

Saturday, January 12, 1861

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DEBATES***

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Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee after a verbal amendment in Section II; and the Council having resumed its sitting, the Bill was reported.

ADMINISTRATION OF JUSTICE IN THE SUPREME COURT (BOMBAY).

The Order of the Day being read for Mr. Erskine to move a suspension of the Standing Orders, to enable him to carry through its remaining stages forthwith the Bill "for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature in Bombay"—

MR. ERSKINE said that he had explained at the last Meeting of the Council that this Bill would not be fully efficacious, unless it were at once passed through its remaining stages; and as it had been framed by the Judges themselves at Bombay, and recommended by the local Government there, and had received the sanction of the Supreme Government, and been quite unopposed in the Council, he apprehended there could now be no objection to the suspension of the Standing Orders, with a view to the Bill being at once proceeded with. He should therefore make the Motion of which he had given notice.

SIR CHARLES JACKSON seconded the Motion, which was put and carried.

MR. ERSKINE then moved that the Council resolve itself into a Committee upon the Bill.

Agreed to.

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

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

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

MR. ERSKINE moved that Mr. Beadon be requested to take the Bill to the President in Council, in order that

it might be transmitted to the Governor-General for his assent.

Agreed to.

FLOGGING.

MR. HARRINGTON moved that the Bill "to provide for the punishment of flogging in certain cases" be referred to a Select Committee consisting of Mr. Forbes, Mr. Sconce, Mr. Erskine, Sir Charles Jackson, and the Mover.

Agreed to.

STAGE CARRIAGES.

MR. FORBES moved that a communication received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill "for licensing and regulating Stage Carriages."

Agreed to.

MUNICIPAL ASSESSMENT (RANGOON, &c.)

MR. FORBES gave notice that he would, on Saturday next, move the first reading of a Bill to introduce the Municipal Acts into the Towns of Moulmein, Rangoon, Tavoy, and Mergui.

The Council adjourned.

Saturday, January 12, 1861.

PRESENT :

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

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

MUNICIPAL ASSESSMENT (RANGOON, &c.)

MR. FORBES moved the first reading of a Bill "for extending certain provisions of Acts XIV and XXV of 1856 to the town and suburbs of Rangoon, and to the towns of Moulmein, Tavoy, and Mergui, and for

appointing Municipal Commissioners, and for levying rates and taxes in the said Towns." He said that, before he proceeded to introduce to the Council the Bill of which he had given notice, he wished to say one word to explain how the Bill came to be laid before the Council by a Member who had so little personal connection with the part of the Empire to which it referred as he had. The administration of our possessions in Burmah was subject to the immediate control of the Supreme Government of India, and, under ordinary circumstances, it was probable that Legislative measures connected with Burmah would be introduced by a Member of Government; but we all knew how short-handed the Government had lately been, and were, he was sure, more inclined to wonder how ordinary current business had been done, than to feel surprised that extraordinary duties had not been undertaken. Failing a Member of the Executive Government, legislation for Burmah would perhaps naturally devolve on the Member for Bengal; but we all knew, and we all regretted to know, that that Honorable gentleman was soon about to resign his seat in this assembly, and as he would not be here to see this measure through all its several stages, it was not considered expedient to lay upon him the duty of introducing it. It was under the circumstances to which he had now referred, that the papers connected with the Bill were sent to him by the Honorable Member of Government opposite, with a request that he would prepare and introduce a Bill founded on them. He (Mr. Forbes) had made this explanation, in order that he might not be supposed to have undertaken, unasked, a duty which would be more fitly as it would be more ably performed by others.

There was nothing very new in the Bill which he was now to introduce. Municipal laws had already been enacted for the Presidency Towns and for the Straits Settlements, and all that was necessary was to extend to Rangoon and the Towns in the Martaban and Tenasserim Provinces such parts of

*Mr. Forbes*

those Acts as were applicable, and to introduce one or two special provisions to provide for special circumstances. These would be more properly considered in Committee, if the Council should allow the Bill to reach that stage; and the only point to which he need now refer, was the omission, as regarded Rangoon, of the first twelve Sections of Act XXV of 1856, which prescribed the mode of assessing the Municipal rate upon the annual value of lands and houses. This could not be applied to Rangoon, because, when the building lots were sold by Government, they were sold, subject to a condition that each lot should be assessed according to the class that it was in, and not according to its annual value, and this condition must, of course, be adhered to. The Bill had been drawn to meet this necessity, and it was the only point which he thought it necessary to detain the Council by referring to particularly.

The Bill was read a first time.

#### CIVIL PROCEDURE.

MR. HARRINGTON moved the second reading of the Bill "to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)."

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

#### PORT-DUES (CONCAN).

MR. ERSKINE moved the second reading of the Bill "for the levy of Port-dues in the Ports of the Concan."

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

#### MERCHANT SEAMEN.

MR. BEADON moved the second reading of the Bill "to extend the provisions of Act I of 1859 (for the amendment of the law relating to Merchant Seamen)."

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

## LAND FOR PUBLIC PURPOSES.

MR. FORBES moved that the Bill "to amend Act VI of 1857 (for the acquisition of land for public purposes)" be read a third time and passed.

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

## PEPPER-DUTY (COCHIN).

MR. FORBES moved that the Council resolve itself into a Committee on the Bill "to provide for the collection of Duty of Customs on Pepper exported by Sea from the British Port of Cochin."

Agreed to.

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

## LAND FOR PUBLIC PURPOSES.

MR. FORBES moved that Mr. Beadon be requested to take the Bill "to amend Act VI of 1857 (for the acquisition of land for public purposes)" to the President in Council, in order that it might be transmitted to the Governor-General for his assent.

Agreed to.

## CIVIL PROCEDURE.

MR. HARRINGTON moved that the Bill "to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)" be referred to a Select Committee consisting of Mr. Forbes, Mr. Sconce, Mr. Erskine, and the Mover.

Agreed to.

## REPEAL OF ACTS AND REGULATIONS.

MR. HARRINGTON moved that Mr. Erskine be added 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.

## MERCHANT SEAMEN.

MR. BEADON moved that the Bill to "extend the provisions of Act I of 1859 (for the amendment of the law relating to Merchant Seamen)" be referred to a Select Committee consisting of Mr. Forbes, Mr. Sconce, Mr. Erskine, and the Mover.

Agreed to.

## PORT-DUES (CONCAN).

MR. ERSKINE moved that the Bill "for the levy of Port-dues in the Ports of the Concan" be referred to a Select Committee consisting of Mr. Forbes, Mr. Sconce, and the Mover.

Agreed to.

## MUNICIPAL ASSESSMENT (BOMBAY).

SIR CHARLES JACKSON moved that the Bill "to amend Act XXV of 1858 (for appointing Municipal Commissioners, and for raising a fund for Municipal purposes in the town of Bombay)" be referred back to a Select Committee consisting of Mr. Forbes, Mr. Erskine, and the Mover.

Agreed to.

## PENAL RECOGNIZANCES.

MR. SCONCE moved that the Select Committee on the Bill "for the better prevention of offences against the public tranquillity, and to amend the law regarding the taking of bonds for keeping the peace" be discharged. In doing so, he said that the principal portion of this Bill and the object which led him to apply for the re-appointment of the Select Committee had been accomplished by the passing of the Penal Code, and the remainder would be provided for by the Code of Criminal Procedure now passing through the Council.

Agreed to.

The Council adjourned.