable Member for Government, or the Honorable Mr. Laing, whose absence we all so much regret, would have introduced such a Bill with a far greater mastery over financial principles than I can pretend