

Wednesday, April 9, 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., cap. 67.

THE Council met at Government House on Wednesday, the 9th April, 1862.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *presiding*.
His Honor the Lieutenant-Governor of Bengal.
The Hon'ble Cecil Beadon.
Major General the Hon'ble Sir R. Napier, K.C.B.
The Hon'ble S. Laing.
The Hon'ble H. B. Harington.
The Hon'ble H. Forbes.
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.

STAMP DUTIES.

The Hon'ble MR. HARRINGTON moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to Stamp Duties be adopted, and that the amendments of which notice had been given be made in the Bill.

His Excellency THE PRESIDENT suggested that, in conformity with the Rules of the Council, the Motion should be that the Report of the Committee be taken into consideration, and that the amendments of which notice had been given be made in the Bill.

The Hon'ble MR. HARRINGTON then made his Motion in that form. He stated that the greater part of the amendments he had proposed were purely verbal, adapted to remove doubts, and, in some instances, simply to alter the structure of sentences. The amendment in Section XII was designed to check frauds in post-dating bills in order to avoid the payment of the proper amount of Stamp Duty. It was reported from the North-Western Provinces, and elsewhere, that a custom prevailed of dating bills on the date on which they were paid to make them appear payable at sight. The alterations in the Sections from XXXIV to XLVI respecting Stamp Vendors, were proposed in consequence of the present law having worked inconveniently, and having

a tendency to prevent persons from taking the office. An important reduction would be made by the amendments in the amount of Stamp Duty payable on bonds. Instead of the stamp of four annas now payable on all bonds under 50 rupees, which was an amount that pressed severely on some classes and led to evasions of the law, the duty would be fixed at two annas. Considerable discussion had taken place respecting the amount of Stamp Duty chargeable on plaints in suits for rent. The Bill provided that, in suits for arrears of rent under Act X of 1859, the statement of claim should be written on paper bearing a stamp of one-fourth the value prescribed for suits instituted in the Civil Courts, and in all other suits instituted in the Courts of Collectors and Deputy Collectors under that Act, the statement of claim should be written on paper bearing a stamp of the value of eight annas. This rule had been adopted to enable the Zemindars to recover the rents which they required in order to pay their Government revenue. But it had been provided that, after a decree was passed, the full amount of Stamp Duty might be charged to the party cast, and might be recovered by the Collector of the District. On the strong recommendation of the Board of Revenue, North-Western Provinces, it had been deemed desirable to give up that proviso.

The Hon'ble MR. BEADON enquired if the Bill provided for cases in which Vendors purchased stamps for sale instead of receiving them on commission, and suggested that it was not desirable that such restrictions and conditions should be imposed on that class of Vendors as on others, but that, if possible, they should be encouraged.

The Hon'ble MR. HARRINGTON referred to Section XXXIV as proposed to be amended, and to the Section proposed to be introduced after Section XLVI.

The Hon'ble MR. ERSKINE, with the permission of His Excellency the President under Rule 26, proposed amendments of which notice had not been given :—1st, the insertion after the words "into force" in line 2 of Section 1, of the words and figures "*Regulation XII, 1830, of the Bombay Code.*" This Regulation would be superseded by this Bill, and the Bombay Government were favourable to its repeal. 2nd, at page 26 of Schedule A, in the "Exemption for the Presidencies of Madras and Bombay," at the end of Article 9, the omission of all the words after the words "with respect to," and the substitution of the words "*suits cognizable by Collectors in the Presidency of Bombay.*" This change was necessary because Regulation VI of 1828 of the Bombay Code had already been repealed. And, 3rdly, at page 30 of Schedule B, the omission of the words "as above" in the last line but one of the "Special Rule for the Presidency of Bombay." The words were redundant and created an ambiguity.

The Motions of the Hon'ble MR. ERSKINE were severally put and agreed to.

The amendments proposed by the Hon'ble MR. HARRINGTON were then put and agreed to as follows :—

Section I.—The addition of the following words :—

“ In respect of any such Deed, Instrument, or Writing, the provisions of the Acts and Regulations which were in force at the time such Deed, Instrument, or Writing shall have been made or executed, or such proceeding or matter shall have taken place, shall be applicable in the same manner as if this Act had not been passed.”

Section III.—The omission of the words “ every such person so offending (unless in any case in which a higher penalty is imposed by this Act) shall ” in lines 14 to 16, and the substitution of the words “ *annexed to this Act, every such person so offending shall (unless in any case in which a higher penalty is imposed by this Act).*”

Section V.—The omission of all the words after the word “ by ” in line 7, and the substitution of the words “ *an adhesive Stamp affixed to the paper upon which such Instrument is written.*”

Section VI.—The addition of the words “ *affixed thereto* ” at the end of the Section.

Section VIII.—The omission of the word “ be ” in line 13, and the substitution of the words “ *admit of being.*”

Section IX.—The insertion of the word “ accepted ” before the word “ endorsed ” in line 8.

Section XI.—The omission of the word “ be ” in line 27, and the substitution of the words “ *admit of being,*” also the substitution of the word “ *accept* ” before the word “ pay ” in line 30.

Section XII.—The omission of the word “ three ” in line 6, and the substitution of the word “ *more.*”

The introduction of the following new Section after Section XII :—

“ If any person, in order to avoid the payment of the duty prescribed by Schedule A annexed to this Act, shall make or draw any Bill of Exchange bearing a date subsequent to the date on which such Bill is actually made or drawn, or if any person, knowing that such Bill has been so post-dated, shall take or receive such Bill, or shall accept, pay, endorse, transfer, or in any manner negotiate the same, every such person so offending shall forfeit a sum not exceeding five hundred rupees.”

Section XIII.—The substitution of the words “ *Schedule A annexed to this Act* ” for the words “ *said Schedule A* ” in line 18.

Section XIV. Clause 1.—The introduction of the words “ *under Section II of this Act* ” after the word “ stamped ” in line 3; the insertion of the words “ *on payment of* ” after the word “ stamped ” in line 18; and the insertion of the words “ *on paper bearing the proper Stamp* ” after the word “ writing ” in line 32.

Clause 2.—The insertion of the words “ *Section II of* ” after the word “ under ” in line 37; and the substitution of the words “ *six weeks* ” for the words “ thirty days ” in line 43.

Clause 5.—The insertion of the word “ *may* ” after the word “ aforesaid ” in line 96, and the omission of the word “ may ” in line 100.

Clause 6.—The insertion of the words “ *the whole or* ” before the word “ any ” in the last line.

Section XVI. Clause 1.—The omission of the words “ a Civil Court ” in line 1, and the insertion of the same words after the word “ Act ” in line 5; also the insertion of the words “ *Schedule A annexed to* ” after the word “ by ” in line 8.

Section XVIII.—The substitution of the words “ *Section XIV and XVI* ” for the words “ Section XIV ” in line 3; and the insertion of the words “ *either directly or* ” after the word “ authority ” in line 10.

Section XXIX.—The omission of the words “ prescribed as aforesaid by the Governor-General of India in Council and ” in lines 13 to 15; and the addition of the following proviso :—

“ Provided that nothing in this Act shall be held to repeal any special provision in the Code of Civil Procedure or in any other Act or Regulation for the use of plain or unstamped paper in any judicial proceeding, unless such provision shall be expressly repealed by this Act.”

The introduction of the following new Section after Section XXX :—

“ All questions relating to the valuation of claims for the purpose of determining the amount of Stamp Duty chargeable under Schedule B annexed to this Act on any petition of plaint or appeal, shall be decided by the Court in which such petition of plaint or appeal is filed, subject to any appeal to which the orders of such Court are open.”

Section XXXIV.—The addition of the words “ *and what accounts of such Stamps shall be kept for them. The license may be for any time, and may at any time be revoked by the authority granting the same.* ”

Section XXXVI.—The substitution of the word “ *sale* ” for the word “ issue ” in line 10.

Section XLII.—The substitution of the words “ *from him* ” for the words “ by the provisions of any bond he may have entered into ” in lines 3 to 5;

and the substitution of the words "*such Collector*," for the word "him" in line 8.

Section XLIII.—The insertion of the word "*revocation*" before the word "or" in line 2; the substitution of the words "*the Stamps entrusted to him for sale on the part of Government*" for the words "all his transactions in relation to Stamps kept according to the provisions of any bond he may have entered into" in lines 9 to 12; the insertion of the word "*such*" after the word "any" in line 12; the insertion of the words "*for sale*" after the word "remaining" in line 13; the substitution of the words "*in respect of such Stamps*" for the words "on the abovementioned accounts" in line 16; and the substitution of the word "*shall*" for the word "may" in line 22.

Section XLIV.—The substitution of the word "*the*" for the words "his Executor or Administrator, or in case there be no Executor or Administrator, any other" in lines 2 to 5; the insertion of the words "*for sale on the part of Government*" after the word "received" in line 12; the substitution of the word "*sold*" for the word "issued" in the same line; and the substitution of the words "*kept by such deceased Vendor in respect to such Stamps, of which Stamps and account such person as aforesaid*" for the words "of the transactions of such deceased Vendor in relation to Stamps which shall have been kept according to the provisions of any bond which such deceased Vendor may have entered into, of which Stamps and accounts such Executor, Administrator, or other person" in lines 14 to 19.

The introduction of the following new Section after Section XLVI :—

"If any licensed Vendor die, or if his license expire or be revoked, the Stamps in the possession of such Vendor of which, after deducting the percentage or discount allowed, he has paid the amount to Government may, within three months from the date of the death of such Vendor, or from the date on which his license expired or was revoked, as the case may be, be brought to the Collector of Stamp Revenue of the District, who shall repay such amount. Provided that such Stamps were actually in the possession of such Vendor for the purpose of sale, and were procured by him from the Collector of Stamp Revenue of the District."

Section XLVII. Clause 1.—The addition of the words "*or to any adhesive Stamp*."

Clause 2.—The substitution of the words "*six months*" for the words "one year" in line 68.

Section XLVIII. Clause 1.—The omission of the words "and if" in line 19, and the substitution of the words "*Provided that, if the Deed, Instrument, or Writing be framed in accordance with a form prescribed by any*"

'Act or Regulation in force and shall not contain such purchase or consideration money, then such purchase or consideration money shall be truly expressed and set forth in words at the foot of such Deed, Instrument, or Writing. If.'

Section LIII.—The addition of the words “ *The words ‘ British Territories in India ’ denote the Territories vested in Her Majesty by the Statute 21 and 22 Victoria, c. 106, entitled an Act for the better government of India.*”

Section LIV.—The substitution of the words “ *on the 1st day of June* ” for the words “ *from the 1st of May.* ” in the last line of the Section.

SCHEDULE A. Article 2.—The substitution of the words “ *periodical payment not otherwise charged for in this Schedule* ” for the words “ *any periodical payment.*”

Article 5.—The addition of the words “ *or upwards.*”

Article 10.—The insertion of the words “ *at sight* ” after the words “ *If payable* ” in line 10; the substitution of “ *2 annas,*” for “ *1 anna and 6 pies,*” in line 2 of the 2nd column, under the head of “ *Proper Stamps;*” and the introduction of the following Clause before the Clause commencing “ *If drawn in a set,*” etc. :—

“ If bearing no date, the same Stamp as if payable at sight, unless any date or period of payment be specified, in which case the same Stamp as prescribed by Article 12 for a bond of the same amount.”

Also the insertion of the words “ *prescribed by Article 12* ” after the words “ *the same Stamp as* ” under the head of “ *Proper Stamp* ” opposite to the last Clause of the Article.

Article 12.—The omission of “ *If for any sum not exceeding 50 Rupees, 4 As.*” and the substitution of the following :—

<i>“ If for any sum not exceeding</i>	<i>25 2</i>
<i>Above 25 Rupees and not exceeding</i>	<i>50 4</i>

Article 13.—The addition of the following Clause :—

“ If such loan is for a period exceeding three months, the same Stamp as prescribed by Article 12 for a bond of the same amount.”

Article 14.—The substitution of the words “ *prescribed by Article 12 for a bond* ” for the words “ *for a money bond,*” under the head of “ *Proper Stamps.*”

Article 15.—The insertion of the words “ *prescribed by Article 12* ” after the words “ *The same Stamp as,*” under the head of “ *Proper Stamps.*”

Articles 16 and 17.—The same amendment as the above.

Article 18.—The addition of the words “ *or expressly exempted from the payment of Stamp Duty by this Schedule,*”

Article 28.—The omission of this Article, and the substitution of the following new Article :—

“ Copy.—Copy or Extract of any Deed, Instrument, or Writing, attested or certified to be a true copy or extract and furnished for the purpose of being given in evidence in any Civil or Revenue proceeding or made for the security or use of any person being a party to, or taking any benefit or interest immediately under, such Deed, Instrument, or Writing.

The same Duty as the original when such Duty does not exceed 8 annas.

If the Duty chargeable on the original exceed 8 Annas, but do not exceed 10 Rupees.

1 Rupee.

If the Duty chargeable on the original exceed 10 Rupees, but do not exceed 50 Rupees.

2 Rupees.

If the Duty chargeable on the original exceed 50 Rupees.

5 Rupees.

Note.—Every copy bearing the proper Stamp which shall at any time be offered in evidence, shall be deemed to have been made for that purpose.”

The introduction of the following new Article after Article 32 :—

“ Counterpart of a lease.

{ The same Stamp as for such lease.

EXEMPTION.

Counterpart of a lease executed by a ryot or other actual cultivator of the soil; provided that no fine or premium be paid as part of the same transaction.

(For Madras).

Counterpart of a lease executed between landlord and tenant, relative to lands in the Presidency of Madras subject to the payment of Revenue to Government.

A counterpart of a lease includes a Kubuleut and the like.”

Article 35.—The substitution of “ 1 Rupee ” for the words “ As an agreement,” under the head of “ Proper Stamps.”

Article 36.—The insertion of the words “ not otherwise charged for, or expressly exempted from Stamp Duty under this Schedule ” after the word “ Act ” in line 4; and the omission of the following exemptions :—

“ EXEMPTION.

Counterpart of a lease executed by a ryot or other actual cultivator of the soil; provided that no fine or premium be paid as part of the same transaction.

(For Madras and Bombay).

Counterpart of a lease executed between landlord and tenant, relative to lands in the Presidency of Madras or Bombay subject to the payment of Revenue to Government.

A counterpart of lease includes a Kubuleut and the like."

Article 41.—The omission of the words " and Bombay " in the heading of the last Exemption, and of the words " or Bombay," in lines 3 and 4 of the same Exemption.

Article 62.—The insertion of the words " annexed or " after the word " Schedule " in line 1.

Article 63.—The insertion of the words " prescribed by Article 12 " after the words " The same Stamp as," under the head of " Proper Stamps."

General Exemptions.—1st Note. The omission of the words " to or " before the word " by " in line 3; and the substitution of the words " by a Municipal Commissioner, or " for the words " to or " in lines 5 and 6.

SCHEDULE B.—Article 5 (printed by mistake as Article 6 at the top of page 23). The introduction of the following words before the Exemption :—

" If the judgment be translated into any other language, application for a copy of the translation may be made on unstamped paper, and a copy of the translation may be given in addition to or, in place of the copy of the judgment, and shall bear the same Stamp;" and the addition to the Exemption of the words " when such copy is taken out of the Court making the same."

Article 6.—The omission of this Article and the substitution of the two following new Articles :—

" 6. Copy of any Revenue or Judicial proceeding or Order not provided for, in Article 6 or falling under the Exemption to that Article, or copy of any Account, Statement, Report, or the like taken out of any Civil or Criminal Court or any Revenue Court or Office for use or reference, or when left on proceedings in place of the original withdrawn—per sheet."

8 Annas.

" 6a. Copy of any Deed, Instrument, or Writing, stamped in accordance with Schedule A annexed to this Act when left on proceedings in place of the original withdrawn."

The same stamp as the original when such stamp does not exceed 8 annas, otherwise a stamp of 8 annas per sheet.

EXEMPTION.

Copy of any such Deed, Instrument, or Writing when the original does not require a Stamp under the said Schedule A."

Article 9.—The omission of the Clause “ All petition, applications, charges, and informations respecting crimes and offences. Petitions from prisoners, convicts, persons under examination or otherwise in duress, or under restraint of the Court or its Officers ” at page 26, under the head of “ General Exemptions;” and the substitution of the following Clause :—

“ *Petition, application, charge, or information respecting any crime or offence. Petition from any prisoner, convict, or other person in duress or under restraint of the Court or its Officers.*”

Article 10.—The insertion of the words “ *or appeal* ” after the word “ *plaint* ” in line 1; the omission of the heading “ *Scale for Plaints;*” the substitution of the words “ *lands exempt from the payment of Revenue* ” for the words “ *Lakhraj, Enam, or Rent-free land* ” in Note (d); the substitution of the words “ *Government Revenue or rent of land paying Revenue to Government, or of money in the hands of an Agent of such land,*” for the words “ *rent or of money in the hands of an Agent,*” in line 4 of the special Rule for Bengal marked (g); the insertion of the words “ *relating to lands paying Revenue to Government* ” after the word “ *Act* ” in line 10 of the same Rule; and the omission of the proviso at the end of the same Rule.

Article 11.—The substitution of the word “ *or* ” for the word “ *and* ” in line 1.

Article 12.—The addition of the words “ *where petitions are required to bear a stamp* ” after the words “ *to be charged as petitions,*” under the head of “ *Proper Stamps.*”

CRIMINAL PROCEDURE CODE AMENDMENT.

The Hon'ble MR. BEADON introduced the Bill to amend the Code of Criminal Procedure, and moved that it be referred to a Select Committee. He stated that this Bill had been proposed by Mr. Ritchie, in order to enable the Governor-General in Council, in extending the Code of Criminal Procedure under Section 445 of that Code, to make some necessary modifications. These modifications had been explained by Mr. Ritchie as follows :—1st, in regard to the Courts by which offences might be tried and sentences passed; 2ndly, with regard to preliminary enquiries by the Police, but the Government would be restricted from enlarging the powers given by the Code; 3rdly, with regard to the number of the Judges necessary to pass a sentence of death or penal servitude; 4thly, with respect to the power of revision by the several Criminal Courts over the subordinate Courts; and 5thly, in regard to the confirmation of sentences of death by the Chief Commissioners.

There might be a difference of opinion with respect to the details of some of these points, but he thought that they would be best considered in Select Committee. The Council were only now called upon to affirm the principle

that, in extending the Code of Criminal Procedure to Non-Regulation Provinces, the Governor-General in Council might make certain modifications adapted to the Courts and systems of administration of those Provinces.

The Motion was put and agreed to.

The Hon'ble MR. BEADON then moved that it be an instruction to the Committee to report in a fortnight.

The Motion was put and agreed to.

SUBORDINATE MEDICAL OFFICERS,' WIDOWS' AND ORPHANS' FUND.

The Hon'ble MR. BEADON introduced the Bill for the dissolution of the Subordinate Medical Officers,' Widows' and Orphans' Fund, and the distribution of the funds belonging thereto, and moved that it be referred to a Select Committee. He stated that this Bill was also prepared by Mr. Ritchie, who explained its object when he moved for leave to bring it in.

The Motion was put and agreed to.

REPEAL OF ACT II OF 1835.

The Hon'ble MR. BEADON introduced the Bill to repeal in part Act II of 1835, and moved that it be referred to a Select Committee. He stated that the Bill was purely a matter of form, and therefore he would propose that the Committee be instructed to report in a week.

The Motion was put and agreed to.

RECOVERY OF RENT (N. W. P.)

The Hon'ble MR. HARRINGTON introduced 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) so far as it relates to the territories under the Government of the Lieutenant-Governor of the North-Western Provinces, and moved that it be referred to a Select Committee.

The Motion was put and agreed to.

REGISTRATION OF ASSURANCES.

The Hon'ble MR. FORBES introduced the Bill to provide for the Registration of Assurances, and moved that it be referred to a Select Committee. He stated that, when he first undertook to introduce a Bill on this subject, he had obtained from the late Legislative Council the appointment of a Select Committee to prepare it. The Bill so prepared had been submitted to that Council and read a first and second time, and on the latter occasion had elicited comments from the learned Chief Justice. It was then referred to another Select Committee and published. Many suggestions were received,

and the Bill was presented to the Council as settled by that Committee with many amendments and modifications. It had then been carefully reviewed by the late Mr. Ritchie, who, while he fully approved of its principle, had made several amendments in the arrangement of its provisions. The Bill, therefore, had been prepared by one Select Committee, and after being revised by another, was now presented to the Council with further amendments suggested by their late hon'ble colleague. This statement would relieve him (MR. FORBES) from the charge of presumption in proposing a measure of so much importance.

The Motion was put and agreed to.

LIMITATION OF SUITS.

The Hon'ble MR. LAING moved for leave to bring in a Bill to amend Act XIV of 1859 (to provide for the limitation of suits). He said that the subject of this Bill had been considered on the last occasion when Mr. Ritchie attended a Meeting of Council. Without entering into a discussion on the principle of the Limitation Act, there appeared to be a fair claim for a special provision in respect of tradesmen's bills, which had been incurred before the passing of that Act. Those debts had subsequently in many instances been transferred in new adjustments of business transactions, in the expectation that the old period of limitation would continue. The Bill would make a special exception in respect of such debts up to the 1st January 1865, which would be the period of nearly six years from the passing of the Act of 1859.

The Motion was put and agreed to.

SUPREME COURTS CRIMINAL PROCEDURE.

The Hon'ble MR. HARRINGTON moved for leave to bring in a Bill to repeal Act XVI of 1852 in those parts of British India in which the Indian Penal Code is in force, and to re-enact some of the provisions thereof with amendments, and further to improve the administration of criminal justice in Her Majesty's Supreme Courts of Judicature. He said that the learned Chief Justice at Calcutta had done him the honor of asking him to move for leave to introduce this Bill. He could have wished that the task of introducing the Bill had devolved on some person learned in the law of England, and having a practical acquaintance with the manner in which criminal trials were held in the Supreme Courts. Their late lamented colleague, the Hon'ble Mr. Ritchie, had undertaken to introduce the Bill, and had his valuable life been spared, there could be no doubt that in his hands the Bill would have had ample justice done to it, and that the Council would have benefited by his

large legal experience and knowledge in disposing of any points of difficulty arising in the consideration of the Bill. The principal object of the Bill was to adapt the procedure of the Supreme Courts to the trial of offences punishable under the Indian Penal Code. On the 1st January last, the substantive Criminal Law relating to offences and persons within the jurisdiction of the Supreme Courts had undergone the same complete change as in places beyond the limits of the jurisdiction of those Courts. There was now one uniform substantive Criminal Law for all India, namely, the Indian Penal Code; but while contemporaneously with the introduction of the Indian Penal Code; a Code of Criminal Procedure had been given to the Mofussil Courts, which had been prepared in reference to that Code, and was well suited to carry out its provisions, the Code of Criminal Procedure previously in force in the Supreme Courts was still in force in those Courts. Two Criminal Sessions for the trial of offences punishable under the Indian Penal Code had already been held at Calcutta, and he presumed that similar Sessions had been held at Madras and Bombay. In the course of the trials held in Calcutta the unsuitableness of the present Code to offences falling under the Indian Penal Code was very apparent, and some inconvenience had been experienced. He might mention that the Judges of the Supreme Court of Judicature at Calcutta would, some time ago, have prepared a Code of Criminal Procedure for the conduct of trials in that Court under the Indian Penal Code had it not been for the receipt of instructions from Home which led them to defer taking any steps in the matter. It seemed to be supposed at Home that the Code of Criminal Procedure which was now in force in the Mofussil Courts was equally well adapted to trials in the Supreme Courts of Judicature. This was the case as regards many of the provisions of the Mofussil Code of Criminal Procedure, but it was not so as regarded all the provisions of that Code, and in some respects there was no doubt that, as regarded Supreme Courts, the Mofussil Code was defective. The preparation, therefore, of a Code of Criminal Procedure for the Supreme Courts in India, adapted to the trial of offences under the Indian Penal Code, in which such of the provisions of the Mofussil Code as were suitable could be embodied, seemed a necessity. He would not occupy the time of the Council by going through the provisions of the Bill, which he had asked for leave to introduce, in detail. The Bill would be printed immediately, and copies of it would be circulated without delay. He would content himself with remarking that the Bill had been prepared by the Hon'ble and learned Chief Justice, Sir Barnes Peacock, who although not himself the author of the Indian Penal Code, yet from the part which he had taken in the revision of the Code and in passing it through the late Legislative Council, occupied a position in regard to the Code scarcely second to that

of the Noble and learned Author of the Code, the late Lord Macaulay. In preparing the present Bill, the hon'ble and learned Chief Justice had had the assistance of his hon'ble and learned colleagues, and he (MR. HARRINGTON) thought that a Bill thus prepared, and having for its object to provide a Code of Criminal Procedure for the Court presided over by the learned Judges, might be safely accepted by the Council and passed into law. He had referred to the inconvenience which had been experienced from the want of a suitable Procedure Code at the Sessions which had already been held at Calcutta for the trial of offences under the Indian Penal Code. Similar inconvenience would continue to be experienced until this Bill was passed, and he had been desired, therefore, when introducing the Bill, to ask for the suspension of the Rules of the Council with a view to the Bill being passed into law at once. With regard to Madras and Bombay, he might mention that, although the Bill was so framed as to make it of general application, it was proposed to leave the time at which the Bill should take effect in those Presidencies to be determined by the Local Governments. This would give the Hon'ble and learned Judges of Her Majesty's Supreme Courts at Madras and Bombay, whom there was not time to consult, an opportunity of stating, in communication with the Local Governments, any objections that they might have to any of the provisions of the Bill before the Bill came into operation in their Courts.

The Motion was put and agreed to.

NEW COINAGE.

The Hon'ble MR. LAING moved that the Select Committee on the Bill to provide for a new Silver and a new Copper Coinage be instructed to report at the next Meeting of the Council. He stated that the Bill was one of a formal character, to legalize the Coinage with the new devices, and it was desirable that it should be passed without delay.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to amend the Code of Criminal Procedure—the Hon'ble Messrs. Beadon, Harrington, Forbes and Erskine.

On the Bill for the dissolution of the Subordinate Medical Officers,' Widows' and Orphans' Fund, and the distribution of the Funds belonging thereto—the Hon'ble Messrs. Beadon, Harrington, Forbes and Erskine.

On the Bill to repeal in part Act II of 1835—the Hon'ble Messrs. Beadon, Harrington, Forbes and Erskine.

On 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) so far as it

relates to the territories under the Government of the Lieutenant-Governor of the North-Western Provinces—the Hon'ble Messrs. Harington and Erskine and Rajah Deo Narain Singh.

On the Bill to provide for the Registration of 'Assurances—the Hon'ble Messrs. Beadon, Harington, Forbes and Erskine and Rajah Deo Narain Singh.

The Council adjourned till Wednesday, the 16th instant, at 11 A.M.

M. WYLIE,

Deputy Secretary to the Government of India,
Home Department.

CALCUTTA,

The 9th April, 1862.