

PROCEEDINGS



OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

January to December 1856.

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cuted within the jurisdiction of any other Magistrate having jurisdiction in any part of those territories, whether in the same Presidency or not, upon having a written authority from the Magistrate within whose jurisdiction it might be executed, endorsed thereon.

MR. PEACOCK said, by this Section, Magistrates might be led to suppose that the issuing of subpoenas for the attendance of witnesses from any place beyond their jurisdiction was a matter of ordinary jurisdiction and routine. It appeared to him that this ought not to be the case, and that witnesses residing at a distance from the jurisdiction of a Magistrate should be subpoenaed only when there was some special reason that made their attendance necessary. It would be a very great hardship upon persons if they were compelled, without a sufficient reason, to come as witnesses from one Presidency to another, or from remote parts within the same Presidency. In England, Magistrates could not compel persons to come as witnesses from Ireland or Scotland. He should, therefore, propose that the following proviso be added to the Section :—

“ Provided that no subpoena shall be issued by a Magistrate for the attendance of a witness from any place beyond the local limits of his jurisdiction, unless special grounds shall be proved to the satisfaction of the Magistrate in support of the applications, which reasons shall be recorded before the subpoena is issued.”

At Mr. Allen's suggestion, the Honorable and learned Member altered his amendment so as to include summonses.

MR. CURRIE said, he was willing to insert the Proviso if it were limited to subpoenas; but he thought it would be better not to include summonses in it. The Bill had been reported upon by the Sudder Courts, and they had expressed their entire satisfaction with its provisions as they stood. He should, therefore, move, as an amendment, that the word “summons,” and the word “defendant,” be left out of the motion.

The amendment was negatived, and Mr. Peacock's motion then carried.

Section I, as amended by Mr. Peacock, at Mr. Allen's suggestion, was agreed to.

The remaining Sections, with the Preamble and Title, were passed as they stood.

The Council having resumed its sitting, the Bill was reported.

#### LANDHOLDERS' LIABILITY IN RESPECT OF CERTAIN OFFENCES.

MR. ALLEN moved that the Bill “to extend the provisions of Regulation VI. 1810 of the Bengal Code” be referred to a Select Committee consisting of Mr. Elliott, Mr. Currie, and the Mover.

Agreed to.

#### ARTICLES OF WAR FOR THE NATIVE ARMY.

MR. PEACOCK moved that the Bill “to extend the provisions of the 101st Article of War for the Native Army, provided by Act XIX of 1847” be referred to a Select Committee, consisting of His Excellency the Commander-in-Chief, Mr. Elliott, and the Mover.

Agreed to.

#### CONSERVANCY (PRESIDENCY TOWNS, &c.)

MR. PEACOCK moved that the Bill “to amend Act XIV of 1856” be referred to a Select Committee, consisting of Mr. Grant, Mr. Allen, and the Mover.

Agreed to.

The Council adjourned.

Saturday, August 2, 1856.

#### PRESENT :

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

Hon. Sir J. W. Colville,	D. Elliott, Esq.,
His Excellency the Com- C. Allen, Esq.,	
mander-in-Chief,	P. W. LeGeyt, Esq.,
Hon. J. P. Grant,	E. Currie, Esq., and
Hon. B. Peacock,	Hon. Sir A. W. Hall.

#### MARRIAGE OF HINDOO WIDOWS.

THE CLERK presented a Petition from residents of Dacca in favor of the Bill “to remove all legal obstacles to the marriage of Hindoo widows.”

Also a Petition from residents of Tanna, addressed to the Government of Bombay and forwarded to the Clerk, against the Bill.

#### HINDOO POLYGAMY.

Also a Petition from Rajah Prosumnath Roy Bahadur, of Nattore, praying for the abolition of Hindoo Polygamy.

Also a Petition from Inhabitants of Rajshahye, with the same prayer.

Also two Petitions from Inhabitants of the district of Hooghly, with the same prayer.

SIR JAMES COLVILLE moved that the Petitions relating to the abolition of Hindoo Polygamy, be printed. He would not make any motion regarding the others, since they related to a measure which had been already passed, and there could, therefore, be no necessity for printing and circulating them.

The motion was agreed to.

#### OATHS OF OFFICE BY REGISTERS OF DEEDS.

MR. ALLEN moved the first reading of a Bill "concerning the taking of oaths of Office by Registers of Deeds." He said, the Bill was a very short and simple one. On the first establishment of the civil administration in 1793, a Register of Deeds was appointed at every Zillah Court, and in every Zillah Court was located a Judge, and the Register so appointed was bound to take the oaths of office before the Judge. In those days, there were no other Civil Stations. Since then, Civil Stations had multiplied, and there were many now which were at a considerable distance from any Judge. In consequence of this state of things, it became necessary to appoint more Registers; and Act XVIII of 1838, which permitted the Government to appoint such Officers in places other than those at which Judges were located, was passed. But the old Law, which required Registers of Deeds to be sworn in before Judges, remained. This had led to some inconvenience, and the inconvenience had been specially felt in the Zillah of Bundelkund, for a Register had been appointed for the Pergunnahs of Koonch and Culpee, which were distant about 70 or 80 miles from Banda, the headquarters of the district. A Register of Deeds recently appointed for those Pergunnahs, under the Act of 1838, was obliged to take a long journey, in order to take the oaths of office before a Judge.

The Bill which he (Mr. Allen) had the honor to present, consisted of only one Section, which provided that a Register of Deeds might be sworn in before the highest Civil functionary at the Station to which he was appointed.

The Bill was read a first time.

#### NATIVE PASSENGER VESSELS.

MR. ELIOTT moved the second reading of the Bill "to prevent the over-crowding of vessels carrying Native passengers in the Bay of Bengal."

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

#### POLICE CHOWKEYDARS (BENGAL).

On the Order of the Day being read for the Council to resolve itself into a Committee on the Bill "to amend the law relating to the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars, in the Presidency of Fort William in Bengal"—

MR. CURRIE said, he must ask the permission of the Council to defer the motion. It was not by his instructions that the motion had been placed amongst the Orders of the Day. The Bill had been considerably altered by the Select Committee, and, before submitting it to a Committee of the whole Council, he had been desirous of ascertaining whether the Lieutenant Governor of Bengal had any suggestions to make respecting the alterations. As soon as the amended Bill had been printed, he had forwarded a copy of it to him; but, as he was moving about on the river, some delay had occurred in its reaching him. A similar reference had been made to the Lieutenant Governor of the North-Western Provinces by his Honorable friend on the right (Mr. Allen,) who had received in reply a telegraphic message that he had no suggestions to make. It was in consequence of this, he believed, that the motion for going into Committee on the Bill had been inserted in the Paper for this-day. With the permission of the Council, he would move to postpone it until Saturday next, by which time he had little doubt he should receive the expected communication.

Agreed to.

#### TRANSPORTATION OF CONVICTS (STRAITS SETTLEMENT).

MR. LEGEYT moved that a communication which he had received from the Government of Bombay relating to the existing Law in the Straits respecting the transportation of persons there to Bombay, be printed and referred to a Select Committee consisting of Sir James Colvile, Mr. Peacock, and the Mover, with instructions to report whether any legislation was necessary. The communication set forth that, some time ago, a convict was transported from Bombay to the Straits for life. In the Straits, he committed some offence which rendered him amenable to transportation, and the Court there transported him back to Bombay! The Government of Bombay addressed the Straits

Authorities on the subject, and the reply was that they had no alternative: the man had incurred the penalty of transportation, and they could only transport him to Bombay.

The motion was agreed to.

**NATIVE PASSENGER VESSELS.**

MR. ELIOTT moved that the Bill "to prevent the over-crowding of vessels carrying Native passengers in the Bay of Bengal" be referred to a Select Committee consisting of Mr. Allen, Mr. LeGeyt, and the Mover.

Agreed to.

**NOTICES OF MOTIONS.**

MR. LEGEYT gave notice that, on Saturday next, he would move the second reading of the Bill to amend Act II of 1852 (relating to the Land Customs of Bombay).

Also the first reading of a Bill to levy a tax upon Tobacco imported into Bombay.

The Council adjourned.

*Saturday, August 9, 1856.*

**PRESENT :**

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

Hon. Sir J. W. Colville,	C. Allen, Esq.,
His Excellency the Com- mander-in-Chief,	P. W. LeGeyt, Esq.,
Hon. J. P. Grant,	E. Currie, Esq.,
Hon. B. Peacock,	and
D. Elliott, Esq.,	Hon. Sir A. W. Buller.

**HINDOO POLYGAMY.**

THE CLERK presented a Petition from Rajahs Jogendrochunder Roy and Poornochunder Roy and other Inhabitants of Soorapoolie, praying for the abolition of Hindoo Polygamy.

Also a Petition from certain Pundits and others, Inhabitants of the same place, with the same prayer.

Also a Petition from Coolin Brahmins, heads of families in Calcutta, with the following prayer:—

"That your Honorable Council may pass an enactment declaring that the ancient prevailing Law of this Land is that of Monogamy, and tolerating second marriages only in those few exceptional cases that would interfere with the grand object of the Marriage Institution as conceived of by the Hindoos, which is to obtain a son for the discharge of peculiar duties which he alone can rightly perform."

A second Petition from Coolin Brahmins, with the same prayer, was presented.

Also a Petition from landholders and others of Rungpore, with the same prayer.

Also a Petition from Inhabitants of Hooghly, with the same prayer.

**MARRIAGE OF HINDOO WIDOWS.**

Also seven Petitions from Inhabitants of Surat, addressed to the Government of Bombay and forwarded to the Clerk, praying that the Bill "to remove all legal obstacles to the marriage of Hindoo widows" might not be passed.

MR. GRANT moved that the Petitions for the abolition of Hindoo Polygamy be printed. He should make no motion with reference to the others, as they related to a measure which had already been passed.

The Honorable Member's motion was agreed to.

**POLICE CHOWKEYDARS (BENGAL).**

THE CLERK also presented a Petition from zemindars, landholders, and others, Inhabitants of Bengal, praying for the republication of the Bill "to amend the law relating to the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazaars, in the Presidency of Fort William in Bengal."

MR. CURRIE said, as the Bill stood for committal to-day, he should move that the Petition be read.

Agreed to.

THE CLERK read the Petition, which was as follows:—

*To the Honorable the Legislative Council of India.*

The humble petition of the undersigned Zemindars, Landholders, and other native inhabitants of Bengal.

SHEWETH,—That your memorialists have seen in the report of the weekly meeting of the Council published in the *Englishman* of the 4th instant, that, upon the motion of the Honorable Member for Bengal, the Council postponed going into Committee on the Bill "to amend the law relative to the appointment and maintenance of Police Chowkeydars in cities, towns, stations, suburbs, and bazars, in the Presidency of Fort William in Bengal," in consequence of the Bill, which has undergone considerable alterations in the Select Committee, having been sent to the Lieutenant Governor with a view to ascertain whether His Honor had any suggestions to make in respect to the alterations so made in the Bill.

Your memorialists, taking all circumstances into consideration, consider the postponement highly desirable, and beg most respectfully to observe that the reason which induced the Council to put off the commitment of the Bill until the opinion of the Lieutenant Governor