

Thursday, 24th November, 1860

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF

INDIA

Vol. VI

(1860)

Chancellor; Vice-Chancellor of any such University shall have appointed or shall appoint by any Bye-laws or Regulations made and passed or to be made or passed by them in the manner provided in the said Acts, and submitted to and approved by the Governor-General in Council as far as regards the University of Calcutta, or by the Governor in Council of Madras or Bombay as regards the Universities of Madras and Bombay respectively."

The remainder of the Bill was passed as it stood; and the Council having resumed its sitting, the Bill was reported.

SIR BARTLE FRERE moved for a suspension of the Standing Orders, to enable him to move the third reading of the Bill.

MR. BEADON seconded the Motion, which was put and carried.

SIR BARTLE FRERE then moved that the Bill be read a third time and passed.

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

SIR BARTLE FRERE moved that Mr. Beadon be requested to take the Bill to the Governor-General for his assent.

Agreed to.

POLICE.

SIR BARTLE FRERE moved that the Bill "for the regulation of Police within any parts of the British Territories in India to which it may please the Governor-General in Council to extend its provisions" be referred to a Select Committee, consisting of Mr. Harington, Mr. Sconce, Mr. Erskine, and the Member.

Agreed to.

PORT-DUES (CALINGAPATAM AND MUNSOORCOTTAH).

MR. HARRINGTON moved that the Bill "for the levy of Port-dues at Calingapatam and Munsoorollah within the Presidency of Fort St. George" be referred to a Select Committee, consisting of Mr. Sconce, Mr. Erskine, and Mr. Forbes.

Agreed to.

LICENSING OF ARTS, TRADES, &c.

MR. HARRINGTON (in the absence of Mr. Forbes) moved that a communication received from the Madras Government, relative to the Bill "for imposing a Duty on Arts, Trades, and Dealings, and to require Dealers in Tobacco to take out a License," be laid upon the table and printed.

Agreed to.

The Council adjourned at 5 o'clock on the Motion of Sir Bartle Frere, till Saturday, the 24th November 1860.

Saturday November 24, 1860.

PRESENT :

The Hon'ble the Chief Justice, *Vice-President*,
in the Chair.

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| Hon'ble Sir H. B. E. Frere, | A. Sconce, Esq., |
| Hon'ble C. Beadon, | C. J. Erskine, Esq., |
| H. B. Harington, Esq., | and |
| H. Forbes, Esq., | Hon'ble Sir C. R. M. Jackson. |

MESSAGES.

The Vice-President read Messages, informing the Legislative Council that the Governor-General had assented to the following Bills :—

The Bill "to amend Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)."

The Bill "for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter."

The Bill "for providing for the exercise of certain powers by the Governor-General during his absence from his Council."

"The Indian Penal Code."

The Bill "to authorize and regulate the Emigration of Native Laborers to the French Colonies."

The Bill "for giving to the Universities of Calcutta, Madras, and Bombay the power of conferring degrees, in addition to those mentioned in Acts II, XXII, and XXVII of 1857."

† INCOME TAX.

THE CLERK presented to the Council a Petition from the Inhabi-

tants of Prince of Wales' Island and Province Wellesley against the extension of the Income Tax to the Straits Settlements.

SIR BARTLE FRERE said, he observed that the Petition was dated in August last, since which time the Straits Settlements had been exempted from the Income Tax. There was therefore no necessity to print the Petition, and he should only move that it lie on the table.

Agreed to.

CIVIL PROCEDURE.

THE CLERK also presented a Petition from Ramachendrappi, an inhabitant of Ankola, in Zillah Honore, of the Madras Presidency, concerning Section 364 of Act VIII of 1859, (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter)

MR. HARRINGTON moved that the Petition be printed.

Agreed to.

FOREIGNERS.

THE CLERK reported to the Council that he had received a communication from the Home Department, forwarding an extract of a letter from the Advocate General relative to the expediency of a continuance of Act XXXIII of 1857 (to make further provision relating to foreigners) which would expire in December 1861.

SIR BARTLE FRERE moved that the communication be printed.

Agreed to.

ARTICLES OF WAR (NATIVE ARMY).

THE CLERK reported that he had received from the Military Department an amended Draft of a Bill to make certain amendments in the Articles of War for the Government of the Native Officers and Soldiers in Her Majesty's Indian Army.

SIR BARTLE FRERE said, he should defer to move the printing of this paper, as there were some further papers on the same subject which he expected would be presented to the

Council next week, when he should move that they be all printed together.

PENAL CODE AND CRIMINAL PROCEDURE.

THE CLERK reported that he had received a communication from the Home Department forwarding an extract of a Despatch from the Secretary of State for India, regarding the Penal Code and the Code of Criminal Procedure.

SIR BARTLE FRERE moved that the communication be printed.

Agreed to.

RECOVERY OF RENTS.

THE CLERK reported that he had received from the Home Department the Returns called for in Message No. 160 dated 25th June 1860, regarding claims relating to the recovery of rent preferred in the Revenue Courts of the North-Western Provinces.

MR. HARRINGTON moved that the communication be printed.

Agreed to.

PUNISHMENT OF OFFENCES IN FOREIGN STATES.

THE CLERK reported that he had received from the Home Department a communication relative to a proposed extension of the provisions of Act I of 1849 (to provide more effectually for the punishment of offences committed in Foreign States) to crimes committed by native subjects of the British Indian Government in any places beyond the limits of the British Territories.

THE VICE-PRESIDENT moved that the communication be printed.

Agreed to.

PENAL CODE.

THE CLERK reported that he had received from the Home Department a communication from Mr. John Cochrane regarding some of the provisions of the Penal Code, particularly those relating to homicide and the right of private defence.

THE VICE-PRESIDENT moved that the communication be printed.

Agreed to.

POLICE (PRESIDENCY TOWNS AND STRAITS SETTLEMENTS).

THE CLERK reported that he had received from the Governor of the Straits Settlements two communications relative to the Bill "to amend Act XIII of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several Stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca.)"

MR. FORBES moved that the communications be printed.

Agreed to.

MR. FORBES postponed the Motion (which stood in the Orders of the day) for a Committee of the whole Council on the same Bill. In doing so, he explained that some papers had just been received from the Governor of the Straits Settlements and ordered to be printed, which it would be necessary to consider before the Council went into Committee on the Bill.

WRECKED BOATS.

MR. FORBES moved that a communication received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill "for the preservation of property recovered from wrecked boats."

Agreed to.

PORT-DUES (CALINGAPATAM AND MUNSOORCOTTAH).

MR. FORBES moved that a communication received by him from the Madras Government be laid upon the table and referred to the Select Committee on the Bill "for the levy of Port-dues at Calingapatam and Munsoorcottah within the Presidency of Fort St. George."

Agreed to.

GOVERNMENT MEASURES.

SIR BARTLE FRERE said, there were three Bills before the Council.

which had been brought in by Government, namely, the Paper Currency, the Licensing, and the Police Bills. These were not at present in a state to be brought before the Council as they had been ordered to be published for three months before they could be further proceeded with. There was also a Bill to amend the Articles of War for the Native Army, which it was intended to bring forward as speedily as possible, and to pass with no further delay than might be required by the Members of this Council. It had already been considered by the Governments of Madras and Bombay, and by the Commanders-in-Chief of all three Armies, whose remarks and suggestions would be laid before the Council. The Clerk of the Council had read to-day a communication from the Secretary of State on the subject of the Code of Criminal Procedure, which was now one of the most important measures in a stage to be proceeded with. It was the desire of the Government to give every facility to the passing of that Code as speedily as circumstances would admit, and he might add on behalf of the Members of the Government, and also, he was sure, of every Member of this Council, that we hoped that the proceeding with this Code would not entail on the Honorable and learned Vice-President so severe an amount of labor as he underwent in passing the Penal Code through its latter stages, for we all felt that the immediate passing of the Code would be dearly purchased if it deprived us, even for a while, of the assistance of the Honorable and learned Gentleman.

MR. HARINGTON said, with reference to that part of the remarks of the Honorable the President of the Council which related to the proposed Code of Criminal Procedure, he begged to observe that the Code had already passed through a Committee of the whole Council, and that the time for which it had been ordered to be republished had expired. What now chiefly remained to be done was to make such alterations in the Code as had been rendered necessary by the amendments introduced into the Penal

Code since the Code of Criminal Procedure was settled in Committee, so as to fit the one to the other. He thought that it would save time, and that it would be found a convenient mode of proceeding, if the necessary alterations were considered in the first instance by a Select Committee, and reported upon by them rather than by a Committee of the whole Council. He begged therefore to move that the Code of Criminal Procedure as it now stood be referred back for the object just mentioned to a Select Committee, consisting of Mr. Forbes, Mr. Sconce, Mr. Erskine, and himself, and that the Committee be instructed to submit their Report as speedily as they conveniently could.

THE VICE-PRESIDENT said, he thought it very desirable that the course suggested by the Honorable Member for the North-Western Provinces should be followed, inasmuch as the Penal Code having been passed, some alterations were required to be made in the Code of Criminal Procedure, which it would be a mere matter of detail to go through, and which would probably occupy a great deal of the time of the Council if they were not first made in a Select Committee. It appeared to him, therefore that the proposed course would rather expedite than delay the passing of the Code.

The Motion was then put and carried.

The Council adjourned.

Saturday, December 1, 1860.

PRESENT :

The Hon'ble the Chief Justice, Vice-President,
in the Chair.

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| Hon'ble Sir H. B. E. | H. Forbes, Esq., |
| Freere, | A. Sconce, Esq., |
| Hon'ble Cecil Beaton, | and |
| H. B. Harrington, Esq., | C. J. Erskine, Esq. |

ARTICLES OF WAR (NATIVE ARMY).

THE CLERK reported to the Council that he had received a communication from the Military Department

forwarding copies of papers on the subject of the proposed amendments in the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army.

SIR BARTLE FRERE moved that the above communication be printed.

Agreed to.

CRIMINAL PROCEDURE.

THE CLERK also reported that he had received a communication from the Home Department, forwarding extracts from two Despatches from the Secretary of State for India for consideration in connection with the Bill "for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter."

SIR BARTLE FRERE moved that the above communication be referred to the Select Committee on the Bill.

Agreed to.

MARRIAGES (NATIVE CHRISTIANS).

MR. SCONCE presented to the Council a correspondence from the Bengal Government regarding the solemnization of Marriages between Native Christians by persons who were not appointed Marriage Registrars, and moved that it be printed.

Agreed to.

EMIGRANT VESSELS.

SIR BARTLE FRERE presented the Report of the Select Committee on the Bill "relating to vessels carrying Emigrant passengers to the British Colonies."

VACATIONS (CIVIL COURTS).

MR. SCONCE presented the Report of the Select Committee on the Bill "to amend the law relating to vacations in the Civil Courts within the Presidency of Fort William in Bengal."