

Saturday, 10th March, 1860

PROCEEDINGS

OF THE

**LEGISLATIVE COUNCIL OF
INDIA**

Vol. VI

(1860)

Saturday, March 10, 1860.

PRESENT :

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

Hon. Sir H. B. E. Frere,	H. Forbes, Esq.,
Right Hon. J. Wilson,	Hon. Sir C. R. M. Jackson,
P. W. LeGeyt, Esq.,	and
H. B. Harrington, Esq.,	A. Sconce, Esq.

KING OF OUDE.

THE CLERK presented to the Council a Petition from certain residents and land-owners of Garden Reach and its vicinity, against the passing of the Bill "to provide for the execution of processes within the precincts of the residence of His Majesty the King of Oude."

SIR CHARLES JACKSON moved that the above Petition be printed.

MR. HARRINGTON said, as he was about to present the Report of the Select Committee on the Bill to which the Petition just read to the Council related, he wished, before the Motion to print the Petition was put, to make a few remarks on the subject of its contents. From a perusal of the Petition, which the learned Clerk of the Council had been good enough to allow him to see, he was led to think that the Petitioners had not rightly understood the object and scope of the Bill to which they objected. The Section of the Bill which related to the service of Criminal Process was in its character permissive only, not imperative. It would rest with the Court issuing the process to determine whether the process should be served through one of its own Officers, or whether it should be sent to the Agent with the King of Oude for the purpose of being served. Neither this Section, nor the Section which related to the service of Civil Process, was intended to exempt the King of Oude, or any of the numerous followers and attendants of His Majesty, from the ordinary processes of the established Courts of Civil and Criminal Judicature. The object of the Bill was to facilitate the service of these processes; and so far from the Bill being calculated to throw any obstacles in the way of the administration of justice, or

to operate injuriously as regards the interests of the Petitioners, he must repeat what he had stated when he introduced the Bill, that he fully believed that in practice the effect of the Bill would be exactly the reverse. It seemed to him that what the Petitioners intended to complain of was the residence of the King of Oude in their immediate vicinity, and that what they really wanted was to get rid of what they evidently regarded as a great nuisance. But whatever grounds of complaint the Petitioners might have on this score, it must be unnecessary for him to say that this was a matter with which the Bill did not profess to deal. He would only add that neither the Government of Bengal nor the local authorities had objected to the Bill, and he must say that he did not think that there was any force in the objections taken to it by the Petitioners.

The Motion was then put and carried.

CRIMINAL PROCEDURE.

THE CLERK reported to the Council that he had received a communication from the Government of the North-Western Provinces, concerning the Bill "for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter."

MR. HARRINGTON moved that the above communication be printed. Agreed to.

DIVORCE (NATIVE CHRISTIANS). ✓

THE CLERK also reported to the Council that he had received, by transfer from the Home Department, a further communication from the Bombay Government on the subject of a Law of Divorce for the Native Christian Community.

EMIGRATION TO MAURITIUS, &c.

THE VICE-PRESIDENT presented the Report of the Select Committee on the Bill "to amend the law relating to the Emigration of Native Inhabitants of India to the Island of Mauritius and other places."

EMIGRATION TO St. VINCENT.

THE VICE-PRESIDENT also presented the Report of the Select

Committee on the Bill "relating to the Emigration of Native laborers to the British Colony of St. Vincent."

BILLS OF EXCHANGE, &c.

MR. HARINGTON presented the Report of the Select Committee on the Bill "for declaring the law in relation to Bills of Exchange and Promissory Notes becoming payable on days generally observed as Holidays."

ZILLAH COURT OF FURRUCKABAD.

MR. HARINGTON also presented the Report of the Select Committee on the Bill "to repeal certain laws relating to the jurisdiction of the Zillah Court of Furruckabad.

TOLLS (CIRCULAR AND EASTERN CANALS).

MR. SCONCE presented the Report of the Select Committee on the Bill "to amend and extend Act XXII of 1836 (relating to the levy of a Toll on Boats, Rafts, and Floats passing through the Circular and Eastern Canals)."

KING OF OUDE.

MR. HARINGTON presented the Report of the Select Committee on the Bill "to provide for the execution of processes within the precincts of the residence of His Majesty the King of Oude."

TRANSPORTATION OF CONVICTS.

MR. HARINGTON moved the second reading of the Bill "relating to the Transportation of Convicts."

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

STAMP DUTIES.

MR. SCONCE postponed the Motion (which stood in the Orders of the Day) for a Committee of the whole Council on the Bill "to consolidate and amend the law relating to Stamp Duties."

TRANSPORTATION OF CONVICTS.

MR. HARINGTON moved that the Bill "relating to the Transportation

of Convicts" be referred to a Select Committee consisting of the Vice-President, Mr. Forbes, and the Mover.

Agreed to.

The Council adjourned.

Saturday, March 17, 1860.

PRESENT :

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

Hon. Sir H. B. E. Frere,	Hon. Sir C. R. M. Jackson,
Right Hon. J. Wilson,	and
P. W. LeGeyt, Esq.,	A. Sconce, Esq.
H. B. Harington, Esq.,	

ARTICLES OF WAR (NATIVE ARMY) AND JOINT STOCK BANKING COMPANIES.

THE VICE-PRESIDENT read Messages, informing the Legislative Council that the Governor-General had assented to the Bill "to amend Act XIX of 1847" (Articles of War for the Native Army), and the Bill "to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability."

POWERS OF MAGISTRATES.

THE CLERK reported to the Council that he had received a communication from the Officiating Under-Secretary to the Government of the North-Western Provinces, relative to the proposed increase of the powers of Magistrates.

MR. HARINGTON moved that this communication be printed.

Agreed to.

EMIGRATION.

THE CLERK also reported that he had received from the Home Department a further communication from the Secretary of State for India, regarding Emigration to the Island of St. Vincent.

COTTON FRAUDS (BOMBAY).

MR. LEGEYNT presented the Report of the Select Committee on the Bill