PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

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CONTENTS.

POLICE (PRESIDENCY TOWNS, &c).

MR. LEGEYT moved that a communication which he had received from the Government of Bombay relative to the Bill "for regulating the Police of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca," be laid on the table and referred to the Select Committee on the Bill.

Agreed to.

NOTICE OF MOTION.

MR. ELIOTT gave notice that, on Saturday next, he would move that the Council resolve itself into a Committee on the Bill "for regulating the Police of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca."

The Council adjourned.

Saturday, April 19, 1856.

PRESENT:

The Honorable J. A. Dorin, *Vice-President*, in the Chair.

Hon. Sir J. W. Colvile,
His Excellency the Commander-in-Chief,
Hon. B. Peacock,
D Eliott, Esq.,
C. Allen, Esq.,
P. W. LeGeyt, Esq.,
E. Currie, Esq.,
and
Hon. Sir A.W. Buller.

MARRIAGE OF HINDOO WIDOWS.

THE CLERK presented a Petition from Inhabitants of Moorshedabad against the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows."

Also a Petition from Hindoo Inhabitants of Mymensing against the same Bill.

Also a Petition from certain Hindoo Inhabitants of Bengal against the same Bill.

Also a Petition from Inhabitants of Baraset and its neighborhood in favor of the Bill.

SIR JAMES COLVILE moved that the above Petitions be printed and referred to the Select Committee on the Bill.

Agreed to.

AMEENS (BENGAL).

THE CLERK reported that he had received from the Secretary to the Government of the North-Western Provinces a communication relating to the Ameens' Bill, as amended by the Select Committee.

MR. CURRIE moved that the communication be printed.

Agreed to.

CONSERVANCY (PRESIDENCY TOWNS, &c).

THE CLERK presented a Petition from certain Inhabitants of Calcutta suggesting certain amendments in the Bill "for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince Wales Island, Singapore, and Malacca," as amended by the Select Committee.

MR. ELIOTT moved that this communication be printed.

Agreed to.

PETTY OFFENDERS AND WITNESSES.

MR. ALLEN moved the first reading of a Bill "for enforcing the attendance of petty offenders and witnesses." He said, the Law relating to the procedure in summoning witnesses for Criminal trials was passed in 1803, and it assimilated the process which then existed for subpœnaing witnesses in Civil trials. For 50 years, that is, from 1803 to 1853, the two procedures remained the same, or nearly so. In 1853, an Act was passed prescribing the mode of procedure with regard to such witnesses in Civil trials as could not be found. The chief object of this Bill was to assimilate the Criminal mode of procedure for witnesses to the Civil mode provided by the Act of 1853. By the present Law, if a witness in a Criminal case were served with a subpœna, and did not attend, he might be fined or imprisoned; but if the subpœna could not be served upon him personally, no further process was available. He (Mr. Allen) desired, by this Bill, to enable Magistrates, when a witness in a Criminal Trial kept out of the way, to issue a warrant for his arrest, and if he could not still be found, to put up a proclamation on his door, and, upon his failure to attend after that, to order an attachment of his property. Act X of 1845 did admit of the arrest of persons charged with trivial offences; but there was no enactment authorizing a proclamation to be fixed to the door of a person charged with a trivial offence, and an attachment to be issued against his property in default of his appearance thereon, as was allowed by the Act of 1853 against witnesses in Civil suits. There appeared to be no reason why witnesses in Criminal suits should be in a better position than witnesses in Civil suits; and this Bill, which was a very short one, was intended to remedy the defect in the Law.

The Bill was read a first time.

CONSERVANCY (PRESIDENCY TOWNS, &c.)

MR. ELIOTT proposed to postpone going into Committee upon the Sections of the Conservancy Bill which had been postponed last Saturday, as the further consideration of one of the Sections had been expressly postponed until the Police Bill should be settled.

This was agreed to.

POLICE (PRESIDENCY TOWNS, &c).

MR. ELIOTT then moved that the Council resolve itself into a Committee upon the Bill "for regulating the Police of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca," and that the Committee be instructed to consider the Bill in its amended form.

MR. PEACOCK said, this Bill and the papers connected with it came to him only on Tuesday last. He had gone through the Bill as carefully as he could; but the papers were so numerous, and the Bill was of such length, that, notwithstanding all his endeavors, he had not had time to consider all the Sections of the Bill—109 in number—so as to be fully prepared to discuss them to-day, and to move the amendments which appeared to him to be necessary. He had compared the amended with the original Bill, and found that it created several new offences, and new modes of dealing with them. If the Council should determine to go into Committee upon it now, he should do his best; but he must say that, for his own part, he was not prepared to give such assistance in settling it as he could desire.

SIR JAMES COLVILE said, he felt even a greater difficulty than the Honorable and learned Member in going into Committee upon this Bill to-day, since he had found even less time to give to its consideration. He should be sorry to throw any impediments in the way of the passing of the Bill, or to cause any inconvenience to the Honorable Member who was in charge of it; but he must own that he considered it a very unsatisfactory mode of legislating to hurry through the Council a measure of such magnitude and such complexity.

MR. ELIOTT said, the Bill had now been before the Public for many months. If the Honorable and learned Chief Justice had not been present at the first and second readings, all the other Members of the Council had been. The alterations that had since been made by the Select Committee were few, and affected its principle in a very small degree. He was very desirous to carry the Bill through Committee to-day:—at all events, the great majority of the Sections could be disposed of to-day. He should, therefore, press his motion.

The question being put, the Council divided:—

Ayes 6.	*Noes* 3.
Mr. Currie	Sir Arthur Buller.
Mr. LeGeyt.	Mr. Peacock.
Mr. Allen.	Sir. James Colvile.
Mr. Elliott.	
The Commander-in-Chief	
The Vice President.	

The motion having been carried, the Council resolved itself into a Committee.

Sections I and II of the Bill were passed as they stood.

Section III provided that Commissioners of Police in Towns and Stations should be appointed and controlled by the local Governments.

MR. PEACOCK said, he objected to this Section. As originally framed, it provided that these officers should be appointed "with the sanction of the Governor General of India in Council." Those words had been struck out of the Section as it now stood. The object of the Section was to create a new office. He had frequently had occasion to point out in this Council that, under the Charter, no new office could be created without the sanction of the Governor General of India in Council. He did not know whether it was intended that the proposed appointments should be made independently of such sanction. The Governor of the Straits Settlement said that there was no officer there to discharge the duties of Commissioner of Police, unless it was contemplated that the Resident Councillors of the Stations should be selected. It appeared to him that the Resident Councillor of a Station was not the proper officer to be appointed a Commissioner of Police. He was a Member of the Supreme Court of Judicature. If, in each Station in the Straits, a Commissioner of Police was to be appointed, he wished to know whether the duties were to be performed by one of the Judges of the Supreme Court of Judicature. The Section ought to be amended. He was not prepared with the precise form of the amendment, but its substance ought to be that, whenever a Commissioner of Police should be appointed with the sanction of the Governor General of India in Council, then he should have certain powers under this Act.

SIR JAMES COLVILE suggested that the words "and Stations" be left out of the Section.

MR. PEACOCK replied, that would make it necessary to alter the whole Bill, because certain powers were given by it to Commissioners of Police which were not given to any other officer; and, if there were to be no Commissioners of Police in the Stations in the Straits, those powers could not, as the Bill stood, be exercised there. The Section appeared to him objectionable; but he did not wish to move any amendments in it, because he was not, at that moment, prepared to say exactly how it should be framed, and, therefore, by meddling with it then, he might do more harm than good.

MR. ELIOTT said, it was not clear what the Governor of the Straits Settlement had meant by his objection. He had merely said, in general terms, that the appointment of Resident Councillors at Stations as Commissioners of Police would be impracticable. But the same gentleman had proposed that the very powers which the Bill proposed to vest in Commissioners of Police should be vested in the Superintendent of Police. He (Mr. Eliott) did not exactly know who the Superintendent of Police was intended to be; but, in consequence of Mr. Blundell's letter, the Select Committee had entered into some enquiry respecting the nature of the duties of Resident Councillors, and these appeared to them to be in no way inconsistent with the duties with which this Bill proposed to charge them as Commissioners of Police. The Select Committee had had in view their office of Judges of the Supreme Court of Judicature; but the fact appeared to be that, in criminal cases, they sat very much as a mere matter of form. In certain cases, the Court was adjourned until the Recorder could attend; and the Resident Councillor attended with him only *pro formâ*. It had appeared to the Select Committee that the duties of Commissioners of Police at the Straits' Stations might fairly be left to the Resident Councillors.

With regard to the objection that the words "with the sanction of the Governor General in Council" had been omitted from the Section as amended, it had appeared to the Select Committee that they made every provision that was necessary in that respect when they provided that the Commissioners of Police, who might be appointed, "shall receive such salary as the Governor General of India in Council shall allow." It had appeared to them that, in any Act of the Legislature which laid down a system of Police, it would be an ineffectual mode of procedure to say that a particular appointment *might* be made, when such appointment was the basis of the whole system. His opinion was, that it was within the competency of the Legislative Council to say, positively, "such an appointment shall be made," leaving the amount of salary to be determined by the Governor General in Council. If not, he apprehended that the Legislative Council must be a very inefficient body.

MR PEACOCK moved as an amendment that the word "shall" before the words "be vested" be left out of the Section, and the word "may" substituted for it.

MR. ELIOTT observed that the whole Bill ran on the supposition that the office of Commissioner of Police would be created.

MR. PEACOCK replied, if Government should find it necessary to create the office, it would create it no doubt; but if the object was that Commissioners of Police should be appointed in all the small Stations in the Straits, he thought it ought not to be bound to give effect to that object.

MR. ELIOTT said, he should have made another observation before. Section V of the Bill said:—

"The Commissioner of Police shall not ordinarily be a Magistrate of Police under this Act; but, with the sanction of the Governor General in Council, may be appointed to that office when the local Government, for special reasons, may deem it expedient."

Consequently, if the Government of India should think fit, any Magistrate in the Straits might be appointed a Commissioner of Police.

MR. PEACOCK said, that was not the correct reading of the Section. What the Section really provided, was, that a Commissioner of Police might be appointed a Magistrate of Police with the sanction of the Governor General of India in Council—not that a Magistrate might be appointed a Commissioner of Police. The Honorable Member must first have a Commissioner of Police, and then the Commissioner of Police might be appointed a Magistrate of Police.

SIR ARTHUR BULLER said, he felt sure that the prolific source of most of their difficultie in this Bill was to be found in the mixing up the Straits Settlement with the Presidency Towns. If it was not too late he should be glad to see the Straits Settlement left out of the Bill, and a

separate Bill brought in for it. Such a Bill need only be an echo of the greater part of this; and the special circumstances of the Straits could be specially dealt with.

MR. ALLEN said, the Government of the Straits had made no objection to the Settlement being included in this Bill; and it appeared to him that, if practicable, it would be better to have one general Law for one system.

SIR JAMES COLVILE said, the Select Committee had stated in their Report, in answer to the objection taken by the Governor of the Straits Settlement, that they did contemplate the appointment of Resident Councillors as Commissioners of Police. They also proposed that the Commissioners of Police should be highly paid, and of a high social status. The Bill, however, contained no express provision on this point; and, of course, the Report, as such, was of no legal force. He thought that the Select Committee had acted wisely in this. He thought that it was not desirable to restrict the choice of the local Government to any particular class; least of all, to prevent them from appointing uncovenanted Officers to be Commissioners of Police. Nobody knew better than the Honorable Mover of the Bill how ably such duties had, for many years, been performed at Madras, by the Chief Magistrate there, and he was an uncovenanted Officer. He did not see any objection to the amendment moved by the Honorable and learned Member opposite (Mr. Peacock,) which would enable the local Government, where there was a difficulty about appointing a Commissioner of Police, to allow his powers to be exercised by a Magistrate of Police.

MR. PEACOCK'S amendment was then put, and negatived.

SIR ARTHUR BULLER moved as an amendment that the words "from time to time" be inserted in the Section before the words "be appointed." Strictly construed, the Section, as it now stood, provided for the appointment and removal of the first set of Commissioners of Police, but made no provision for the appointment of their successors. The amendment he proposed would remedy this defect.

The amendment was put, and agreed to.

MR. ELIOTT moved, as a further amendment, that the following words be added to the Section:—

"All powers which, by Law, are given to the Superintendent of Police, shall be vested in the Commissioner of Police, except as is otherwise provided by Section I of this Act."

The amendment was agreed to, and the Section then passed.

Sections IV to XII were passed as they stood.

Section XII provided that Police Officers receiving or asking for bribes

"shall be liable to a fine not exceeding 500 Rupees, or to imprisonment with or without hard labor for a term not exceeding six months."

MR. CURRIE moved as an amendment that the words "shall be dismissed by order of the Commissioner, and, upon conviction," be inserted before the words "shall be liable."

The amendment was agreed to, and the Section then passed.

Section XIII was passed as it stood.

Section XIV provided that no Member of the Police Force should be at liberty to resign without leave, or two months' notice.

MR. PEACOCK said, it could hardly be intended that the present Members of the Police Force, who might have entered into service upon other terms, should be subjected to the regulations provided by this Bill. Perhaps, it was intended that the existing Force should be re-organised under this Act; but the Section said absolutely "no Member of the Police Force shall be at liberty to resign" &c. If, then, the intention was that the whole Force should be re-organised, it ought to be made clear. With that view, he should move as an amendment that the words "enrolled under this Act" be inserted in the Section after the words "no member of the Police Force."

The amendment was agreed to, and the Section then passed.

Section XVI provided that deductions should be made at a certain rate from the pay of every Police Officer not entitled to the benefit of the Uncovenanted Service Pension Rules, which, with stoppages from all Police Officers "during sickness," and fines imposed upon them for misconduct, and upon drunken persons, or for assaults upon Police Officers, and the proceeds of the sale of all unclaimed property in the hands of the Police, &c. should be applied to the formation of a Superannuation Fund for the benefit of the above-mentioned class of Police Officers.

MR. CURRIE moved that the word "sickness" be left out of the Section, in order that the words "absence from sickness, or other cause" be substituted for it.

Agreed to.

MR. PEACOCK said, it appeared to him very doubtful policy to increase a Fund for the benefit of policemen with fines for assaults upon their persons, and the proceeds of unclaimed property in their hands. To what extent unclaimed property went into the hands of the Police, he did not know; but this provision would, certainly, be a great inducement to policemen to get possession of property into their hands, and to prevent claims being made to it, and also to charge persons with assaults upon them. He should, therefore, propose to omit that part of the Section.

MR. ELIOTT said, if the fine for assaults were to go direct to the Police Officer assaulted, there would have been weight in the Honorable and learned Member's objection; but as they would go to a Fund in which no single Police Officer would have an undivided personal interest, he (Mr. Eliott) confessed he could not see the force of the objection.

SIR JAMES COLVILE asked if the Honorable Mover of the Bill knew when property might be said to be so far unclaimed as to become properly the subject of a sale?

MR. ELIOTT said, there was no provision for that purpose in this Bill.

MR. LEGEYT said, a good deal of property was picked up which remained unclaimed in the Police Office for years. In Bombay, he remembered that, when he was Magistrate there, such property used to accumulate at the Police, and that, when sold after a considerable lapse of time, it would realise a pretty large sum.

MR. ELIOTT said, this Section had been taken from the 2 and 3 Vic. c. 47; but he felt bound to admit that he did not find in that Act any provision as to unclaimed property.

MR. PEACOCK moved that the words "and from the proceeds of the sale of all unclaimed property in the hands of the Police" be left out of the Section. In doing so, he said he must apologise to the Council for not having been prepared with his amendment in the first instance; but in an Act of this nature, and of such length, it was almost impossible to come prepared with an amendment ready written, and upon every particular point, in the course of only three or four days.

The Honorable Member's amendment was put, and agreed to; and the Section then passed.

Sections XVII to XX were passed as they stood.

Section XXI provided that the local Governments, with the sanction of the Supreme Government, might constitute Police Districts, with a Police in and for each District; that the local Goverument might, from time to time, appoint persons to sit as Magistrates in such Police Courts, for the trial of persons charged with offences under this Act; and that "every such Magistrate of Police shall also be appointed a Justice of the Peace."

MR. ELIOTT moved that the words "for the trial of persons charged with offences under this Act" be left out of the Section.

Agreed to.

SIR JAMES COLVILE said, he should move an amendment in the Section for the purpose of making it perfectly clear that no person should act as a Magistrate of Police who had not already been appointed a Justice of the Peace. He knew what the immunities, powers, and privileges of a Justice of the Peace were; but he did not know what were the immunities, powers, and privileges of a Magistrate of Police. He should, therefore, move that the words "person to be so appointed, before he shall act as" be inserted after the word "such" in the Section.

MR. PEACOCK said, he objected to this amendment. It might cause much inconvenience. For instance, if an Officer appointed to act as a Magistrate of Police in a district in Malacca should be taken ill, and the local Government should appoint some one to officiate for him: was the local Goverment, before the newly-appointed Officer could enter on his duties, to send to the Supreme Court of Judicature, in order to have him placed in the Commission of the Peace, and to leave all offences under this Act in the Station unprovided for in the mean time?

MR. ALLEN asked, if Resident Councillors in the Straits were not Justices of the Peace.

MR. PEACOCK said, according to the principle of the Bill, a Justice of the Peace could not take cognizance of offences under the Act; a Magistrate of Police only could do so: but, according to the amendment now proposed, a Magistrate of Police would also be unable to do so, unless he were first put into a Commission of the Peace issued by the Supreme Court of Judicature.

MR. ELIOTT said, the intention of the Select Committee was, that whatever powers were given to Justices of Peace, should be exercised by Magistrates of Police administering this Act. With regard to the Straits, the Select Committee had said—

"In the Straits, it may be necessary for the local Goverment to make provisional appointments of persons to act occasionally as Police Magistrates, to prevent the delay of a reference to the Governor in the case of his not being at the Station where a Magistracy becomes vacant at the time of the vacancy occurring."

MR. PEACOCK said, he did not see why a person who was appointed by Government to act as a Magistrate of Police should be unable to act as such unless he were also appointed a Justice of the Peace. There seemed to him to be no reason why it should be necessary that he should have the powers of both Offices before he could exercise the functions of the one to which the local Government appointed him. The local Government ought not to be left without a discretion in the matter. If it found it expedient that a Magistrate of Police should also be a Justice of the Peace, it would apply to the Supreme Court to make him one; but he did not see why it should be said to the local Governments—"If you appoint a person a Magistrate of Police, you must also get him appointed a Justice of the Peace; otherwise, he shall not act as a Police Magistrate." It was true that the local Governments usually applied to the Supreme Courts to put all the Mofussil Magistrates into the Commission of the Peace; but there was nothing to compel them to do it; and he did not know why the Council should not leave it optional with them to do so or not.

MR. ELIOTT observed, that, if they did not do so, they would leave a great deal unprovided for.

SIR JAMES COLVILE said, the question raised by the Honorable and learned Member was one of very grave importance. As the honorable and learned Member opposite (Sir Arther Buller) had said, the difficulties connected with this Bill appeared to have arisen out of the combination of provisions for the Straits Settlement with the provisions for the Presidency Towns. No one in the Council seemed to have a very clear conception of what was the precise state of things in the Straits Settlement. He should infer, from their being included in this Bill, that they were governed very much in the same manner as the Presidency Towns. They all knew what was the state of things in these towns. From the day that the Indian Law had been introduced into them, no man had exercised the jurisdiction of Magistrate of Police unless he was in the Commission of the Peace. Those communities were governed by the English Law; and, with few exceptions, all jurisdiction exercised over them was, directly or indirectly, derived from the Crown. A Justice of the Peace was subject to greater liabilities, his immunities and privileges were considerably less, than those of Mofussil Magistrates. He (Sir James Colvile) was not disposed to allow to Police Magistrates under this Act any greater exemption from liability than had heretofore been enjoyed by Justices of the Peace; and that was his reason for moving his amendment. He was convinced that, unless the Council was prepared to make a very decided and violent change in the Presidency Towns, the present state of things within them should be left undisturbed. What the state of things in the Straits might be, he was not prepared to say; but if persons exercising the functions of Police Magistrates there were not Justices of the Peace, and were not governed by the same rules that applied to Magistrates in the Presidency Towns, it would be rather unfair to them that the Settlement should be incorporated into this Bill. It would be better, he thought, if provision were made for them, or for Mofussil Magistrates generally, by a separate Bill, and not by a Bill that was applicable only to Magistrates in the Presidency Towns. In none of those towns was there a single Officer exercising the powers of a Magistrate, who was not also a Justice of the Peace.

MR. ALLEN said, every Magistrate in the Straits was a Justice of the Peace; and, for his own part, he thought that every Magistrate of Police should have the privileges and immunities of a Justice of the Peace.

MR. PEACOCK said, he did not see any reason why a man who was considered competent to discharge the duties of a Police Magistrate should be considered better for having his name inserted in a Commission of the Peace. If it were intended that the Supreme Court should exercise a check upon the appointments made by Government, he could understand the objection; but if, as it had been stated, the Supreme Court was bound to issue a Commission to every person nominated by the Government, there was no use in requiring that a person appointed as Police Magistrate should also be appointed a Justice of the Peace before he should exercise his office of Police Magistrate. He saw no virtue in the parchment and seal, and all the verbose language in which these Commissions were expressed. If any thing was necessary, why could it not be provided

by the Act at once, that a person appointed Magistrate of Police, should be vested with the powers of a Justice of the Peace ?

MR. LEGEYT said, if a person were appointed a Magistrate of Police who was not a Justice of the Peace, he would find himself at a dead-lock the first hour he sat. A case might come up before him which would require committal, and he would have no power to commit it.

MR. ELIOTT said, Justices of the Peace were often appointed under Act VI of 1845, which enacted,

"that the Supreme Court of Judicature of each of the said Presidencies shall and may, from time to time, upon the order or warrant of the Executive Government of such Presideacy, issue separate Commissions to any persons not named in the General Commission of the Peace last issued, who by Law are capable of being appointed to the office of Justice of the Peace, and who shall be nominated and appointed by such Executive Government to act as Justices of the Peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency Town."

This left no discretion to the Supreme Court.

MR. PEACOCK asked, if this Act applied to the Straits ?

MR. ELIOTT said, it did not.

SIR JAMES COLVILE said, when the Supreme Court received the warrant of the local Government for placing an officer in the Commission of the Peace, no doubt it invariably and as a matter of course gave effect to it. He did not recollect whether the Statute made this duty imperative, or know by what process of Law it could be enforced. But, practically, the Court did what it was desired to do in that matter. He did not greatly care whether the Magistrates of Police were in the Commission of the Peace or not, although he thought it more convenient that they should be so. But what he wanted to secure—and therefore he moved his amendment—was, that they should have the powers, privileges, and immunities of a Justice of the Peace, and *no more*.

SIR JAMES COLVILE'S amendment being put, the Council divided :—

Ayes 5.	*Noes* 3.
Mr. Currie.	Mr. Allen.
Mr. LeGeyt.	Mr. Peacock.
Mr. Eliott.	The Chairman.
The Commander-in-Chief.	
Sir James Colvile.	

The amendment was carried, and the Section then passed.

Section XXII was passed as it stood.

Section XXIII provided that "all summonses, subpœnas, and warrants issued in any criminal proceeding, or by any Magistrate of Police," should be served by an Officer of the Police and by none other.

MR. ALLEN moved that the words "by a Commissioner or Deputy Commissioner of Police" be inserted after the word "proceeding."

The amendment was agreed to, and the Section was passed.

Section XXIV was passed after an amendment.

Section XXV, Clause 1, was passed as it stood.

Clause 2 provided corporal punishment for juvenile offenders, with a light rattan or cane not exceeding ten stripes, instead of imprisonment.

MR. PEACOCK said that, in the last Act which had been passed upon the subject (namely Act I of 1853) it was provided how the punishment was to be inflicted; and it was required that the punishment should, on all occasions, be inflicted in the presence of the Officer who awarded it. Those provisions had been inserted after much consideration, but had been wholly omitted from the present Section. He thought they ought to be adopted in the present Act. It was not even stated by whom the punishment was to be inflicted. He did not think that it would be right to hand over the offender to the Police to be flogged, without requiring the presence of some superior Officer who could be trusted.

After some conversation, the Honorable Member moved an amendment making the Clause applicable only to male offenders.

The amendment was agreed to.

MR. ELIOTT moved, as a further amendment, that the words on "the bare buttocks" be inserted after the word "stripes :—"

The question being put, the Council divided :—

Ayes 7.	*Noes* 1.
Sir Arthur Buller.	Mr. Peacock.
Mr. Currie.	
Mr. LeGeyt.	
Mr. Allen.	
Mr. Eliott.	
Sir James Colvile.	
The Chairman.	

The amendment being carried, the Section was passed.

Section XXVI made a person stealing, or attempting to steal, or receiving stolen property not exceeding the value of Rupees 50, "liable to imprisonment with or without

hard labour for a term not exceeding six months, or, if a male, to corporal punishment not exceeding 30 stripes of a rattan."

MR. PEACOCK said, he objected to the latter part of the Section altogether. There was no reason why a grown-up male should be flogged, if tried and convicted by a Magistrate of Police any more than if he were tried and convicted by the Supreme Court. Flogging was not the kind of punishment that ought to be inflicted on a grown-up person for offences of this nature.

MR. ELIOTT observed, it had been introduced in 1844, and was in existence now both in Madras and Bombay, in which Presidencies it had never been abolished.

MR. PEACOCK moved that the words "or, if a male, to corporal punishment, &c.," be left out of the Section.

MR. LEGEYT said, he thought that corporal punishment might be inflicted upon grown-up males for their second offence. There were many persons who got their livelihood by thieving, and went before the Magistrate charged with offences a month after their discharge from prison. These characters cared very little about going to Gaol for three or six months; and it was only the fear of present pain that would deter them from a repetition of their offence.

MR. PEACOCK said, this was not a sufficient argument for the introduction of corporal punishment into Calcutta at this date. If it was advisable to allow it in cases of theft to the amount of Rupees 50, it was equally advisable to allow it in many other cases. But he thought it altogether unadvisable: there was no precedent for it in the Supreme Court jurisdiction: and he should, therefore, press his amendment.

The Honorable Member'a amendment being put, the Council divided :—

Ayes 6.	*Noes* 2.
Sir Arthur Buller.	Mr. LeGeyt.
Mr. Currie.	Mr. Elliott.
Mr. Allen.	
Mr. Peacock.	
Sir James Colvile.	
The Chairman.	

The amendment was carried and the Section then passed.

Section XXIX provided as follows :—

"Whoever, finding any property not in the possession of any person, takes it into his own possession, and (with intent to despoil the owner) fraudulently disposes of it, shall be liable to imprisonment, with or without hard labor, for a term not exceeding six months."

SIR ARTHUR BULLER said, he had considerable objection to this Section. It seemed to him to be interfering as no Police Act ought to interfere with the substantive Criminal Law—to be creating, at once, a new offence, and to be making, at the same time, a very serious alteration in the existing punishment of theft. It would be difficult, perhaps, to explain in a few words the precise state of the Law of theft in relation to property found: but he might say that the general rule was, that if a person picked up lost property bearing the name of another —or any other unmistakeabie clue to the real owner—for instance, a pocket-book, with his name and address—and converted it to his own use, he would clearly be guilty of theft; but if, at the time he found it, he had no certain means of knowing who the owner was, the subsequent discovery and subsequent conversion would not amount to theft. But this Section made the finding in the latter case a criminal offence, and also enabled the Magistrate to deal summarily with a case of the former sort of finding—in fact, with a case of regular theft. He was far from thinking that the fraudulent misappropriation of lost property should not, under all circumstances, be an offence; but he thought that it ought to be dealt with as he understood it had been proposed to be dealt with in the Penal Code, and that by far the best way that it could be dealt with in the Police Act would be in the manner suggested by Mr. Hume, the Senior Magistrate—namely, by requiring the finder of lost property, under a penalty, to give early notice of the finding to the Police.

He (Sir Arthur Buller) should, therefore, move that the words "with intent to despoil the owner, fraudulently disposes of it," be left out of the Section, in order that the words "shall not, within twenty-four hours, deliver it up to the first Police Station" might be substituted for them. Of course, it was the duty of every honest man to do his best to restore to the owner property which he picked up; and he thought it was neither severe nor unreasonable to require that he should take it to the nearest Police Station. Common sense said that the appropriation to one's own use of property which one had picked up, was morally, if not technically, a theft; and he saw no hardship in enacting that any person picking up property belonging to another, and not taking proper means within a certain time to restore it, should be liable to imprisonment, with or without hard labor, for (he should say) three months.

MR. PEACOCK said, he thought the proposed amendment objectionable. A man

with perfectly honest intentions might pick up something, and omit to carry it to a Police Office within the prescribed time, and he might be thereby subjected to a charge under the amended Section. The question of time might also become a matter of dispute. One of the effects of the amendment would be, that no one would ever pick up anything. At least, he would not.

He thought that the value of the property to which this Section should be applicable, should be limited to Rupees 50; and that, if the value was higher, the case ought to be left to the jurisdiction of the Supreme Court. If a person picked up property, and disposed of it with the intent of injuring the owner, that was as bad as stealing. It might not be so in Law, if he sold or disposed of it not knowing at the time who the owner was: he rather thought that the latest decisions ruled that the disposal of property under such circumstances was not a felony: but still, if a man picked up a pocket-book for instance, containing valuable property, and afterwards learnt who the owner was, and then went and disposed of its contents for his own benefit, that was a fraudulent dealing with the property, which ought to be punished. It appeared to him that it would be right to let the Section remain, and to amend it by inserting the words "if the value does not exceed Rupees 50," and then it would correspond, in respect of the value of the property, with Section XVI of the Bill.

MR. ELIOTT said, the reason for not putting a limit as to the value of the property, was that the offence might not be stealing in the legal sense of the term.

SIR JAMES COLVILE said, the Section as worded would certainly embrace cases which might, as the Law stood, be punished as larcenies, although it would also embrace cases which the Law could not reach as larcenies. He admitted that the English Law upon this point was not satisfactory; but the subject had been considered by the Select Committee on the Penal Code, and he hoped the Law upon it would soon be in a more satisfactory state. As a general rule, he thought that it was not expedient to alter the substantive criminal Law by Bills of this kind.

The Section, as it stood, would include cases of stealing under the present Law. The distinction was, that, if a person picked up any property, and, by any mark upon it, or other circumstance, had the means of tracing the owner, and did not attempt to trace him and restore the property, but converted it to his own use, he might fairly be presumed to have taken it from first with a felonious intention, and be convicted of larceny. Such cases were not of unfrequent occurrence. He himself had tried some which had ended in a conviction. On the other hand, if the person who picked up the property had not the means of tracing the owner, but afterwards discovered him, and yet converted the property to his own use, he could not be punished, because he had not a felonious intention at the time of taking possession. That was an absurd distinction; yet, though he should be glad to see an amendment of the substantive Law in this particular, he did not think that the evil was so crying as to require that it should be amended by a measure like this, which applied only to cases of summary conviction before a Magistrate; and if his Honorable and learned friend's (Mr. Peacock's) view were adopted by the Council, it would leave cases where the property was of considerable value, untouched. His own impression was, that the Section should be left out altogether; but if any provision of the kind were retained, he should prefer one which would be strictly applicable to those cases of wrongful taking which were not larceny at present.

SIR ARTHUR BULLER said, he confessed he still thought that his amendment was a desirable one. The evil which it was designed to remedy was one of frequent occurrence. The only substantial objection that he had heard to it, was, that it would have the effect of deterring every one from picking up any-thing. He confessed he did not think it would deter the rogue. But if it did deter a rogue, then there would be a better chance of some honest man picking it up; and if he, again, was deterred, by the idea of the trouble that it would impose upon him, then the owner would have a good chance of coming back and finding it: or, lastly, if neither rogue nor honest man would touch it, and the owner did not recover it, there would be reasonable grounds for hoping that it would be found by some honest Officer of Police.

He would therefore press his amendment.

MR. PEACOCK said, it was dangerous to provide that a man who had picked up property should be liable to imprisonment, with or without hard labor, unless he could show that the property had not been above twenty-four hours in his possession. It might have been lost two or three days, and he might have

picked it up only an hour ago, but he might have no means of proving that fact, and he might incur the risk of being punished without any intention of dishonesty.

SIR ARTHUR BULLER said, he had no objection to substitute some such words as "within a reasonable time" instead of "twenty-four hours," if it was thought preferable.

SIR ARTHUR BULLER'S amendment being put, the Council divided :—

Ayes 3	*Noes* 5
Sir Arthur Buller.	Mr. Currie.
Mr. LeGeyt.	Mr. Allen
Mr. Eliott.	Mr. Peacock.
	Sir James Colvile.
	The Chairman.

The amendment was negatived.

MR. PEACOCK then moved that the words "if the property does not, in the opinion of the Magistrate, exceed 50 Rupees" be inserted after the word "shall" and before the word "be" in the Section.

The amendment was agreed to, and the Section then passed.

Section XXX provided that, in Bombay, certain offenders might be committed to the Court of Petty Sessions for trial, and that the Court, on conviction, might sentence them to imprisonment, with or without hard labor, for a period not exceeding 12 months; "and in cases falling under Section XXVI, if a male, to corporal punishment not exceeding 30 stripes of a rattan."

MR. PEACOCK moved that the clause relating to corporal punishment be left out of the Section.

The amendment was agreed to, and the Section then passed.

MR. ELIOTT postponed the consideration of Section XXXI until after Section XXXII should be settled.

Section XXXII provided that, in certain cases, in Calcutta and Madras, charges of stealing, embezzlement, &c., of property above the value of Rupees 50, on board ship, or belonging to sailors, &c., should be tried summarily by two Magistrates.

SIR ARTHUR BULLER said, he would suggest that the consideration of this Section be postponed. The Section, as it stood, was replete with difficulties. He was not prepared with any amendments, not having had time to frame them; but he would point out, in a few words, the difficulties which the Section raised.

In the first place, there was an important ambiguity in the wording of the earlier part of the Section. It said,

"Whenever, in the Towns of Calcutta and Madras, any person is charged with having committed any of the offences mentioned in Sections XXVI, XXVII, and XXVIII of this Act on board of any merchant or passenger ship or steam vessel employed on sea voyages, *then being* within the limits of the ports of the said Towns, &c."

If the words "then being" referred to the time—as he presumed they were intended to refer—when the offence was committed, then no difficulty on the score of jurisdiction would arise; but it appeared to him that the Section was capable of being construed into meaning that, provided a ship were in port, the Magistrate might take cognizance of offences committed on board that ship, even when she was on the high seas. It appeared to him that this Council had no authority to legislate in respect of offences committed on the high seas. But nothing could be more easy than to introduce an amendment to clear up this ambiguity.

The next difficulty was of a graver character. The Section provided that, in a certain case, two Magistrates might hear and determine charges of stealing, embezzling, &c. on board. Supposing that the two Magistrates should disagree—that one of them should be for a conviction, and the other for an acquittal: who would decide between them? In the Supreme Court, the Senior Judge had the casting vote by an express enactment. But in the absence of a similar provision, how were two Magistrates to adjust their differences?

Then, again, it might possibly be a question whether, after this abortive trial, the accused would be liable to be put upon his trial again; and whether he might not say, he had already been placed in jeopardy in respect of the same offence.

MR. PEACOCK said, the Section appeared to him also to be open to several objections.

In the first place, if such a provision was necessary in Calcutta and Madras, it must also be necessary in the Straits Settlement, where sea-going vessels frequently put in. Why, then, should the Straits be excluded from it?

Again, why should the Section provide for the case of a man who had engaged to leave in a steam vessel or in a passenger ship, and not for that of a man who had engaged to leave by land? Under the Section, if a person had taken a passage from Calcutta to Madras in a passenger ship with the intention of returning in a month or two, and were robbed of property exceeding 50 Rupees in value, he might have his charge heard and

summarily determined by two Magistrates; but if a man had laid a carriage dawk from Calcutta to the Punjaub, intending to remain there eight or ten years, and he were robbed of property exceeding 50 Rupees in value, he must wait to prosecute his charge in the Supreme Court. Why should there be this distinction between the case of a man who had to go by water only a short distance, probably for a few days, and that of a man who had to go by land a much greater distance and for a much longer time? This was a new sort of legislation. It might or might not be necessary. Perhaps it had been found to be necessary, in consequence of the Sessions not being held sufficiently often. In Calcutta, they were held much more frequently than in Madras and Bombay; and if the practice either in this or in the other Presidencies occasioned inconvenience to the Public, the Judges of the Supreme Courts could remedy it by holding their Sessions more frequently. But if summary investigation by Magistrates was to be allowed to prosecutors about to go on a voyage, it ought equally to be allowed to prosecutors about to go on a journey. The principle was to prevent inconvenience and expense to the prosecutor; and it applied equally to both cases.

Moreover, the Section provided no limit as to the value of the property; so that it would leave it in the power of a prosecutor to let off with imprisonment for 12 months one who might have stolen property to an amount that would subject him to transportation for life, if the prosecutor had taken his passage in a passenger ship, although he might be about to return before the next Sessions.

As he had observed before, the real object of this provision might be gained by holding Sessions oftener. He should like to see a Report showing how long prisoners committed for trial remained in Gaol before their trial took place. An innocent man might be committed for trial and imprisoned until the trial could be held. It was a grievance upon such a man to be detained in Gaol for any period longer than was necessary. This Section did not provide for trying prisoners more expeditiously unless the prosecutor was about to go to sea. It did not, therefore, go to the root of the evil. The Council should look to the case of innocent persons lying in Gaol awaiting their trial, quite as much as to the interests of a Captain of a ship, or of a person who had engaged a passage in a passenger ship.

SIR JAMES COLVILE observed, that he must say—without, however, intending any offence—that the Section was rather a clumsy one. It proceeded upon the principle of visiting an offence with a lighter degree of punishment than ought to be awarded, as a sort of compensation to the accused for being subjected to a summary trial and conviction by the Police Magistrates in a case in which, but for the convenience of the prosecutor, and the imperfect machinery of the higher Courts of Justice, he would have had the benefit of a trial by Jury. In cases such as those contemplated by this Section, he had no doubt that inconvenience often arose, from the prosecutor or the witnesses being unable to wait. He would observe, however, that the Sessions in this City were held seven times a year, and that, therefore, prisoners committed for trial here could hardly be said to lie in prison an unreasonable time:—in fact, they did not remain untried here so long as elsewhere. One difficulty of holding Sessions more frequently, was that of getting the Grand Jury together. He thought that, by the abolition of the system of Grand Jury—which was an event far from improbable—one difficulty in the holding of Sessions with greater frequency, and as occasion might require, would be obviated. His Honorable friend who was absent to-day (Mr. Grant) had a notion in favor of which much might be said—which was that of making the Sessions almost permanent instead of periodical. It was possible that the thing might be managed, if Juries could be found, and provision were made for summoning them speedily; but the question was one which required a good deal of consideration. On the whole, he wished that the further consideration of the Section should be postponed. He was not prepared, at this moment, to suggest any other remedy for the admitted evil. On the other hand, he did not like the way in which the difficulty was met by the Section. He did not like to give two Magistrates the power of sentencing offenders to imprisonment with hard labor for twelve months: nor, on the other hand, was he prepared to say that the object proposed would not be completely gained by associating with them a Judge of the Supreme Court;—an arrangement which would equally deprive the accused of his right to a trial by a Jury.

SIR ARTHUR BULLER moved that the further consideration of the Section be postponed.

Agreed to.

Section XXXIII was postponed.

Section XXXIV, Clause 1, was passed.

Section XXXIV, Clause 2, related to the punishment of persons found in the possession of property under suspicious circumstances and not giving a satisfactory account of the way in which the possession had been obtained.

Upon Clause 2 being proposed,

SIR ARTHUR BULLER said, this Clause required reconsideration. In point of fact, it gave Magistrates power to deal with all cases of receiving, whatever the value of the property might be. The having in possession stolen property, and not giving a satisfactory account of it, was the usual evidence of receiving. Under this Section, if stolen property to the amount of Rupees 1,000 were traced to any person, he would be taken before the Magistrate, who might impose upon him a fine of 100 Rupees for the offence, and then, he apprehended, he could not be tried again; whereas if he had been tried in the Supreme Court for the same offence, he might possibly have been transported. There was an Act passed in 1852 which gave Magistrates power to deal with the offence of receiving stolen goods, which they had not before, though they had the power of dealing with cases of theft; but that Act limited their jurisdiction to receiving of property not exceeding 50 Rupees in value; and he thought that some such limit ought to be provided in the present Section.

MR. ELIOTT observed that there was no limitation as to value in other Acts.

MR. PEACOCK said, that did not make this Section a bit the better. He had several objections to Clause 2. It spoke of property "unlawfully obtained." A man might obtain a horse by means of a misrepresentation or of a fraudulent contract: the horse would in that way be "unlawfully obtained"; but was the person from whom it was so obtained to be summoned, or was any person who afterwards purchased it honestly to be punished as a receiver? Then, the Clause said,—

"If any person charged with having or conveying any thing stolen or unlawfully obtained shall declare that he received the same from some other person, the Magistrate shall cause every such other person, and also, if necessary, every former or pretended purchaser or other person through whose possession the same shall have passed, to be brought before him and examined, and shall examine witnesses upon oath touching the same; and if it appear to such Magistrate that any person so brought before him had possession of such thing and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to a fine not exceeding Rupees 100, or to imprisonment, with or without hard labour, for a term not exceeding three months."

This introduced a new principle in the Law, for it authorized the Magistrate to examine the person brought before him, and then to convict him, possibly upon his own statement. It might be right or it might be wrong to compel a man to give evidence although it might tend to criminate himself. His own opinion was, that it was right, subject to certain restrictions. At present, no man could be compelled to give evidence against himself upon a trial for a crime; but this Section provided that, if a person taken with stolen property should say he had received the property from some other person, the Magistrate was to summon that other person and examine him, and, upon conviction, might sentence him to pay a fine not exceeding 100 Rupees, or to suffer imprisonment, with or without hard labour, for a term not exceeding three months. If this was a correct principle, it ought to be applied generally; but the Act should not give greater power to Magistrates of Police in regard to the examination of prisoners, than was vested in the Judges of the Supreme Court.

The next objection he felt to the Section was that it introduced a fiction. He had a very strong objection to the introduction of any fictions into the Law. Questions of Law should be determined upon facts, and not upon fiction. When once a fiction was introduced into the Law, it could be twisted by the Judges into anything they pleased. By the Clause as proposed, if a person were found in the possession of stolen property in Calcutta, and said he had received it from another who was residing in the Punjaub, the man in the Punjaub was to be summoned before the Magistrate in Calcutta and examined; and if it should then appear that he had had possession of the property in the Punjaub knowing it to be stolen, he should be deemed to have had such possession of it in Calcutta, where the property had been seized, so as to give the Magistrate jurisdiction, and should be convicted summarily. It might be right that Magistrates in Calcutta should have the power of punishing an offender who was brought before them from beyond the local limits of the Supreme Court. But he did not think that it would be right to deem a man to have had possession of stolen property in Calcutta when he might never have

seen it in Calcutta in his life, or to allow the Police Magistrate in Calcutta to cause persons to be brought before them from long distances beyond their jurisdiction.

MR. ELIOTT said, as to the principle involved in this provision being new, he should observe that this Section actually existed in the Police Act which had been in force in Calcutta since 1852; and that it had been copied word for word from the English Act, 2 and 3 Vic. c. 71, which had been in operation since 1839.

MR. PEACOCK said, he could not admit that every provision that was to be found in English Acts was a good one, and that it ought to be blindly followed. If this were to be the rule, we should never have any amendments in the Law.

SIR JAMES COLVILE asked, if there had been any convictions under the Section of the existing Calcutta Police Act?

MR. CURRIE said, he understood that there had been very numerous convictions under it.

MR. PEACOCK said, this Section authorized any Magistrate to bring down a person from any part of India, who was said to have had possession of stolen property seized within the Magistrate's jurisdiction. It also said that the Magistrate "shall examine witnesses upon oath" touching the property; but it gave no power to compel the attendance of witnesses. Suppose that some stolen property was seized in Calcutta; that the person in whose possession it was seized said he had received it from a man in the Punjaub; and that this man, on being brought down before the Magistrate here, said he had witnesses in the Punjaub to prove his innocence,—how would the Magistrate get those witnesses to attend? The Honorable Mover of the Bill urged that there was a similar Section in the English Act; but he did not think that every English Act was so carefully drawn, or so calmly considered, that it must be perfection.

MR. ELIOTT said, the provision to which the Honorable and learned Member objected was already in existence here; and not to insert it in this Act, would be to abrogate the Law.

MR. PEACOCK said, he had no objection to abrogate such a Law.

MR. ELIOTT said, to meet the Honorable and learned Member's views, he should not object to omit from the Section all the words from "Every such person shall be deemed to have bad possession, &c.;" and he therefore begged to move that they be left out.

Agreed to.

The Clause being put as amended, the Council divided:—

Ayes 4	*Noes* 4.
Mr. Currie.	Sir Arthur Buller.
Mr. LeGeyt.	Mr. Peacock.
Mr. Allen.	Sir James Colvile.
Mr. Elliott.	The Chairman.

The numbers being equal, the Chairman gave his casting vote with the Noes.

The Section was then put.

The Council divided:—

Ayes 4.	*Noes* 4.
Mr. Currie.	Sir Arthur Buller.
Mr. LeGeyt.	Mr. Peacock.
Mr. Allen.	Sir James Colvile.
Mr. Eliott.	The Chairman.

The numbers being equal, the Chairman gave his casting vote with the Noes.

Section XXXV to XL were passed.

Section XLI provided that a person trespassing with intent to disturb another in the performance of, or to insult, any religious ceremony, should be liable to a fine not exceeding Rupees 50.

It was passed after the alteration of the amount of fine to Rupees 100, on the motion of Mr. Currie.

Section XLII provided a penalty not exceeding Rupees 20 for trespassing upon any spot temporarily appropriated for the purpose of cooking.

MR. ELIOTT said, several objections had been made to this Section, and the Select Committee had agreed, in consequence, to withdraw it. He should therefore vote against it.

The Section was put, and negatived.

Section XLIII, which empowered a Magistrate to make an order of maintenance on any person neglecting to support his wife or children, was passed after amendments expressly limiting it to the cases of children, &c., not able to maintain themselves, and fixing the maximum rate of the monthly allowance at Rupees 50 per month; and with the addition of the following Proviso:—

"Provided always, that any such person shall be at liberty to apply, from time to time, to the Magistrate for a reduction of the allowance ordered, on proof of an alteration of circumstances justifying such reduction."

Section XLIV provided that—

"Whoever takes away, or detains against her will, any woman; or unlawfully takes, or entices away, or detains, any female child under the age of 14 years out of the possession, custody, or protection, and against the will of the husband, parent, guardian, or other person who has the lawful charge or government of such child,"

for purposes of adultery, &c., shall, on summary conviction before a Magistrate, be liable to imprisonment, with or without hard labour, for any term not exceeding six months, or to a fine not exceeding Rupees 500, or to both, or, at the discretion of the Magistrate, may be committed for trial to the Supreme Court.

MR. PEACOCK moved that the words " or any female child" be inserted after the words " any woman" in the 2nd line of the Section. If a father sold a daughter under the age of 14 years, he would assent to her being taken away; but the child might refuse to go. If the purchaser took her away against her assent, he would, as the Bill now stood, be free from punishment because he would have the assent of the father. It would be an offence under the Section to take away a woman against her will: it appeared to him that it should also be an offence to take away a child either against the will of those who were able to judge for her, or against her own will. A father ought not to be allowed to sell his daughter for the purpose of prostitution.

SIR JAMES COLVILE said, it was a monstrous proposition that a parent should have the power of selling his child for prostitution, although the child might in reality have sufficient will of her own to object to the transaction. Why should this Act not allow to a child capable of forming a judgment, even though under 12 years of age, the right to say—" I will not be sold for the purpose of prostitution"?

MR. PEACOCK'S amendment was put, and agreed to; and the Section then passed.

Sections XLV to XLVII were passed.

Section XLVIII subjected male adults, among other punishments, to that of " corporal punishment not exceeding 20 stripes of a rattan," for taking spirits or liquors into Forts, &c.

MR. ALLEN moved that this part of the Section be left out.

The amendment was agreed to.

Section XLIX was passed.

Section L provided as follows:—

Whoever, in the Towns of Calcutta, Madras, and Bombay, has or keeps any hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy Shop, or place for smoking Chundoo or other preparation of Opium; or any Eating-house, Coffee-house, Boarding-house, Lodging-house, or other place of public resort and entertainment, wherein spirituous or fermented liquors are sold or consumed (whether the same be kept or retailed therein or procured elsewhere), without a license from the Commissioner of Police, shall be liable to a fine not exceeding Rupees 50 for every day that such unlicensed house or place of public resort and entertainment is kept open.

MR. ELIOTT said, he proposed to move as amendments in the Section, the omission of Bombay from the earlier part, and the addition of the following words after the word " Police" in the 12th line:—

" And whoever, in the Town of Bombay, has or keeps any such house or place; or who sells by retail in any place any spirituous or fermented liquors without such license."

The reason for providing specially for Bombay in this manner was, that in that Presidency, there were no excise Laws, such as those which obtained in Calcutta and Madras; and the provision against keeping houses of public resort and entertainment, and selling spirituous or fermented liquors by retail, without a license, did not exist there, but did exist in Calcutta and Madras.

The Honorable Member then moved his amendments, which were severally put and agreed to; and the Section was then passed.

Sections LI, LII, and LIII were passed.

MR. ELIOTT moved that the following new Section be inserted after Section LIII:—

" Whoever, in any place within any of the said Towns or Stations, wilfully harbors or conceals any Seaman or Apprentice belonging to a Merchant Vessel, knowing, or having reason to believe, such Seaman or Apprentice to be a deserter, shall be liable to a fine not exceeding Rupees 100."

Both the Chief and Senior Magistrates of Calcutta were of opinion that it was necessary to provide for the offence of harboring deserters from merchant vessels. There was a provision in an Act of 1850 against aiding and abetting desertion by seamen, but it was limited to the case of seamen navigating from Indian ports. He, therefore, proposed the above new Section.

It was not necessary that soldiers should be included in this Section, as their cases were provided for separately.

The Section was agreed to.

Sections LIV to LVI were passed as they stood.

Section LVII provided that a Commissioner of Police or Magistrate might grant warrants to Police officers to enter any house, room, or place which he has reason to believe is used as a common gaming-house.

MR PEACOCK said, some time ago, a communication was received here from the Governor of the Straits Settlement inquiring whether the word " place" in a similar Section in the Straits Act against gaming, included a junk or boat, which kind of vessels, it ap-

peared, were used as gaming-houses. His, (Mr. Peacock's) own opinion was, that it did, and that there was no necessity to alter the Act. He had not had time to see whether the wording of the Section in this Bill corresponded with that of the Section in the Straits Settlement Act; but it had been suggested that the words "afloat or on shore" should be inserted after the word "place." He himself, however, saw no necessity for this.

The Section was passed as it stood.

Section LVIII provided that, when any cards, dice, &c. are found in any house, room, &c. of which information has been given that it is suspected of being used as a gaming-house, it shall be *primâ facie* evidence that such house, room, &c., is used as a common gaming-house.

MR. ALLEN said, he would omit this Section altogether. He did not think there was a single house in Calcutta in which some dice, cards, or a backgammon box were not to be found; and yet, this Section made the finding of any of those articles in a house a proof that the house was a common gaming-house, until the contrary should be made to appear. Section LVII provided that a Commissioner of Police might grant warrants to Police Officers to enter and search for instruments of gaming. If, upon making such search, the Police Officer should find a single pack of cards in the house, that, under Section LVIII, would be a *primâ facie* proof that the house was a common gaming house. If the packs of cards or the dice found were numerous, that would necessarily be *primâ facie* evidence that the house was a common gaming-house; but to declare positively, as this Section did, that the finding of *any* cards, dice, &c. "shall be evidence, until the contrary is proved, that such house, &c. is used as a common gaming-house," appeared to him objectionable. It was true that there was a similar provision in the English Gaming Act; but in England, there were greater opportunities of getting rid of instruments of gaming than there were here.

MR. LEGEYT said, in Bombay, the Police had, for many years past, found gaming to be the greatest obstacle to the well-being and good order of the place, and a provision like this was very much required there. The working of Act IX of 1851 had proved very beneficial in that Presidency. From a communication which he had received from the Government of Bombay regarding the provisions against gaming contained in this Bill, he observed that both the Senior Magistrate and the Government of Bombay were inclined to think that the provisions should be made even more stringent than they were. The Senior Magistrate, who was a Barrister, proposed that Police Officers should be allowed to enter houses for the purpose of searching for instruments of gaming without any information upon oath that such houses were used as common gaming-houses. He (Mr. LeGeyt) should therefore vote for the Section as it stood.

The Section was passed as it stood.

Sections LIX to LXIX were passed.

Section LXX provided as follows:

"The Commissioner of Police may grant to any person a license for the sale or keeping in deposit of any quantity of gunpowder not exceeding fifty pounds, on such conditions, and for such term, not exceeding one year, as shall be specified in the license; and any person who shall be guilty of a breach of any of such conditions, shall, on conviction before a Magistrate, be liable to a fine not exceeding two hundred Rupees, and to forfeit all gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also, in the discretion of the Magistrate, to forfeit his license."

MR. CURRIE moved as an amendment that the words "or of the Commissioner" be added after the words "of the Magistrate" in the last line of the Section. Even though the Magistrate should not order the license to be forfeited, it appeared to him that the Commissioner, who granted it, should have the power of withdrawing it. This was a matter in which the Commissioner ought to have the power to say whether it was safe that a man should continue to have a license or not.

The amendment was agreed to.

Sections LXXI to LXXVIII were passed.

Before Section LXXIX was proposed—

MR. CURRIE said, it was very necessary that accidents on the river attended with loss of life should be reported to the Police; and he proposed, therefore, to insert the following new Section to render such reports obligatory:—

"Whenever any accident shall occur to a registered boat, attended with loss of the life of any one of the crew or passengers, the Manjee, or, if the Manjee be not forthcoming, the owner of the boat, shall report the circumstances at the Police Office; and if the Manjee or the owner, as the case may be, without lawful excuse, neglect or delay to make such report, he shall be liable to a fine not exceeding Rupees 50."

The Section was put, and agreed to.

Clauses 1 and 2 of Section LXXIX were passed.

Clause 3 was a provision against driving vehicles during the night without lamps.

It was passed after an amendment, by which carts for the conveyance of goods were included in it.

Clauses 4 to 11 were passed.

Clause 12 provided against the beating of drums, or blowing of horns, &c., in the public streets between 10 P.M. and 4 A.M., so as to disturb the repose of the inhabitants; or at any time or place so as to cause danger by terrifying horses or cattle.

MR. PEACOCK said, Act XII of 1852 prohibited the beating of drums and blowing of horns in the public streets except at such time and in such place as might be allowed by the Chief Magistrate. He (Mr. Peacock) did not know why this Section had been drawn differently; but it appeared to him that it would not be right to allow the inhabitants of the city to be disturbed by the blowing of horns and the beating of drums in the public streets between 4 A.M. and 10 P.M. He should, therefore, move that the words "between the hours of ten at night and four in the morning" be left out of the Section, in order that the words "except at such time or place as the Commissioner of Police might direct" be substituted for them.

MR. ELIOTT said the Select Committee had not followed the words of Act XII of 1852 to which the Honorable and learned Member referred, because they thought that legislation in such matters ought not to interfere with customs which had prevailed amongst the people from time immemorial; and that the disturbance of the repose of the inhabitants during night, and the endangering of the safety of passengers by the frightening of cattle was all that the Act need provide against.

MR. PEACOCK'S amendment, being put, the Council divided :—

Ayes 3.	*Noes 5.*
Mr. Currie.	Sir Arthur Buller.
Mr. Peacock.	Mr. LeGeyt.
The Chairman.	Mr. Allen.
	Mr. Eliott
	Sir James Colvile.

Clause 12 was then passed as it stood.

Clause 13 was a provision against lighting fires, and discharging guns, fire-works, &c., in the public streets.

On the motion of SIR ARTHUR BULLER, sending up any fire-balloons was included in the provision.

The remaining Clauses of the Section were passed.

Section LXXX was passed.

MR. CURRIE moved that Section XVIII of the Conservancy Bill should be transferred to this Bill and inserted in this place. That Section provided a penalty for destroying public lamps, &c.; for extinguishing lights therein; and for taking away oil, &c. therefrom. There were three reasons for which this Section shou'd be in the Police and not in the Conservancy Bill. First, the breaking of lamps was obviously an offence which should be cognizable by the Police. Another reason was, that, under the Conservancy Law, prosecutions could be instituted only at the instance of the Municipal Commissioners; but in an offence like this, unless the offender was apprehended on the spot, he would, in most cases, not be apprehended at all. The third reason was, that one-half the public lamps here belonged to the Government, and not to the Municipal Commissioners. He, therefore, proposed that Section XVIII of the Conservancy Bill should be transferred to this part of the Police Bill, altering the amount of the fine provided by it to 50 Rupees, and making the money payable to the Municipal Fund, whenever the lamps damaged belonged to the Municipal Commissioners.

At the suggestion of Mr. Eliott, the Honorable Member substituted 20 Rupees for 50 Rupees in his motion, which was then put, and agreed to.

Sections LXXXI and LXXXII were passed.

Section LXXXIII provided that

"any Police Officer may arrest, without a warrant, any person committing, in his view, any felony or any offence against this Act."

MR. PEACOCK moved that the words "any felony or" be left out of the Section. Every Police Officer was a Constable, and every Constable had the power of arresting a person committing any felony in his view. Therefore, expressly to give it to him with respect to felonies under this Act, would only be to narrow the general right.

SIR JAMES COLVILE said, he quite concurred in thinking that the particular words should be omitted as unnecessary; but he had a further doubt whether, considering what minute acts were made offences by this Bill—offences for which summonses might well be issued, the Section did not, in other parts of it, go too far in the way of giving the power to arrest without warrant.

MR. PEACOCK'S amendment was put and agreed to.

MR. LEGEYT begged to move an addition to this Section. At the last Meeting of the Council, he had brought forward a

proposition that Police and Conservancy Officers should have the power of arresting without warrant persons whom they found offending against certain Sections of the Conservancy Bill. The Council had negatived that proposition. But, having since further considered the subject, and looking at all that he had learnt upon the subject, he felt convinced that, in the great majority of cases, there would be no practical check upon offences against Sections LXXVIII and LXXX of the Conservancy Bill, and against the bye-laws that might be passed under Section LXXXII of the same Bill, unless some such provision as he proposed, were made. Section LXXVIII of the Conservancy Bill was a provision against fouling water in any public stream, tank, &c., by bathing, washing, &c. Section LXXX was a provision against injuring water-works, or wasting water. It must be obvious that these were offences which would, for the most part, be committed by persons who were unknown to the Police and Conservancy Officers in whose view they committed them. If, therefore, the process of summons were to be required in cases under these Sections, he felt quite sure that the offences never would be punished at all. The question, therefore, was simply this—was it intended that the penalties provided for these offenecs should be enforced, or that they should remain a dead letter? In proposing this provision as to offences under the Conservancy Bill, he proposed to give no more power to Police Officers than was allowed to them by the present Bill for a variety of offences of not greater magnitude; and he really could not see why, when persons committing certain offences against the Police Bill were made liable to arrest without warrant, persons committing the same kind of offences against the Conservancy Bill should be in a better position. He should, therefore, move that the words "or any of the offences specified in Sections LXXVIII LXXX or CXV, or for the infringement of any of the bye-laws made under the authority of Section LXXXII of the Conservancy Bill" be added to the Section.

MR. CURRIE said, he was opposed to the introduction of this Section. He did not think that the offences enumerated in Section LXXVIII were such as might not, in the great majority of cases, be dealt with by the process of summons. This was evidently the case with respect to the latter part of the Section; and with respect to the first part, if the owner of a horse or dog, for instance, caused the animal to be washed in a tank, he could be easily traced.

Section LXXX, again, referred to injury done to water-works, or to the diverting of water from such works. Surely, those were offences which might be dealt with by the process of summons.

MR. PEACOCK said, if this question was to be re-considered by the Council, he thought it would be better to re-consider it on the re-committal of the Conservancy Bill. The Council had already determined that the provision should not be inserted in that Bill, and it appeared to him that it ought not to be inserted in this. If inserted at all, it ought to be inserted in the Conservancy Bill.

MR. LEGEYT'S motion was put, and negatived.

SIR JAMES COLVILE said, he retained strongly his objection to giving policemen the summary power of arrest without warrants for such offences as Section LXXXIII referred to. It would enable chowkeydars to extort money from any person whom they chose to say they had seen offending. He should, therefore, move, that the words "provided the name and address of such person shall be unknown, or he shall refuse to give his name, or to satisfy the Police Officer that such name and address are true," be added to the Section.

The Proviso was agreed to, and the Section then passed.

Section LXXXIV provided that a Policeman might apprehend a person charged with recent assault, without a warrant, though the assault might not have been committed in his presence.

Section LXXXV provided that private individuals might apprehend persons whom they found committing an offence on or with respect to any property belonging to another.

MR. PEACOCK said, he had not had time to prepare any new Sections to be introduced into this Bill, but he thought that the Bill, as it at present stood, left many things unprovided for which ought to be provided for. If a person drove his carriage recklessly against, and injured that of another, and no Police Officer saw the collision, a Police Officer could not arrest him under Section LXXXIII or under Section LXXXIV, because he had not seen him commit the offence; and the person injured could not arrest him under Section LXXXV, because the offence under the Act was the offence of furious driving. Surely, in

such a case, the person injured ought to have the power of arresting the offender on the spot and handing him over to a Police Officer. He (Mr. Peacock) was not prepared with clauses on this subject at that moment, and he should, therefore, propose that the consideration of Sections LXXXIV and LXXXV be postponed.

Agreed to.

Sections LXXXVI to XCIV were passed as they stood.

MR. ELIOTT moved that the following new Section be inserted after Section XCIV :—

"If a Magistrate shall be satisfied by evidence before him that it is probable that such person," (that is, a person summoned as a witness) "will not attend to give evidence without being compelled so to do, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance."

The Honorable Member said, this Section was intended to meet cases in which there should be reason to believe that the service of a summons to the person to attend would only be a notice to him to abscond.

MR. PEACOCK said, he thought this Section objectionable. Generally speaking, the Magistrate ought not to have the power, unless he were satisfied that the person intended to go out of the jurisdiction ; but the person might alter his mind if he were served with a summons, or he might never have any intention of leaving the jurisdiction ; in which case it would be sufficient to give a power of arrest if the party neglected to obey a summons. It seemed to him (Mr. Peacock) that it would be safer not to give the power proposed.

The Section being put, the Council divided :—

Ayes 3.	*Noes* 5.
Mr. Currie.	Sir Arthur Buller.
Mr. LeGeyt.	Mr. Allen.
Mr. Eliott.	Mr. Peacock.
	Sir James Colvile.
	The Chairman.

The Section was negatived.

Section XCV was passed as it stood.

Section XCVI provided as follows :—

"Whoever wilfully gives false evidence on oath in any judicial proceeding before a Magistrate, shall be deemed guilty of perjury, and may be committed by the Magistrate for trial before Her Majesty's Supreme Court of Judicature."

SIR JAMES COLVILE asked, if there was any necessity for this provision ?

MR. ELIOTT said, it had been represented to the Select Committee that Magistrates had not the power of sending up for trial persons who committed perjury in proceedings held before them..

SIR JAMES COLVILE said, a false statement on oath, in a proceeding before a Justice of the Peace, would support an indictment for perjury ; *à fortiori*, one before a Magistrate exercising powers of summary conviction would do so.

MR. LEGEYT said, any individual could carry a complaint of perjury before the Grand Jury, and so get the person charged indicted, and the case investigated and committed by the Magistrate for trial ; but where that was not done, the Magistrate could not commit.

SIR JAMES COLVILE said, he had misapprehended the intention of the Section. He had read it hastily, and did not observe that it related only to the powers of a Justice of the Peace to commit for trial on a charge of perjury. He thought that it did not go far enough. He thought that the Police Magistrate ought to have the power of investigating and sending up for trial all cases of perjury whether committed before themselves or in other Courts. They were just that kind of cases in which there ought to be a preliminary investigation, and in which the persons accused ought to know beforehand what were the charges they would have to meet. Charges of perjury altogether false were constantly preferred in private indictments. He should, therefore, propose that the further consideration of this Section be postponed, with a view to its being amended so as to be applicable to all cases of perjury.

SIR ARTHUR BULLER suggested that the Section might also be made to include cases of conspiracy.

SIR JAMES COLVILE said, in one of the Bills introduced by Sir Lawrence Peel—which, owing to the changes contemplated in the Supreme Court, had not been proceeded with, it was proposed to give Magistrates the power of holding a preliminary investigation in Admiralty cases. Some such provisions might be usefully introduced into this Bill. He thought that, in such a Bill, the Council ought to introduce all the provisions which would enlarge the present powers of the Magistrates beneficially to the Public.

The further consideration of the Section was then postponed.

Section XCVII provided that Magistrates may adjourn the hearing of any complaint, and may suffer the defendant to go at large, or detain him in custody, or dis-

charge him upon recognizances in the meantime.

MR. PEACOCK said, this Section went too far. A person might be brought before a Magistrate charged with a trivial offence under the Act for which he could not be imprisoned, but could only be fined; and yet, by this Section, the Magistrate would have the power, upon adjourning the hearing of the complaint, of detaining him in custody, and that for an indefinite period, since the Section fixed no limit as to time for such postponements. He thought that the power of detaining in custody should be given only as to non-bailable offences under the Act, or in default of recognizances.

SIR JAMES COLVILE moved amendments in the Section to this effect, which were agreed to, and the Section was then passed.

Sections XCVIII and XCIX were passed as they stood.

MR. ELIOTT postponed the consideration of Section C until after Section CIV should be settled.

Section CI was passed as it stood.

Section CII was passed after a slight amendment.

MR. ELIOTT moved the insertion of the following new Section:—

"If any person, upon entering into such recognizance as is by this Act authorized to be taken, do not afterwards appear, pursuant to such recognizance, the Magistrate before whom he ought to appear shall certify the fact of such non-appearance on the back of the recognizance; and thereupon, the sum thereby acknowledged shall be recoverable in the manner provided by this Act for levying fines."

The Section was agreed to

MR. LEGEYT moved that the following new Section be inserted after the above:—

"If any person who has entered into a recognizance to keep the peace, or to be of good behaviour, before any Magistrate of Police or any Justice of the Peace, by any act forfeit such recognizance, and when the amount forfeited does not exceed Rupees 200, the Magistrate or other authority before whom he may be convicted of any act by which such recognizance is forfeit, shall, when applied to, certify any such conviction on the back of such recognizance; and thereupon, the sum thereby acknowledged shall be recoverable in the manner provided by this Act for levying fines."

The Honorable Member said, he did not think that the Section just adopted by the Council went far enough. By an old Law in Calcutta, there was a provision for estreating recognizances taken by Justices of the Peace. But in Bombay, one of the annexures to the Bill described the state of things in this respect to be as follows:—

"Magistrates in Bombay have no power to recover the penalties of forfeited recognizances. Entering into recognizances has become a mere form. Forfeited recognizances have frequently been sent by the Magistrate to the Supreme Court, through the Government Law Officers, to be estreated; but in no instance, the Senior Magistrate states on the authority of the Honorable Company's Solicitor, have the penalties been recovered. The Senior Magistrate, therefore, proposes, and the Right Honorable the Governor in Council regards the proposition as well worthy of consideration, that a Section be added to the Bill giving Magistrates the power to estreat recognizances to the extent of Rupees 500, and to enforce payment as fines under Act II of 1839."

The provision just inserted on the motion of the Honorable Member in charge of the Bill, gave the power of dealing in this way with recognizances of only one kind—recognizances, namely, for ensuring appearance. But the number of recognizances taken in the Police Office, in Bombay at least, for good behavior and keeping the peace, was very much larger. If his memory served him aright, the proportion was 10 to 1; and the Magistrates in that Presidency never could get a recognizance estreated. They used to send recognizances to the Supreme Court for estreatment, but never heard anything about them afterwards. There was an old Law which provided for the estreatment of recognizances by Magistrates; but it had reference only to particular kinds of recognizances and did not extend to recognizances for keeping the peace and being of good behavior; nor would the Section just introduced apply to recognizances for those purposes.

MR. PEACOCK thought it might be unfair to proceed in so summary a manner against the sureties named in such a recognizance.

After some conversation, the Honorable Member, with the leave of the Council, withdrew his Section until the Bill should come before the Council for the third reading.

MR. ELIOTT here moved the insertion of the following new Section:—

"All powers and authorities conferred on a Magistrate of Police by this Act relating to the issue of summonses and other process to enforce the attendance of prosecutors, defendants, and witnesses, and to the issue of warrants of distress and commitment, shall be exercised by the Court of Petty Sessions at Bombay; and all summonses to parties to appear before that Court may issue under the signature of any Magistrate or of the Clerk of the Court."

The Section was agreed to.

Sections CIII and CIV were passed.

MR. ELIOTT moved that Section C be inserted after Section CIV.

The question was agreed to, and the Section passed.

Sections CV to CVIII were passed as they stood.

Section CIX was as follows :—

"Any Magistrate, upon an application being made to him by the Consul of any Foreign power to which the Foreign Deserters' Act (1852) has, by an order of Her Majesty in Council, been, or shall hereafter be, declared to be applicable, and upon complaint on oath of the desertion of any seaman from any ship of such Foreign power, may issue his warrant for the apprehension of any such Deserter, and upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody till the vessel is ready to sail, on deposit being first made of such sum as the Magistrate shall deem necessary for the subsistence of the Deserter during such detention; provided that the detention of such Deserter shall not be continued beyond twelve weeks."

MR. PEACOCK said, it appeared to him that this Section required amendment.

The Foreign Deserters' Act provided that the Queen in Council might revoke an order making the Act applicable to any Foreign Power. If the Queen in Council should, at any time, revoke an order which made that Act applicable to a particular Foreign Power, this Section, as it now stood, would still apply to deserters from any ship of such Power in an Indian port. The Queen in Council extended the operation of the Foreign Deserters' Act to Foreign States on the principle of reciprocity. If a Foreign State refused to act on that principle, the Queen in Council issued a second order, revoking the one which made the Act applicable to it; and on such order being publicly notified here, this Section ought also to be revoked as to that State.

Then, the Foreign Deserters' Act said it should apply to foreign seamen "not being slaves." Those words were left out of this Section. Foreign ships might come into Indian ports having slaves as members of their crew. These slaves might desert. The Indian Legislature ought to make the same exception as to slaves which the English Act made.

The Honorable Member then moved that the words "not being a slave" should be inserted after the words "desertion of any seaman" in the 9th line of the Section.

Agreed to.

The Honorable Member next moved that the words "until a revocation of such order by the Queen in Council shall have been publicly notified here" be inserted after the word "may" in the 10th line of the Section.

Agreed to.

The Section, as amended, was then passed.

MR. ELIOTT said he proposed to introduce a Section fixing the date on which the Bill should come into operation. There would be no difficulty in appointing an early date for the Municipal Bill; but some correspondence would be necessary regarding this Bill between the local Governments and the Government of India. To allow time for such correspondence, he should move the following new Section :—

"This Act shall commence and take effect from and after the 1st of November 1856."

Agreed to.

The Schedule, which enumerated the Laws repealed, was then proposed.

One of the Clauses repealed

"Act XL of 1850, entitled an Act for licensing pawn-brokers in the Setttlement of Prince of Wales' Island, Singapore, and Malacca,"

MR. ELIOTT said, when this Clause was inserted, there was a provision in the Bill for licensing pawn-brokers; but that provision had been omitted by the Select Committee. In consequence of this, it was now proposed to leave in force so much of Act XL of 1850 as applied to the grant of licenses. He therefore moved that the words "except Sections II and III" be added to this Clause.

Agreed to

Another Clause of the Schedule repealed

"Chapter VI of Regulation XIX of 1827 called Regulation for the Presidency, prescribing Rules for the Assessment and Collection of the Land Revenue, and for collecting Taxes on Shops and Stalls, on beating the Battakee or making Proclamation by the Crier, on country Music, on Wedding sheds, and places of public Amusement, on Houses, on Carriages, and on Horses; for causing individuals who may sell or transfer Houses, or Tenements, subject to quit or ground rents, to give notice of the same to the Collector; and also for levying fees in the Court of Petty Sessions and Police Offices."

MR. LEGEYT said, the Bombay Government had represented that the repeal of this Regulation would deprive the Municipal Revenue of that Presidency of Rs. 6,000 per annum, which it could ill afford to lose, and for which nothing was substituted in the Bill. This Bill had hitherto avoided all matters which related to Municipal Revenue, and he thought that the Regulations referred to in the above Clause should be allowed to remain in force until the new Municipal Bill should come before the

Council, and the revenues to be collected thereunder be considered. Six thousand Rupees per annum was a large sum for the Municipal Fund, in its present state, to lose; but if it should be determined to repeal Chap. 6 of Regulation XIX of 1827 by the Municipal Bill, he hoped to have provision made in that Bill for making good from other sources the loss of the amount now realized under the Regulation.

He therefore moved that the Clause in question be omitted from the Schedule.

The question being put, the Council divided :—

Ayes 4.	*Noes* 3.
Sir Arthur Buller.	Mr. Currie.
Mr. LeGeyt.	Mr. Elliott.
Mr. Peacock.	The Chairman.
Sir James Colvile.	

The motion was carried, and the Schedule, as amended, passed.

The Schedule of Forms was then put, and agreed to.

The Council then resumed its sitting, and adjourned, on the motion of Sir James Colvile.

Saturday, April 26, 1856.

PRESENT :

The Hon'ble J. A. Dorin, *Vice President*, in the Chair.

Hon. Sir J. W. Colvile,	Hon. J. P. Grant,
His Excellency the Commander-in-Chief,	C. Allen, Esq.,
	E. Currie, Esq. and
Hon. Major Genl. J. Low,	Hon. Sir A. W. Buller.

MARRIAGE OF HINDOOS.

THE CLERK presented a Petition from certain Brahmins of Poonah against the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows."

MR. GRANT moved that this Petition be printed.

Agreed to.

SALE OF UNDER-TENURES (BENGAL).

MR. CURRIE presented the Report of the Select Committee on the Bill "to amend the Law relating to the sale of Under-tenures."

MARRIAGE OF HINDOO WIDOWS.

MR. GRANT presented the Report of the Select Committee on the Bill "to remove all legal obstacles to the Marriage of Hindoo Widows;" and gave notice that, on Saturday next, he proposed to move the committal of the Bill.

REVENUE OF CALCUTTA.

MR. CURRIE moved the first reading of a Bill "relating to the Administration of the Public Revenues in the Town of Calcutta." The object of this Bill, he said, was to assimilate the administration of the Public Revenues in Calcutta with the system which prevailed in all other parts of the Presidency of Bengal. The present state of the Law was this. By Regulation XII of 1826, it was provided that a Civil Servant of the East India Company should be specially appointed to take charge of the Stamp Duties in the Town of Calcutta: by Act XI of 1849, the charge of the Abkaree Revenue was expressly vested in the Collector of Calcutta: and by Act XXIII of 1850, the Collector of Calcutta, or any Officer legally appointed to exercise the powers of Collector, had the management of the Land Revenue. If, therefore, these three branches of revenue were to be administered by one person, that person must be a Civil Servant appointed Collector of Calcutta, and specially vested with the charge of the Stamp Duties. Until lately, there had been such an Officer: the Office of Collector of Calcutta was a substantive appointment, held by a Civil Servant: but recently, it had been thought advisable that the Collectorship of Calcutta should be united with the Collectorship of the Twenty-four Pergunnahs; and it was considered that, under the new system, the best mode of providing for the administration of the several branches of the town revenue would be to entrust the duties to one or more Deputy Collectors, acting under the general control of the Collector.

It was to legalise an arrangement of this kind that this Bill was introduced. It modified that part of Regulation XII of 1826 which required that the collection of Stamp Duties should be in the charge of a Civil Servant specially appointed, and extended to Calcutta the general law applicable to the office of Deputy Collector.

The Bill was read a first time.

AMEENS (BENGAL).

On the Order of the Day for the third reading of the Bill "to amend the Law respecting the employment of Ameens by the Civil Courts in the Presidency of Fort William," being read—

MR. CURRIE moved that the Bill be recommitted.

Agreed to.