

Wednesday, December 10, 1862

***INDIAN LEG.
COUNCIL
DEBATES***

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Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., C. 67.

THE Council met at Government House, on Wednesday, the 10th December 1862.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *presiding*.
Major-General the Hon'ble Sir R. Napier, K.C.B.
The Hon'ble H. B. Harington.
The Hon'ble H. Sumner Maine.
The Hon'ble C. J. Erskine.
The Hon'ble W. S. Fitzwilliam.
The Hon'ble D. Cowie.
The Hon'ble Rajah Deo Narain Singh Bahadoor.
The Hon'ble Rajah Dinkar Rao Rugonauth Moontazim Bahadoor.
The Hon'ble R. S. Ellis, C.B.
The Hon'ble A. A. Roberts, C.B.

BREACHES OF CONTRACT

The Hon'ble MR. MAINE presented the Report of the Select Committee on the Bill relating to Breaches of Contract committed in bad faith.

ARTICLES OF WAR (NATIVE OFFICERS AND SOLDIERS) AMENDMENT BILL.

The Hon'ble MR. MAINE moved for leave to bring in a Bill to amend Act XXIX of 1861 (to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army). He said that the Bill was intended to remove some doubts and misapprehensions which had arisen in the construction of the Articles of War, which derived their sanction from Act XXIX of 1861. In one Article it was found that the negative "not" had been omitted, and thereby a different meaning to that intended had been conveyed; and doubts had arisen as to a reference in the same Article to certain Commanding Officers, Commanding Detachments, to whom summary powers were intended to be given. These doubts would be removed,

and, at the same time, summary powers would be given to the Commanding Officers of Detachments in situations beyond the Seas, and in cases of critical emergency. In another Article some words were found that kept alive a jurisdiction, in the Bombay Presidency, of Courts Martial, in cases which it was intended should be triable by the Criminal Courts. There were other amendments in matters of detail. The Bill was introduced on the recommendation of the Government of India in the Military Department, and had been approved by His Excellency the Commander-in-Chief, and by the Civil and Military authorities of the Madras and Bombay Presidencies.

The Motion was put and agreed to.

CIVIL PROCEDURE CODE AMENDMENT.

The Hon'ble MR. HARINGTON introduced the Bill to amend the Code of Civil Procedure, and moved that it be referred to a Select Committee, with instructions to report in eight weeks. He stated that that time would suffice for the publication of the Bill.

The Motion was put and agreed to.

CUSTOMS DUTIES BILL.

The Hon'ble MR. HARINGTON moved that the Report of the Select Committee on the Bill to amend Act XI of 1862 (to alter the Duties of Customs on Goods imported and exported by Sea) be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. HARINGTON proposed that the Bill, as settled by the Select Committee, be passed.

The Motion was put and agreed to.

WORKS OF PUBLIC UTILITY BY PRIVATE PERSONS OR COMPANIES.

The Hon'ble MR. HARINGTON moved that the Hon'ble Mr. Fitzwilliam be added to the Select Committee on the Bill to provide for taking Land for Works of Public Utility to be constructed by private persons or Companies, and for regulating the construction and use of Works on land so taken.

The Motion was put and agreed to.

The following Select Committee was named :

On the Bill to amend the Code of Civil Procedure.—The Hon'ble Messrs.
Harington, Erskine, and Roberts.

The Council adjourned.

M. WYLIE,

Deputy Secy. to the Govt. of India,

Home Department.

CALCUTTA,

The 10th December, 1862. }