

Wednesday, November 12, 1862

***INDIAN LEG.
COUNCIL
DEBATES***

Vol. 1

18 Jan. - 24 Dec.

1862

P. L.

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 12th November 1862.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *Presiding*.

His Honour the Lieutenant-Governor of Bengal.

Major-General the Hon'ble Sir R. Napier, K. C. B.

The Hon'ble H. B. Harington.

The Hon'ble W. Grey.

The Hon'ble S. 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 Rughonauth Moontazim Bahadoor.

The Hon'ble R. S. Ellis, C. B.

The Hon'ble A. W. Roberts, C. B.

The Hon'ble MR. ROBERTS took the Oath of Allegiance and the Oath that he would faithfully discharge the duties of his office.

CIVIL PROCEDURE CODE AMENDMENT BILL.

The Hon'ble MR. HARINGTON moved for leave to bring in a Bill to amend the Code of Civil Procedure. He said that Section XXIII of Act XXIII of 1861 provided for appeals to the Sudder Court being heard by Courts consisting of at least two Judges, and Section 386 of the Code of Civil Procedure declared that the term Sudder Court should, where that Code was extended to any Non-Regulation Provinces, include the highest Civil Courts of Appeal. But no provision was made for the case of such Courts consisting (as was almost invariably the case) of a single Judge, and a doubt had therefore arisen as to the power of such Courts to exercise the jurisdiction of the Sudder Court, when that jurisdiction could only be exercised by a bench consisting of two or more Judges. The present Bill would remove that doubt. A similar provision had already been made in respect of the Code of Criminal Procedure. A Section had been added to the Bill to prevent the legality of decisions or orders already passed by the Judges of the highest Civil Courts of Appeal in the Non-Regulation Provinces being questioned on the ground that they had been passed by single Judges.

The Motion was put and agreed to.

STRAITS SETTLEMENT POLICE BILL.

The Hon'ble MR. HARINGTON moved for leave to bring in a Bill to amend the law for regulating the Police in the several Stations of the Settlement of Prince of Wales' Island, Singapore and Malacca. He said that this Bill had been prepared in consequence of a representation from the Governor of the Straits Settlement of the inconvenience there experienced from no law existing to authorize the enlistment of the Police Force for a stated period, and from the omission of the Straits Settlement from certain provisions of the Police Act (XLVIII of 1860) which gave power over Coffee Houses, Boarding Houses and the like. Those Sections, as originally drawn, had included the Straits Settlement, and he (Mr. Harington) had been unable to discover why that Settlement had subsequently been omitted. The Governor appeared to have stated good and sufficient reasons for the extension of those provisions to the Stations under his Government. With regard to the other point, no such law as that asked for existed in the Presidency Towns, or, so far as he (Mr. Harington) was aware, in the United Kingdom. But the Governor had pointed out the peculiarities of the circumstances to be dealt with. In the Presidency Towns the rate of pay was sufficient to induce men enlisting in the Police to remain, and, when any retired, there was no difficulty in filling their places. But in the Straits Settlement the Commissioners of Police complained of the constant changes that were taking place, and which rendered nugatory their efforts to keep the Police Force in an efficient state. The Governor noticed that, in the Colony of Hong-Kong, it had been necessary to adopt a law requiring the Officers of Police to enlist for five years, and prohibiting retirement at an earlier period except in certain circumstances. The Governor considered that great advantage would result from a similar enactment in the Straits Settlement, and the first two sections of the present Bill had been framed with a view to a modification of the law in the direction recommended by the Governor.

The Motion was put and agreed to.

SUBORDINATE MEDICAL OFFICERS' WIDOWS' AND ORPHANS' FUND.

The Hon'ble the LIEUT.-GOVERNOR said that, as this Bill had not been circulated in its amended form, he would postpone his motion for its passing till the next Meeting.

The Council adjourned.

M. WYLIE,
Deputy Secy. to Govt. of India,
Home Department.

CALCUTTA, }
The 12th November 1862. }