

Saturday, 29th September, 1855

**PROCEEDINGS**

**OF THE**

**LEGISLATIVE COUNCIL**

**OF INDIA**

**Vol. I**

**(1854-1855)**

be assets in the hands of the Executor or Administrator for payment of the debts of the deceased; and there could be no valid reason why a freehold estate, which could be seized and sold under a writ of execution during the life-time of the owner, should, on his death, pass to his heir-at-law, or any other person free from liability for his debts. In practice, freehold estates in the Settlement had, for a long series of years, been treated in this respect as chattels real, and Executors and Administrators had sold them for payment of the debts of the deceased owners. But there appeared to be some doubts whether such sales were valid in Law. These doubts had been suggested by the learned Recorder of the Settlement in his observations with reference to the Act for the abolition of real actions and fines and common recoveries, which had been recently introduced in this Council. Upon that, a letter was written to the learned Recorder, and he drafted an Act for the purpose of removing the difficulty. The present Bill was based upon that draft. It followed the principle of Ferguson's Act, and declared all real estate within the Settlement to be assets for the payment of debts; vested it in the Executor or Administrator of the deceased owner, in the same manner as a chattel real, and enabled the Executor or Administrator to sell and convey it. Of course, an Administrator selling a freehold estate would be subject, as in the case of chattels real, to account for the proceeds to the person beneficially interested, and would be liable to him for any improper sale or misappropriation of the proceeds.

The object of this Bill was to remove all doubts upon this subject for the future, and to confirm the practice which had been followed for many years in the Settlement.

The Bill was read a first time.

#### CONSERVANCY.

MR. ELLIOTT postponed the first reading of the Bill for the conservancy and improvement of the towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.

#### BUILDINGS (BOMBAY).

MR. LEGEYNT moved that the Council resolve itself into a Committee on the Bill "to amend Act No. XXVIII of 1839" (Bombay Building Act), and that the Committee be instructed to consider the Bill in the amended form in which the Select Com-

mittee had recommended that it should be passed.

Agreed to.

The Bill passed through Committee without amendment.

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

#### ABKAREE REVENUE (CALCUTTA AND MADRAS).

MR. CURRIE moved that Mr. Elliott, Mr. Allen, and himself be appointed a Select Committee on the Bill "to amend Act No. XI of 1849 and Act No. XIX of 1852."

Agreed to.

#### NOTICE OF MOTION.

MR. LEGEYNT gave notice that, on Saturday next, he would move the third reading of the Bill "to repeal Section VII of Act No. XXVIII of 1839."

The Council adjourned.

Saturday, September 29, 1855.

#### PRESENT :

The Honorable Sir Lawrence Peel, *Vice-President* in the Chair.

Hon. J. A. Dorin, C. Allen, Esq.,  
Hon. Major Genl. Low, P. W. LeGeyst, Esq.,  
Hon. B. Peacock, and  
D. Elliott, Esq., E. Currie, Esq.

The following Message from the Most Noble the Governor General was brought by General Low, and read :—

#### MESSAGE No. 51.

The Governor General informs the Legislative Council, that he has given his assent to the Bill passed by them on the 21st of July 1855, entitled "A Bill to empower the Session Judge of Coimbatore to hold Sessions at Ootacamund on the Neilgherry Hills."

By Order of the Most Noble the Governor General.

G. F. EDMONSTONE,

*Secy. to the Govt. of India,  
with the Governor General.*

OOTACAMUND, }  
The 8th September 1855. }

#### CRUELTY TO ANIMALS.

THE CLERK presented a Petition from certain native inhabitants of Calcutta, praying for the insertion, in the proposed Act for regulating the Police of Calcutta, of some provision against cruelty to Animals.

MR. ELIOTT moved that the Petition be printed.

Agreed to.

#### LIGHTING OF CALCUTTA.

THE CLERK also presented a Petition from the British Indian Association against the Bill "to provide for the better Lighting of the Town of Calcutta."

MR. CURRIE moved that the Petition be printed, and referred to the Select Committee on the Bill.

Agreed to.

#### REPORTS OF SELECT COMMITTEES.

MR. ELIOTT presented the two following Reports of the Select Committee on the projects of Law relating to the Police and Conservancy of Madras, and the Settlement of Prince of Wales' Island, Singapore, and Malacca; and the proposals for revising Acts X, XII, and XIII of 1852 relating to the Conservancy and Police of Calcutta, namely—

A Report of the Committee submitting a Bill "for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca."

And a Report of the Committee submitting a Bill "for regulating the Police of Calcutta, Madras and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca."

MR. PEACOCK presented the Report of the Select Committee on the Bill "relating to the Emigration of Native Laborers to the British Colonies of St. Lucia and Grenada."

#### CONSERVANCY.

MR. ELIOTT said, he had now the honor to lay before the Council two Bills prepared by the Select Committee whose Reports he had presented to-day—one entitled a Bill "for the conservancy and improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca;" the other, a Bill "for regulating the Police of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca."

The instruction to the Committee was, to take into consideration the projects of law for regulating the Police Courts, and for the good order and Civil Government of Madras, and for improving and regulating the streets, roads, and drains of Madras; the projects of law relating to the Police and Conservancy

of the Settlement of Prince of Wales' Island, Singapore, and Malacca; and the proposals before the Legislative Council for revising the Acts relating to the Conservancy and Police of Calcutta; and to prepare such Bills as might be necessary.

The Bills he now submitted included Bombay, which was not mentioned in the reference to the Committee, because, at the time, there was no proposition before the Legislative Council for the revision of the Conservancy and Police Laws of that place. But the Draft of a Police and Conservancy Bill for Bombay had since been referred to the Committee.

The Committee, however, had long previously come to the resolution of making the Bills they had to prepare, applicable to Bombay. It appeared to the Committee, on reviewing the existing laws for the Conservancy and Police of that Presidency Town, that it was expedient to consolidate and amend them; and, considering it to be a principle of the Legislative Council to aim at uniformity of legislation on cognate subjects, and to avoid as much as possible the multiplication of laws, they judged that it would be a departure from that principle if, in preparing a set of Bills to provide for the Conservancy and Police of two of the Presidency Towns, they were to leave out the third, the circumstances of which were, generally speaking, nearly similar, while they included the stations composing the Settlement in the Straits, whose circumstances were more diverse.

He might observe that the Committee, as originally constituted, consisted of the Honorable Member for Bombay, together with the Members for Bengal and Madras.

Proceeding on the view he had stated, the Committee had made considerable progress in preparing the rough Drafts of Conservancy and Police Bills for the three Presidency Towns, and the Stations in the Straits, when their labors were interrupted by the retirement of the late Member for Bombay (Mr. Malet), and the late Member for Bengal (Mr. Mills). These gentlemen were succeeded by the Honorable Member for the North-Western Provinces, and by the present Honorable Member for Bombay.

The plan of proceeding had then to be considered anew, and it was agreed to adhere to that which had been so far followed. Shortly after, the Draft of a Bill for consolidating and amending the Bombay Conservancy and Police Laws, to which he had already adverted, was received, and, by order

of the Council, was referred to the Committee. This Bill, which had been prepared by the Advocate General at Bombay, it should be remarked, was sent by the Government to the representative of that Presidency, with an intimation that it was not to be considered as approved by the Government, but simply as affording information which might be useful, as to the wants of Bombay in regard to Conservancy and Police. It would seem to have been intended to assist the Committee in the preparation of the comprehensive Bills which, it might be presumed, the Government knew they had in hand; and so the Committee had regarded it.

The constitution of the Committee having been changed, as he had mentioned, the new Members had to make themselves acquainted with the papers, and the provisions proposed in the rough Drafts had to be considered and discussed anew. All the work, indeed, previously done, had to be done over again. Hence, there had been delay in the final settlement of the Bills now presented.

It remained to prepare Bills for constituting the Commissioners for the administration of the Conservancy Act, and for regulating the assessments which were to be made for municipal purposes, and the disbursement of which was to be entrusted to those Commissioners. The Committee apprehended that it would be necessary to prepare a separate Bill for each of the Presidency Towns, and another for the Straits; and for this purpose, they had obtained the assistance of the Honorable Member for Bengal, who had been lately added to their number. This work would be proceeded with as speedily as possible.

He had now to speak of the Conservancy Bill. The Bill might be described generally as a new edition of the Calcutta Conservancy Act XII of 1852, with additions and amendments, digested and arranged in a more methodical form.

The Committee found among the papers referred to them a Draft Act for Madras, and another for the stations forming the Straits Settlement, avowedly founded on the Calcutta Act—also amended Drafts prepared by the Acting Governor of the Straits, and by a Committee appointed by the inhabitants of Singapore on the same basis—and a Report from the Calcutta Municipal Commissioners upon the operation of the Calcutta Act, pointing out defects in it and suggesting amendments. The Committee observed that, in framing the Calcutta

Act, the English laws for the conservancy and improvement of towns had been pretty largely drawn upon: and upon comparing the existing English laws therewith, it appeared to them that the Act might be improved by importing more of the provisions contained therein, which had been done to some extent in the Madras Draft, and in the amended Draft prepared by the Acting Governor of the Straits Settlement. It was found also that the Bombay Draft Bill, in the portion relating to conservancy, had largely followed the Calcutta Act.

Taking, therefore, the Calcutta Act as the basis, and adopting most of the practical amendments suggested by the Calcutta Commissioners, and introducing improvements taken from the several Drafts before them, and from the English Acts, the Committee had compiled the Bill now submitted, which presented a more comprehensive, and at the same time more systematic scheme for the purposes of Conservancy.

The Preamble of the Bill set out that—

“it is expedient to make better provision for the Conservancy and improvement of the towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca, and to invest the Municipal Commissioners for each of the said towns and stations with the powers hereinafter mentioned.”

The separate Bills to be prepared would provide for the constitution of the Commissioners who were to administer the Act in future. For the present, the powers given by the Bill were committed by Section II to the persons actually administering the Municipal Funds of the several towns and stations—that is, at Calcutta, the Commissioners appointed and elected under Act X of 1850; at Madras, the Justices in Sessions under 33 Geo. III c. 52; at Bombay, the Board of Conservancy appointed and elected under Act X of 1845; and in the Straits, the Municipal Committees constituted under Act IX of 1848.

The Commissioners were declared to be Trustees for the Government and the inhabitants.

There were provisions for appointing their Officers, and the vesting of the municipal property in them.

With regard to the appointment of Officers, he might notice that whereas, by the present law, the appointments made by the Commissioners were dependent on the approbation of Government, the Bill removed this restriction, but still made the salaries subject to the approval of Government.

The principal provisions of the Bill were divided under the general heads of streets and roads; houses; sewers and drains; tanks and water supply; slaughter-houses and markets; offensive and dangerous trades and places of business; burial and burning places.

With reference to the head of streets and roads, it was explained in Section II that the word "street" should mean any street, square, court, alley, or thoroughfare, and also the roadway over any public bridge or causeway, within such parts of the towns or stations as should be from time to time specially defined by the Commissioners, with the sanction of the local Government; and that the word "road" should mean any road, or thoroughfare, or roadway over any public bridge or causeway, not being within the parts so especially defined. The word "town" was defined to include *all* places within the local limits of the jurisdiction of Her Majesty's Supreme Courts of Judicature at Calcutta, Madras, and Bombay; and the word "station," any one of the stations of Prince of Wales' Island, Singapore, and Malacca, and the dependencies thereof. Many of the provisions of the Bill, very necessary for streets in towns and thoroughfares and places pretty closely occupied by houses, being unsuitable to the rural districts belonging to the stations in the Straits, and to a considerable area within the limits around Madras and Bombay, it became necessary to provide for a definition of the localities within which those peculiar provisions were to be applicable. The Bill confined them to the *streets*, as explained in the definition which he had quoted. It was hoped that this limitation would prevent any of them being applied where they were not needed, and would be burdensome to the inhabitants.

All public streets and roads not being the property of the East India Company, but kept under the control of the local Government—as here, for example, the Esplanade roads—were vested in the Commissioners.

The Commissioners were empowered, but only with the consent of the local Government, to make new streets and roads, and to purchase lands for the purpose.

A new provision was introduced, authorizing the Commissioners to make footways by the side of streets. This, and the paving, metalling, and making improvements in streets and roads, was left to their own discretion, without reference to Government, as now required.

The provisions regarding cleaning and scavenging had been amended in some par-

ticulars, but remained substantially as before.

Under the head of lighting, provision was made for contracts with Gas-works being entered into, with the consent of the local Government.

There were some new provisions taken from the English Acts regarding the laying out of new streets by private persons, the paving of private streets, and the subsequent repairing of such streets under certain conditions, as public streets.

Also for setting houses forward or backward, to improve the line of streets.

Some modifications had been made in the provisions regarding projections from houses, rather in the way of indulgence than restriction, but giving, the Committee thought, all necessary power to the Commissioners. When the Commissioners thought it necessary for the public advantage to remove projections and obstructions which were made lawfully, they were to make reasonable compensation for the damage which might be done.

Provision was made in the several Drafts for the Straits for preventing houses being covered with leaves, or grass, or attup, which, he supposed, was some kind of thatch; and a similar provision was contained in the Bombay Draft, following the existing law. It had been deemed expedient to introduce in this Bill a provision to the same effect, to take the place of Act XII of 1837 for Calcutta, the repeal of which had been proposed in a Bill which was under reference to a Select Committee. It would be for that Committee to consider whether the provision proposed might not be sufficient to answer the purpose. It would be observed that it went further than the Act referred to did, by prohibiting walls as well as roofs made of mats. In this, it followed the Bombay draft.

Besides the existing provisions regarding the dealing with ruinous and dangerous buildings, which had been somewhat amended, there was a new one, adopted from the draft of the Governor of the Straits, for shutting up and securing deserted houses, so as to prevent them from becoming a receptacle for thieves and vagabonds, or a nuisance to the neighbourhood.

Under the head of sewers and drains, the provisions of the Calcutta Act were continued, with some amendments and additions which need not be particularized. Provisions adopted from the English Acts had been introduced to prevent building over sewers, and to provide for better drainage from houses, particularly where new houses were built.

The provision in the Calcutta Act for causing sewers to be provided with traps, &c., was extended to sewers belonging to the Commissioners.

A provision was introduced from the Madras Draft Act, empowering the Commissioners to provide public necessaries, besides licensing such conveniences set up by private persons.

Following an English Act—10 and 11 Vic. c. 34, s. 44—provision was made for all branch drains and cesspools in or near the streets being under the survey and control of the Commissioners; and there were other provisions to make that control effectual.

Under the head of tanks and water supply, there was a new provision, adopted from an English Act, requiring the Commissioners to provide means for securing an effectual supply of water in cases of fire.

There were also some new provisions, taken from English Acts, to guard against the fouling of water by Gas-works and other offensive manufactories and trades, and against wilful or wanton injury to water-works.

The Commissioners were empowered to make bye-laws for regulating the use of water supplied from their reservoirs, &c., and for regulating the bathing places which they were authorized to set apart for the accommodation of the public.

The provisions of the Calcutta Act regarding the registering of slaughter-houses already in use, and for licensing new slaughter-houses, were continued with some alterations, to be in operation within such parts of the several towns and stations as should be prescribed by the local Government.

The Commissioners were further empowered, with the consent of the local Government, to provide places to be used as slaughter-houses, and to make bye-laws for their management. This provision was taken from one of the English laws—10 and 11 Vic. c. 34, s. 44.

It had not been thought necessary to provide for the registration and licensing of bazars and markets; but the Commissioners were empowered to make bye-laws for their inspection, and for their being kept in a clean and wholesome state, in common with slaughter-houses; and there was a provision for the seizure of unwholesome meat or other articles of food exposed therein, and for the destruction thereof.

A special provision had been introduced, at the suggestion of the Madras Government, for the punishment of any person who should

sell or offer for sale any where, as food or drink for man, any article which had been rendered or become noxious, or unfit for such use; and empowering any Magistrate, on the application of the Commissioners, to issue a warrant to search for and seize such article, and to order it to be forfeited and disposed of as he should think proper. The object of this provision was to prevent the sale to the public of unwholesome provisions and damaged liquors, such as sour beer, &c., imported by sea, upon information of the importation of such articles obtained at the Custom House, or otherwise. On one occasion, the Collector of Sea Customs at Madras had taken upon himself to detain at the Custom House provisions imported by sea confessedly in a putrid state, in order to prevent their consumption in the town; and, an action having been brought against him, it was held by the Supreme Court that he had acted illegally, though they gave, he (Mr. Elliott) believed, only nominal damages to mark their sense of the case. This provision would legalize the detention of provisions in such a state.

Following a provision in the Madras Draft Act, and one to the same effect in a late English Act, the Bill prohibited certain offensive trades and businesses being set up without a license from the Commissioners, and required that trades and businesses of the same kind already existing, should be registered.

The provisions of the Calcutta Act regarding burial places had been extended to burning places, with some additions and amendments, and power was given to the Commissioners to make Bye-laws for the regulation of burial and burning places.

In Section CXXVII, it was provided that, when there is any hindrance to the acquisition by purchase of any land or building required for the purposes of the Act, the local Government, upon the representation of the Commissioners, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to the laws now or hereafter to be in force for the acquisition of land for public purposes. And the local Government may vest such land or building in the Commissioners on "their paying the compensation awarded."

This was the manner in which land required for municipal purposes was now obtainable

in Madras and Bombay—that is to say, under the laws relating to the acquisition of such lands for public purposes.

It was proposed to repeal Act XXII of 1847 for Calcutta, which was objected to by the Commissioners as inconvenient in practice. The Commissioners then, under this Section, where they might be unable to procure by private purchase the lands they required for municipal purposes, would have to seek the interposition of Government under Act I of 1850, for the acquisition of land for public purposes. It would be necessary to pass a new law for the Straits.

The last provisions which it seemed to him necessary to notice particularly, were those contained in Sections CXXX and CXXXI. The Bill here directed that, in all cases where damages, &c., were to be paid under its provisions, the amount should be ascertained and determined by two Magistrates. It had appeared to the Committee that this was the most easy and convenient way of providing for the adjudication of such cases, and perhaps as satisfactory as any. Bombay was excepted from this provision, as the Court of Petty Sessions there, composed of a Magistrate of Police and two other Justices, was a fit tribunal for the purpose.

Without further detaining the Council, he begged to move the first reading of the Bill.

The Bill was read a first time accordingly.

#### POLICE.

Mr. ELIOTT then requested the attention of the Council to the Police Bill.

The object of this Bill, he said, as declared in the Preamble, was to consolidate and amend the laws relating to the Police, and the administration of justice in the Police Courts of the towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.

The first part of the Bill proposed, in pursuance of the plan which had been found to work so well in London, to commit the management of the Police exclusively to an Officer to be styled the Commissioner of Police, who was not to act judicially as a Magistrate, and, though he was to be a Justice of the Peace, was to exercise his powers in that capacity only so far as might be necessary for the preservation of the peace, the prevention of crime, the detection and apprehension of offenders, and so far as might be necessary for the performance of the duties especially assigned to him by the Bill. This

*Mr. Elliott*

Officer was meant to take the place of the Chief Magistrate at Calcutta, Madras, and Bombay, which office was intended to be abolished.

The Bill next provided for the constitution of a Police Force at each of the Presidency Towns and of the stations in the Straits, to be under the exclusive direction and control of the Commissioner, who, subject to the approbation of the local Government, was to pass Orders and Regulations for its government.

Then followed provisions for the establishment of a Superannuation Fund for the Police Force.

The provisions for the appointment of a Commissioner or other Chief of Police, and the constitution of a Police Force, were proposed in the Draft Act submitted by the Government of Madras, in the Draft Act prepared by the Acting Governor of the Straits, and in the Draft of a General Police and Conservancy Bill sent from Bombay. The Madras Draft contemplated the continuance of a Chief Magistrate, and provided that the Commissioner of Police might hold that office. Both the Draft of the Acting Governor of the Straits, and the Bombay Draft, provided that the Commissioner or other Chief Officer of Police should not act judicially. The Governor of Madras, Lord Harris, in a separate Minute, had expressed strongly his opinion that the system of joining the duties of Magistrate and Chief of Police was very objectionable. The present Bill provided that, though the Commissioner of Police should not ordinarily be a Magistrate of Police, he might be appointed to that office for special reasons, but only with the sanction of the Governor (General of India in Council. The Committee entirely concurred with Lord Harris, that the union of the offices was very objectionable; but they had thought it proper to provide for exceptional cases.

The institution of a Superannuation Fund was proposed in the Draft of the Acting Governor of the Straits. The plan was taken from the English Act for improving the Police of the Metropolis (2 and 3 Victoria, c 47), modified with reference to the rules for the grant of the superannuation pensions to subordinate Officers in the Civil Department in India. The Committee were most strongly impressed with a conviction of the policy and expediency of providing for the grant of superannuation pensions to the men of the Police Force, as the most effectual security for their integrity against the

temptations to which they were constantly exposed; and earnestly recommended the provision to the favorable consideration of the Council.

Provision was made for persons who had committed felonies within the towns of Calcutta, Madras, and Bombay, being arrested beyond the limits of those towns under the warrant of the Commissioner of Police.

The Bill next provided for the constitution of Police districts in each of the towns and stations, and the establishment of a Police Court in each of such districts, and the appointment of Magistrates to sit in those Courts; which Magistrates were to be Justices of the Peace, to deal with all cases summarily cognizable by Justices under any law in force, besides those which were subjected to their cognizance by the Act, and to hold the necessary preliminary proceedings on indictable offences.

After this, there was a small code defining the offences cognizable by Magistrates of Police, and prescribing the punishments to be inflicted on the offenders; with a general proviso that juvenile offenders might be punished rather in the way of school discipline than of ordinary criminal justice, and might accordingly be sentenced to corporal punishment with a light rattan, not exceeding ten stripes, instead of imprisonment.

The offences first provided for in the code were those of a criminal nature—namely, stealing and receiving stolen property, embezzling, fraudulently misapplying property in breach of trust, and obtaining property by false pretences—provided in all these cases that the property be of a value not exceeding rupees 50—instigating or aiding the commission of such offences; and the wrongful appropriation of property found.

Hitherto, single Magistrates at Madras and in the Straits had had the power of summary conviction in cases of larceny only, when the value of the property did not exceed rupees 20, and at Bombay only when it did not exceed rupees 10. Cases of larceny not exceeding rupees 20 were triable by the Court of Petty Sessions there. The Committee had thought it proper to make the powers of single Magistrates every where the same as at Calcutta. Persons guilty of the above offences, would therefore be liable to imprisonment, with or without hard labour, for a term not exceeding six months.

The Committee had also made persons guilty of stealing, or receiving stolen goods, liable to corporal punishment not exceeding 30 stripes of a rattan. This was allowed in

the Mofussil in the Presidency of Bengal, in cases of theft to a small amount, by Act III of 1844, and was allowed generally in the Mofussil in such cases by the laws of Madras and Bombay. The Committee had left to the Petty Sessions at Bombay power to try larcenies where the value of the property did not exceed rupees 50, in cases committed to them by the Magistrates. This tribunal had the power of sentencing offenders to imprisonment, the term of which might extend to 12 months.

The extension of the Magistrate's jurisdiction to cases of embezzlement, fraudulent misapplication in breach of trust, obtaining property on false pretences, and wrongful appropriation of property found, had been made at the instance of the Magistrates of Calcutta.

Of the other offences, he might notice as novel that of causing disturbance to any assembly or procession lawfully engaged in the performance of religious worship or religious ceremonies, from which much mischief often arose. Also the offence of trespassing with intent to disturb any person in the performance of any religious rite, or to offend his religious feelings. And also the offence of trespassing wilfully on any spot appropriated for the cooking of food, so as to defile the same. The two former were modifications of provisions contained in the Madras Draft.

An alteration had been made in the provision in the Calcutta Act for the offence of unlawfully taking or enticing away women or female children, by reducing the age, in the case of children, from 16 to 13 years, and by making the offence a misdemeanor punishable with imprisonment or fine, at discretion. Magistrates would be restricted to imprisonment for six months, or fine to the amount of rupees 500. In cases calling for severer punishment, the offence, it was presumed, would be cognizable by the Supreme Court on their commitment.

The stringent laws in force in the Straits and at Bombay against gambling, had been introduced into the Bill with a further provision taken from an Act of the last Session of Parliament. Brokers—that is, dealers in second-hand property—and pawn-brokers were required to take out a license from the Commissioner of Police, in order that they might be brought more under the view of the Police, and certain rules were proposed to keep their dealings under check. These provisions were taken mainly from the Act 13 and 14 Vic. c. 33. It was believed

that they would be of much use in checking petty thefts, by increasing the difficulty of disposing of stolen property.

A new provision was introduced to confine the sale of poisonous substances to persons licensed by the Commissioner of Police, and to prescribe certain conditions to be observed by the seller. Provisions to this effect were proposed in the Madras and Bombay Drafts, and also in one of those received from the Straits.

The Commissioner of Police was the Officer to whom the power of granting licenses was given in all cases in which licenses were required by the Bill, as in the instances already mentioned. Also for keeping houses of public entertainment, and for the sale of spirituous and fermented liquors; for the manufacture, sale, deposit, and removal of gunpowder; and in other cases.

The regulation of public processions, &c., was, of course, left to the Commissioner of Police.

At the instance of the Chief Magistrate of Calcutta, a provision had been inserted in the Bill for the registration of boats plying for passengers, and for the punishment of the owners of boats which ply without being registered, or carry more passengers, or with a less crew than was stated in the register. No interference with fares was permitted. This provision was to have effect only at Calcutta and in the Straits. It was not required at Madras and Bombay, the existing laws there being sufficient for the purpose.

Authority was given to the Magistrates to punish, by a fine not exceeding rupees 20, a number of small offences committed in streets or thoroughfares. The only one of these offences that appeared to require particular notice, was that of cruelly beating, abusing, or torturing any animal in the public streets. Whether a general law to prevent cruelty to animals was advisable or not, there would hardly be any objection to a provision on the subject so limited as this was. He might take occasion to observe that, when he was a Member of the Law Commission, he believed in 1847 he drafted a law intended to make cruelty to animals punishable generally. The Draft was submitted to the Government of India; but what became of it, he knew not. He observed that a petition had been this day presented praying for some provision on the subject.

He need not, he believed, particularly notice the provisions relating to procedure. Some amendments had been made, those taken

from the Calcutta Act, chiefly on the suggestion of the Magistrates, and one or two provisions had been introduced from English Statutes. At the suggestion of the Calcutta Magistrates, power was given to Magistrates to commit persons who might give false evidence on oath before them, for trial before the Supreme Court.

Provisions were inserted in the Bill for the impounding of stray animals, and for the destruction of stray dogs at certain seasons.

Justices had power to deal with deserters from British ships under the English statutes, and under Act XXVIII of 1850 in the case of seamen engaged in India. With regard to deserters from foreign ships, it would seem that those only who belonged to ships to which the Foreign Deserters' Act of 1852 had been, by an order of Her Majesty in Council, declared to be applicable, could be dealt with by Magistrates. The Act referred to, empowered a Magistrate only to convey such a person on board the vessel to which he belonged. Among the papers referred to the Committee was a communication from the Government of Bengal, forwarding a letter from the French Consul at Calcutta, proposing a legal enactment to extend the authority of the Chief Magistrate over foreign seamen, with a view to their being detained in custody on shore till the departure of the ship, it being useless to put them on board from the facility that existed for their again escaping. The Committee had ventured to propose that, in such cases, the Commissioner of Police, upon due proof of the desertion, might order the deserter to be conveyed on board the vessel to which he belonged, or, at the instance of the Consul, to be detained in custody till the vessel was ready to sail, on the deposit of such sum as the Commissioner should deem necessary for the subsistence of the deserter during such detention, provided that the detention of such deserter should not be continued beyond 12 weeks.

It only remained for him now to move the first reading of the Bill.

The Bill was read a first time accordingly.

#### SALE OF LANDS BY EXECUTORS (STRAITS SETTLEMENT).

Mr. PEACOCK moved the second reading of the Bill "to remove doubts respecting the liability of real estate within the Settlement of Prince of Wales' Island, Singapore and Malacca, to the payment of debts of deceased persons; and to enable Execu-

tors and Administrators to sell and dispose of the same." In doing so, he said that he had recently stated the objects and reasons of the Bill, and therefore he thought it unnecessary to detain the Council with any observations upon it at this stage.

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

#### BUILDINGS (BOMBAY).

MR. LEGEYT moved that the Bill "to repeal Section VII of Act XXVIII of 1839" be read a third time and passed.

Motion carried, and Bill read a third time.

Moved by the same that General Low be requested to carry the Bill to the President in Council, in order that it might be forwarded to the Most Noble the Governor General for his assent.

Agreed to.

#### NOTICES OF MOTION.

MR. ELLIOTT gave notice that, this day fortnight, he would move the second reading of the Bill "for the Conservancy and Improvement of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca";—and the Bill "for regulating the Police of Calcutta, Madras, and Bombay, and the Settlement of Prince of Wales' Island, Singapore, and Malacca."

MR. PEACOCK gave notice that, on Saturday next, he would move that the Council resolve itself into a Committee on the Bill "relating to the Emigration of Native Laborers to the British Colonies of St. Lucia and Grenada."

#### MOFUSSIL MUNICIPAL LAW.

MR. LEGEYT moved that a communication which he had received from the Government of Bombay relative to the receipts and disbursements of the Municipal Funds of Surat, Kurrachee, and Sholapore, be printed and referred to the Select Committee on the question of Mofussil Municipal Laws.

Agreed to.

#### SALE OF LANDS BY EXECUTORS (STRAITS SETTLEMENT).

MR. PEACOCK moved that the Bill "to remove doubts respecting the liability of real estate, within the Settlement of Prince of Wales' Island, Singapore, and Malacca, to the payment of debts of deceased persons ;

and to enable Executors and Administrators to sell and dispose of the same" be referred to a Select Committee, consisting of Sir James Colville, Mr. Elliott, and the Mover.

Agreed to.

The Council adjourned.

Saturday, October 6, 1855.

#### PRESENT :

The Honorable J. A. Dorin, Senior Member of the Council of India, *Presiding.*

Hon. J. P. Grant,

C. Allen, Esq.,

Hon. B. Peacock,

P. W. LeGeyt, Esq. and

D. Elliott, Esq.,

E. Currie, Esq.

#### MARRIAGE OF HINDU WIDOWS.

THE CLERK presented a petition from certain Hindu inhabitants of Bengal submitting the Draft of an Act for legalizing the Marriage of Hindu Widows.

MR. GRANT moved that the Petition be printed.

Agreed to.

#### SALE OF UNDER-TENURES FOR ARREARS OF RENT.

THE CLERK presented a Petition from certain land-holders residing in Dacca, praying for a law to relieve them from the difficulties which they state the new Act for the repeal of the Usury Laws has greatly increased, either by enabling them to recover quarterly, by sale of the Talooks, the rents that may fall due, or otherwise.

MR. CURRIE said, the more easy recovery of rents from under-tenants was a subject involved in the Draft Act which was submitted by the Board of Revenue, and which stood as No. LXI in the list of the legislative business depending before the Government of India on the 20th May 1854. He had that Draft Act now under consideration, and hoped to bring it before the Council on an early day. It was a measure calculated to meet the object of the Petitioners. He thought, however, that the Petition had better be printed.

Agreed to.

#### LIGHTING OF CALCUTTA.

THE CLERK presented a Petition from certain rate-payers and occupiers of houses and land in the town of Calcutta against the Bill "to provide for the better Lighting of the Town of Calcutta."