

SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 18TH DECEMBER 1862.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of a Select Committee of the Council of the Governor of Bombay, for the purpose of making Laws and Regulations, together with the Sections, as altered by them, is published for general information :—

We, the undersigned Members of the Select Committee of the Council of the Governor of Bombay, for the purpose of making Laws and Regulations, to whom the Bill "For the Summary Settlement of Claims to exemption from the payment of Government Land Revenue, and for regulating the terms upon which such exemption shall be recognised in future in those parts of the Bombay Presidency which are not subject to the operation of Act XI. of 1852 of the Council of India," was referred, have the honour to report that the only alterations or amendments we have to suggest are the following :—

Section IX. Clause 7.—The substitution of the words "Collector and of the Chief Revenue Officer of the Talooka or other subdivision of the Collectorate" for the words "Chief Native Revenue Officer of the District."

Section XIX. Clause 4.—The substitution of the words "If any evidence, oral or documentary, not produced before the Collector or trying authority, be admitted in appeal without the claimant showing" for the words "If the claimant on appeal produce any evidence, oral or documentary, not produced before the Collector or trying authority without showing."

The object of the former amendment is to provide for greater publicity being given to the notices to which the Section refers. That of the latter is to prevent any supposition arising that evidence excluded in appeal by the ordinary rules of procedure may be admitted in appeals under this Act.

(Signed)	A. D. ROBERTSON,
"	J. D. INVERARITY,
"	W. B. TRISTRAM,
"	JUGONNATH SUNKERSETT.

Section IX. Clause 7th—If there be not any person acting for the holder, and if he cannot be found, the notice shall be served upon some one of the actual occupants of the land (if any), and a copy of such notice shall be posted in the office of the *Collector or of the Chief* Revenue

When no person acts for holder, and holder cannot be found.

Officer of the *Talooka or other Sub-division of the Collectorate*, and in the Chowry or most public place in the village where the lands are situate.

Section XIX. Clause 4.—If any evidence oral or documentary, not produced before the Collector or trying authority, *be admitted in appeal without the*

When new evidence is produced by claimant on appeal, he shall forfeit all sums already levied from him under Clauses last aforesaid, unless sufficient cause shown why not produced before.

claimant's showing sufficient cause why such evidence was not previously produced, and proving that such cause was assigned to the Collector, or adducing good reason for its not having been so assigned, the said claimant shall forfeit, even if the appeal be successful, all sums which may have been levied from him under the clauses last aforesaid.

By order of the Honorable the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

मुंबई येथील लेजिस्लेटिव डिपार्टमेंटाचे

प्रोसिडिंग.

कानून व कायदे करण्यासाठी बंदेगान आली नवाब मुस्तताब हजरत आनरबल गवरनर साहेब बाहादूर जंजिरे मुंबई यांचे कोन्सिलाचे सिलेक्ट कमिटीच्या रवाली लिहिलेला रिपोर्ट व त्या कमिटीने फिरविलेली कलमें सर्व लोकांस जाहीर होण्यासाठी प्रसिद्ध केली असत.

बंदेगान आली नवाब मुस्तताब हजरत आनरबल गवरनर साहेब बाहादूर जंजिरे मुंबई यांचे कानून व कायदे करण्याविषयीचे कोन्सिलाचे सिलेक्ट कमिटीचे आम्ही रवाली सहा करणारे मेंबर यांजकडे इंडियाचे कोन्सिलाच्या सन १८५२ च्या ११ वा आक्ट मुंबई इलाक्याचे ज्या भागांस लागू नाही त्या भागांत जमिनीचा भारा देण्याची आम्हास माफी आहे असा जे लोक दावा करितात त्यांचे दाव्यांच्या संक्षिप्त रितीने ठराव करण्याविषयी आणि सदर प्रकारचे माफीचा दावा पुढे सरकार कोणते शर्तीने कबूल करील या बाबत निचम ठरविण्याविषयीचे आक्टाच्या मसुदा विचार करण्यासाठी सोपला होता त्यास आम्ही रिपोर्ट करितो जे रवाली लिहिल्या प्रमाणे मात्र त्या मसुद्यांत फेरफार करावा असे आमचे म्हणणे आहे.

कलम १ रकम ७. — “जिल्ह्यांतील मुख्य नेहिव मुलकी अंमलदाराचे” या शब्दाबद्दल “कलेक्टराचे आणि जिल्ह्यांतील तालुक्याचे किंवा इतर पोदभागाचे मुख्य मुलकी अंमलदाराचे” हे शब्द दारचल करावे.

कलम १० रकम ४. — “कलेक्टरासमक्ष किंवा इनसाफ करणारे अधिकाऱ्यासमक्ष हजर केला नसेल असा कोणताही तोंडचा किंवा लेखी पुरावा दावा करणारा अपिलांत हजर करील व तो पूर्वी कां हजर केला नाही याचे पूर्ते कारण न दारचवील तर” या शब्दाबद्दल “कलेक्टरासमक्ष किंवा इनसाफ करणारे अधिकाऱ्यासमक्ष हजर केला नसेल असा कोणताही तोंडचा किंवा लेखी पुरावा पूर्वी कां हजर केला नाही याचे पूर्ते कारण दावा करणाराने दारचविल्या वाचून तो अपिलांत कबूल केला तर” हे शब्द दारचल करावे.

पहिला फेरफार करण्याचे कारण हें आहे की त्या कलमांत सांगितलेल्या नोटिशी अधिक प्रसिद्ध व्हाव्या, आणि दुसरा फेरफार केला आहे त्याचे कारण हें आहे की कामचालविण्याचे सामूल कानून प्रमाणे अपिलांत जो पुरावा घेत नाहीत तो या आक्टावरून केलेले अपिलांत घेण्यांत येईल अशी कल्पना निघून नये.

(सही.) आर्चीबाल्ड डेविड राबर्टसन.

मुकाम मुंबई तारीख १३ माहे

डिसेंबर सन १८६२ इसवी.

” जोनाथन डंकन इन्चेरारिटी.

” विलीयम बारिंगटन ट्रिस्ट्राम.

” जंगान्नाथ शंकरशेट.

कलम ९ रकम ७ — उपभोग घेणाराचे वतीनें जमिनीबद्दल कामकाज पाहणाग (जि-

उपभोग घेणाराचे नर्फे का-
मकाज पाहणाग कोणी मनुष्य
नसेल व उपभोग घेणारा सांप-
रत नसेल तेव्ही.

ल्ल्यांत) कोणी नसून उपभोग घेणाराच्या पत्ता न लागल्यास जमीन ज्या
मनुष्याच्या वहिवाडीस असेल त्यापैकी कोणत्याही एका मनुष्यास सदरहू
नोटीस देऊन तिची नकल कलेक्टराचे कचेरींत व निलह्यांतील तालु-
क्याच्या किंवा इतर पोस्ट भागाच्या मुख्य मुलकी अंमलदार जो कोणी अ-

सेल त्याच्या कचेरींत व त्या गांवांत सदरहू जमीन असेल त्या गांवचे न्यावडींत अगर दुसऱ्या प्रसिद्ध
ठिकाणी लावावी.

कलम १९ रकम ४ — कलेक्टरासमक्ष किंवा इनसाफ करणारे अधिकाऱ्यासमक्ष हजर

दावा करणारा अपिलांत
नवा पुरावा हजर करील तेव्हा
तो पुरावा पूर्वी को हजर केला
नाहीं याचे पूर्वे कारण न दाख-
वीले तर मागले रकमा अन्वये
त्याजवळून वसूल केलेल्या
सर्व रकमा सरकार दाखल
होतील.

केला नव्हता असा कोणताही तोंडचा किंवा लेखी पुरावा पूर्वी को
हजर केला नाहीं याचे पूर्वे कारण दावा करणारानें दाखविल्या वांचून
न आणि तें कारण कलेक्टरास जाहीर केले होते असें शाबीत केल्या
वांचून किंवा तें जाहीर न करण्याची भागली सबब दाखविल्या वांचून
तो पुरावा अपिलांत कचूल केला तर अपिलांत त्याचे तर्फे फेसला

खाला तथापि सदरी शेवटीं लिहिलेले रकमां अन्वये जो ऐवज त्याजवळून वसूल केला अ-
सेल तो सर्व सरकार दाखल होईल.

वसुजिबे हुकूम वंदेगान आली नवाब मुस्तताब हज-
रत आनरबल गवरनर साहेब बाहादूर दर इजलास कोसिल.

रेमंड वेस्ट साहेब बाहादूर,

आफिशिएरिंग अंडर सक्लेटरी निसबत सरकार यांची सही.

(True Translation)

VENAYEK WASSOODEW,

Oriental Translator to Government.

મુંજઈનાં લેલુ સૂલેલિય ડિપાર્ટમેન્ટનું પ્રોસિડિંગ.

જાહેરાત આપી નવાજ મુસ્તેતાજ હાનરત આનરજલ ગવરનર સાહેબ
જાહાનુર નંજરે મુંજઈની કાયદા તથા કાનુન કરનારી કૌન્સિલની સિલેક્ટ
કમિટીનો હેઠળ જાહેરો રિપોર્ટ અને તે કમિટીએ ફેરવેલી કુલમો સંઘણા
લોકોને જાહેર થવા સારૂ પ્રસિદ્ધ કરી છે.

જાહેરાત આપી નવાજ મુસ્તેતાજ હાનરત આનરજલ ગવરનર સાહેબ જાહાનુર
નંજરે મુંજઈની કાયદા તથા કાનુન કરનારી કૌન્સિલની સિલેક્ટ કમિટીના નીચે
સહી કરનારા મેંજરોને “ઈડિયાની લેલુ સૂલેલિય કૌન્સિલનો સન ૧૮૫૨ નો ૧૧મો આક્ટ
મુંજઈ ઈજાકના બે ભાગને જાગુ નથી તે ભાગમાં નમીનનાં ધારો આપવાની હુમને માફી છે
એઓને લોકો દાવો કરે છે તેઓના દાવાનો સંક્ષેપીતે ઠરાવ કરવા બાબત અને સદ્દી પ્રકારની
માફીનો દાવો આયંદે સરકાર કેવી સરતથી કબૂલ કરશે તે બાબત નિયમ દર્શાવવા બાબતના આક્ટ
નોમસુદો” વિચાર કરવા સારૂ સોંપ્યો હતો વાસ્તે હમો રિપોર્ટ કરીએ છે જે કે હેઠળ જોખ્યા પ્રમા-
ણે તે મસુદામાં ફેરફાર કરવો એવું હુમાઈ કેહેવું છે.

કુલમ ૬ મી - રકમ ૭ મી - “નિજ્હાના મુખ્યનેલિય મુલકી અમલદારની” આશબ્દોને
જદલે “કલેક્ટરની અને નિજ્હાના તાલુકાના અથવા જીન્ન પેરાના ભાગના મુખ્ય મુલકી અમલદાર-
ની” આશબ્દો દાખલ કરવા.

કુલમ ૧૮ મી - રકમ ૪ થી - “ફોડાનો અથવા જબેલો ને પુરાવો કલેક્ટરની અથવા તન-
વીન કરનારની આગળ રત્નુ કજ્યો નહીં હોય તે પુરાવો દાવો કરનાર અપીલમાં રત્નુ કરશે અને તે પુ-
રાવો અગાળી કેમ રત્નુ કજ્યો નહીં તેનું વાનખી કારણ નહીં દેખાવશે” આ શબ્દોને જદલે “ફોડાનો
અથવા જબેલો ને પુરાવો કલેક્ટરની અથવા તનવીન કરનાર અમલદારની આગળ રત્નુ કજ્યો
નહીં હોય તે પુરાવો અગાળી કેમ રત્નુ કજ્યો નહીં તેનું વાનખી કારણ દાવો કરનારનાં દેખાવવાગર
અપીલમાં કબૂલ કરશે તો” આ શબ્દો દાખલ કરવા.

પેહેલો ફેરફાર કરવાની મતલબ એ છે કે તે કુલમમાં કહેલી નોટીસો વધારે પ્રસિદ્ધ
થાય અને જીન્ને ફેરફાર કરવાની મતલબ એ છે કે કામ ચલાવવાની મામુલ કાનુન પ્રમાણે અપીલ-
માં ને પુરાવો લેતા નથી તે પુરાવો આ આક્ટ પ્રમાણે ફેરવેલી અપીલમાં લેવામાં આવશે એવી કલ્પ-
ના નિકળે નહીં.

મુકામ મુંજઈ તારીખ ૧૩ મી માઈ

ડિસેંબર સન ૧૮૬૨ ઈશાબી.

(સહી.) આર્ચિબાલ્ડ ડેવિડ રાજર્ટ સન.

” બેનાથન ડંકુન ઈન્ચેરા રીડી.

” રિલિયમ જાહિંગરન ટ્રિસ્ટામ.

” નગંનાથ સંકર રોહ.

કુલમ ૮ મી - રકમ ૭ મી - લોગવરો કુરનારની વત્તી જમીન બાબત કામ ફાન

લોગવરો કુરનારની રતે કુરનાર (બિલ્હામાં) કોઈ નહીં હોય અને લોગવરો કુરનારનું દરકે-
કામ કાબ કુરનાર કોઈ નહીં હોય અને લોગવરો કુરનાર કાણું નહીં જાગે તો તે માંદાસો જમીનનો વહિવટ કરતા હોય તે માંધી
જાગે તો નહીં હોય (ત્યારે કેમ એ કાબ હોય તે નોરીસ આપીને તેની નકલ કુલે કુરની કચેરીમાં અને
કુરનું) બિલ્હાના તાલુકાના અથવા બીજા પેટાના ભાગના સુબ્ય મુલકી અમ-
લદારની કચેરીમાં તથા તે ગાંમમાં સદહૂ જમીન હોય તે ગાંમની ચાવીમાં (એટલે ગાંમને ચોતે)
અથવા બીજા પ્રસિધ્ધ જગાએ મારવી.

કુલમ ૯ મી - રકમ ૮ મી - મોહાંતો અથવા લખેલો ને પુરાવો કુલે કુરની અથવા તનબીન

દાવો કુરનાર અપીલમાં નવો કુરનાર અમલદારની આગળ રબૂ કચો નહીં હોય તે પુરાવો આગળ કેમ
પુરાવો હાનર કરી ત્યારે તે રબૂ કચો નહીં તેનું વાળબી કારણ દાવો કુરનારનાં દેખાયા વગર અને તે
કુરાવો પેદાશ હાનર નહીં કુર વાળબી કારણ નહીં દેખા- કારણ કુલે કુરને નહેર કચું ફતું એવું સાબિત કચા વગર અથવા તે નહેર
કરી તો પાછલી રકમ પ્રમાણે નહીં કુરવાનો વાળબી સબબ બતાવ્યા વગર તે પુરાવો અપીલમાં કુબ-
તેની પાસેથી લીધેલા કુબિ- ત નહીં કુરવાનો વાળબી સબબ બતાવ્યા વગર તે પુરાવો અપીલમાં કુબ-
યા સરકાર દાખલ થશે. ત કુરરી અને દાવો કુરનાર અપીલમાં જી તરી તે પછા તેની પાસેથી કુબ-
ની છે જી રકમો પ્રમાણે ને અવેન લીધો ફરી તે સદગો તેને પાછો મળી નહીં.

અમુક બે કુકમ બંદેગાન આવી નવાબ મુસ્તેતાબ હનરત

આનરબલ ગવર્નર સાહેબ આહા પુર ઇલ્લાસ કોંસિલ.

રેમું વેસ્ટ સાહેબ આહા પુર,

આફિસિયેટિંગ સ્પેસીયલ સેક્રેટરી નિસબત સરકાર

એઓની સહી.

(True Translation)

VENAYEK WASSOODEW,

Oriental Translator to Government.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay, for the purpose of making Laws and Regulations, together with the Bill, as altered by them, is published for general information :—

Report of the Select Committee to consider and report on a Bill to empower Judges of the High Court and other Authorities at Bombay to direct Convicts to be imprisoned either in the House of Correction or the County Jail.

1. Since this Bill was introduced, it has been brought to the Mover's notice, that, under Section 42 of the Indian Council's Act, the Legislative Councils of Madras and Bombay have no power to make Laws or Regulations to repeal or amend Acts passed by the Imperial Legislature subsequent to the Council's Act coming into operation. The Committee, on consideration, think that the fourth and last Clause of this Bill is open to that objection, and ought therefore to be omitted; and they accordingly propose its omission. As to the other Sections (1, 2, and 3) of the Bill, the Committee incline to the opinion that they cannot be considered either as repealing Act No. XVIII. of 1862, or in the light of amendments to that Act.

2. The Committee think that by giving the Judges, Justices of the Peace and Magistrates of Police in Bombay the power of imprisoning Convicts in the Bombay County Jail, as well as in the House of Correction, this Bill does not repeal Sections 46, 47, and 48, of Act No. XVIII. of 1862, but gives, so far as this Presidency is concerned, the power of imprisoning in the Bombay County Jail, in addition to that given by Act No. XVIII. of 1862, of imprisoning in the House of Correction. Nor does it appear to the Committee that those Sections (1, 2, and 3) of this Bill can be considered in the nature of an amendment of Act No. XVIII. of 1862, but rather in the nature of a distinct, separate, and substantive enactment, affecting this Presidency only, and calculated to facilitate the administration of Justice here, by authorising the Bombay County Jail to be used for the imprisonment of Convicts in the same manner as the House of Correction.

3. The Committee proposed to introduce the words "whether such House of Correction be under the control of the Sheriff or not" after the words "House of Correction" in Clauses 1, 2, and 3, and to alter the Title of the Bill thus :—"A Bill to empower Judges of the High Court and other Authorities in Bombay to direct Convicts to be imprisoned either in the House of Correction or County Jail."

4. The Committee recommend the Bill to be passed as altered. But if the Bill, as altered, should still be thought to be open to the objection that it exceeds the power of the Legislative Council of this Presidency, the Committee see no remedy, nor can they offer any suggestion to the Council as to how their object is to be attained, except by a representation of the necessity for some such enactment being made to the Governor General in Council.

W. E. FRERE,

ARTHUR J. LEWIS.

A Bill to empower Judges of the High Court and other Authorities at BOMBAY to direct Convicts to be imprisoned either in the House of Correction or the County Jail.

Whereas great inconvenience is occasioned in the administration of Criminal Justice by reason of the House of Correction in the Town of Bombay not having sufficient accommodation to contain all the prisoners from time to time sentenced to be there confined for divers offences, and it is desirable that the Judges of Her

Majesty's High Court in this Presidency and the Justices of Peace and Magistrates of Police in the Town and Island of Bombay should be empowered to send prisoners to the Common Jail in the Town of Bombay as well as to the House of Correction: It is enacted as follows :—

I. Whenever, from and after the passing of

Persons sentenced by High Court to rigorous imprisonment, &c. may be imprisoned in House of Correction or Common Jail in Bombay.

imprisonment with hard labour or solitary confinement, it shall be lawful for the Judges or Judge of the said Court of Judicature to direct such person to be imprisoned either in the House of Correction, whether such House of Correction be under the control of the Sheriff or not, or in the County Jail in Bombay, as to them or him shall seem fit.

II. Whenever, from and after the passing

Persons sentenced by the said Court to transportation, &c. may be kept in House of Correction or Common Jail in Bombay.

this Act, any person shall be sentenced by Her Majesty's High Court of Judicature in this Presidency to rigorous imprisonment, or to imprisonment with hard labour or solitary confinement, it shall be lawful for the Judges or Judge of the said Court of Judicature to direct such person to be imprisoned either in the House of Correction, whether such House of Correction be under the control of the Sheriff or not, or in the County Jail in Bombay, as to them or him shall seem fit.

of this Act, any person shall be sentenced by the High Court of this Presidency to transportation, or penal servitude, such person may, at the dis-

cretion of the Judges or Judge of the said Court, be kept in the House of Correction, whether such House of Correction be under the control of the Sheriff or not, or in the County Jail in Bombay, as the place of intermediate custody.

III. Whenever, from and after the passing

Persons sentenced by a Justice of the Peace or Police Magistrate to rigorous imprisonment, &c. may be committed to House of Correction, or Common Jail in Bombay.

of this Act, any person shall be sentenced by a Justice of the Peace or Police Magistrate to rigorous imprisonment, or imprisonment with hard labour, the person so

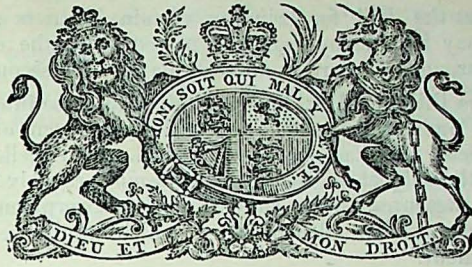
sentenced may be committed by such Justice of the Peace or Police Magistrate either to the House of Correction, whether such House of Correction be under the control of the Sheriff or not, or to the County Jail in Bombay, as to such Justice of the Peace or Magistrate shall seem fit.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating under Secretary to Government.

Bombay, 18th December 1862.



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

THURSDAY, 18TH DECEMBER 1862.

The following Extract from the Proceedings of the Council of the Governor of Bombay, assembled for the purpose of making Laws and Regulations under the Provisions of the Act of Parliament, 24 and 25 Victoria, Chapter 67, is published for the information of all whom it may concern:—

The Council met at Bombay on Monday, the 15th December 1862.

PRESENT:—

His Excellency Sir H. B. E. FRERE, K.C.B., Governor and President in Council, Presiding.

The Honorable Mr. FRERE,

The Honorable Mr. INVERARITY,

The Honorable the ADVOCATE GENERAL,

The Honorable Mr. TRISTRAM,

The Honorable Mr. JUGONNATH SUNKERSETT,

The Honorable Mr. PREMABHAI NEMABHAI.

The Honorable Mr. ROBERTSON,

THE ACTING SECRETARY, and

The UNDER-SECRETARY.

His Excellency the PRESIDENT addressed the Council, stating that in consequence of a Despatch from the Secretary of State to the Government of India, and communicated by the latter to this Government, certain changes would have to be made in the Rules under which the business of the Council had hitherto been conducted. Those changes would not materially affect the practice of the Council in its legislative capacity, but it was desirable that the wishes of the Home Government and of the Government of India should be conformed to, and the Rules of this Council assimilated to those of the other Presidencies. The Despatch would therefore be printed and circulated to the Honorable Members for consideration, with a view to such changes in the Rules as might seem necessary or desirable.

Of the Bills passed up to the date of the last adjournment of the Council and forwarded for assent to the Governor General, two, he remarked, had been rejected on grounds of

principle. These were the Juvenile Reformatories Bill, and the Kurrachee Small Cause Court Bill. Amended Bills would be presented by the Honorable Mr. Frere and the Honorable Mr. Inverarity respectively.

It was important that the Bill for bringing certain Districts and Villages under the Regulations of the Bombay Presidency should be passed before the end of the year. That Bill would therefore be brought forward at an early day for the second reading.

The Railway Feeders Bill aimed at objects similar to those intended to be attained by a general enactment now under the consideration of the Government of India. In the absence of the Honorable Mr. Scott who had charge of the Bill, His Excellency could not say precisely what his views on the subject might be, but it would probably be advisable to compare the provisions of the two measures, and to suggest to the Government of India the adoption of any amendments of their own intended measure, which might be suggested by the one proposed by this Government.

The Bills for the settlement of Claims to Inams, and for regulating Pilotage Fees on the Indus, awaited the consideration of the Reports of the Select Committees which had already been presented. The four Bills for regulating the Police Administration of this Presidency had been referred to a Select Committee, whose reports were to be presented at the present Meeting of the Council. The Report of the Select Committee appointed to consider the Bill to amend Act XVIII. of 1862, so as to enable the Judges of the High Court and Magistrates to commit convicted prisoners to the County Jail as well as to the House of Correction, was also to be presented, and no delay need be anticipated in passing the Bill.

The Second Inam Bill for regulating the disposal of Claims to Exemptions from Land Revenue in those parts of the Presidency which are not subject to the operation of Act XI. of 1852, was under the charge of the Honorable Mr. Robertson. The Report of the Select Committee would be presented, and the Bill might be at once carried through its final stage.

Amongst the new measures to be brought forward, he might mention one on the subject of the Velhar Water Works, the charge of which had been undertaken by the Honorable Mr. Robertson. An Insolvency Bill for the Mofussil was also in preparation, and would shortly be introduced by the Honorable Mr. Frere. This measure originated in the discovery that the rules upon which an Insolvency Jurisdiction had for some years been exercised in Sind, rested on a doubtful legal basis. It was therefore necessary that indemnity should be given for all acts done under them, and that they should be continued temporarily, pending the enactment of a more general measure. It might be considered that legislation on this subject belonged more properly to the Government of India than to local Governments, but it would, in any case, be desirable to extend to the other parts of this Presidency the benefit which Sind had hitherto exceptionally enjoyed; and if the Government of India should eventually determine itself to take up the subject, the Bill of this Government might probably be adopted as the basis of the general enactment.

The want of an Act for the regulation of Hired Conveyances in the Island of Bombay had been seriously felt. A Bill providing for this want was under preparation by the Honorable Mr. Frere, and would shortly be presented.

The Council then proceeded to consider the orders of the day.

The Report of the Select Committee on "A Bill for making better provision for the care of the Persons and Property of Minors" was taken into consideration.

On the question whether Section X. stand part of the Bill, Mr. JUGONNATH SUNKERSETT said, he did not understand the words "the adoptive alone being excluded."

Mr. FRERE said the words must have crept in through an oversight, as the adoptive father must necessarily be dead before the Section could have any operation.

The PRESIDENT put the question, whether the words "the adoptive alone being excluded," be expunged.

Carried.

On the question, whether the Title stand part of the Bill, Mr. INVERARITY inquired whether the term "Presidency of Bombay" would include Sind.

The PRESIDENT requested the opinion of the Advocate General.

The ADVOCATE GENERAL said, that as the Bombay Government possessed complete jurisdiction in all Departments over Sind, the Province would be included in all enactments passed by that Government, except when expressly excluded from their operation.

On the question that the Preamble stand part of the Bill, Mr. JUGONNATH SUNKERSETT said the Bill made no provision for an adoptive mother.

The PRESIDENT remarked that her position would be unaffected unless her powers under the existing law were confirmed and extended by her appointment as guardian.

The ADVOCATE GENERAL expressed his concurrence in this view.

Mr. FRERE said the end might be attained by the introduction in line 23 of Section 10 of the Bill, after the word "Minor" of the words "surviving parent," whether "natural or adoptive."

Mr. PREMABHAI HEMABHAI said the Minor's mother ought to have power to deal with the Minor's property, as at present, for his benefit. The Bill would tie her up from making such a use of it.

Mr. JUGONNATH SUNKERSETT said the interests of an adoptive mother were very frequently quite at variance with those of her Minor son, and that her hands ought to be tied up against unfair dealings with the Minor's property, though those of a natural mother need not.

The PRESIDENT said that each case would be considered by the Courts on its merits, and, that in every instance in which the position, character, and ability of the mother, whether natural or adoptive, afforded the requisite guarantees for a proper administration of the estate, she might be appointed guardian under the Bill, with all the necessary powers for dealing with it as might be most to the Minor's advantage. He would request Mr. Premabhai Hemabhai to read Section II. of the Bill.

Mr. PREMABHAI HEMABHAI said, that at present, the mother, without a certificate of guardianship, can bring actions and otherwise deal with the property as if it were her own.

The PRESIDENT observed, that it was to prevent the abuse of these powers amongst other purposes, that the Bill had been introduced.

Mr. PREMABHAI HEMABHAI said that the mother can now sell, in all cases of necessity, and the power ought to be preserved.

The PRESIDENT would ask the Honorable Member what was the usual fate, now, of an Estate thus fallen into irresponsible female hands.

Mr. PREMABHAI HEMABHAI replied: "She should not be required to take out a certificate of guardianship unless other relatives came forward to show that she is not a fit person to have the management of the property."

The PRESIDENT said: "There are two courses provided. The husband may appoint a guardian by will, or a certificate of guardianship may be obtained on account of relationship or other reasonable grounds, from the Civil Courts. Had the Honorable Member been in his place when the Bill was introduced, he might properly have insisted on his objections to the principle of the Bill. Now, however, that the principle of the Bill has been approved, the Honorable Member is somewhat out of order, in raising this general question. His proper course is either to move a specific amendment on the Clause now before the Council, or to vote against the Bill, on the question that the Bill do pass being put."

The question was then put, that the words "surviving parents, whether natural or adoptive," stand part of the clause, and the Clause as amended was carried.

Mr. JUGONNATH SUNKERSETT proposed that the Bill be read a second time and passed.

Mr. PREMABHAI HEMABHAI opposed the motion.

The question was put, and the Council divided:

Ayes—6.

The Honorable Mr. FRERE.
The Honorable Mr. INVERARITY.
The Honorable the ADVOCATE GENERAL.
The Honorable Mr. TRISTRAM.
The Honorable Mr. JUGONNATH SUNKERSETT.
The Honorable Mr. A. D. ROBERTSON.

Noes—1.

The Honorable Mr. PREMABHAI
HEMABHAI.

The Bill was thus carried.

On the "Bill to facilitate the Adjustment of Unsettled Claims to Exemption from the payment of Government Land Revenue, and to regulate the Succession to, and Transfer of, Lands, wholly or partially exempt from the payment of such revenue in those parts of the Bombay Presidency, which are subject to the operation of Act XI. of 1852 of the Legislative Council of India," being called on for consideration, Mr. ROBERTSON proposed that the Bill be at once proceeded with.

Mr. FRERE said that as the Report was entered in the orders of the day as to be "presented" and not as to be "considered," he was not prepared to go to a second reading.

The PRESIDENT remarked that the Report on the Bill ought to have been entered as to be "considered," but as this had not been done, it would be better to defer the consideration of the Report until the next meeting of the Council.

This question was then put and carried, and the same course was followed with regard to the two Bills which stood next on the orders, viz, a "Bill for the Registry of Vessels and Levy of Pilotage Fees on the River Indus," and a "Bill for bringing under the Regulations and Acts of the Presidency of Bombay the Province of Sattara, &c.

Mr. FRERE gave notice that, in addition to the amendment on the Bill of which he had given notice for this day, he would propose on consideration of the Report of the Select Committee, the following addition to Section III. of the Bill:

Clause 3.—"It is also further enacted that no writ or process shall be sued forth or prosecuted against the person, goods, or property of Shreemunt Sugoanabayee aee Saheb Maharaj, the only surviving widow of the late Rajah of Sattara, except with the consent of the Governor in Council first obtained, such consent to be signified by the signature of one of the Secretaries to Government, and any writ or process sued forth or prosecuted against the person, goods, or property of Shreemunt Sugoanabayee aee Saheb Maharaj, and without such consent as aforesaid, shall be utterly null and void."

Mr. FRERE said that the Report of the Select Committee on a "Bill to amend Act XVIII. of 1862" was prepared, but had not been printed and circulated. He begged therefore, that the time for the presentation of the Report might be extended until the next meeting of the Council. The question was put and carried.

Mr. FRERE said that the preparation of the Reports on the four Police Bills, entitled: (1) A "Bill for the Regulation of the District Police in the Presidency of Bombay;" (2) A "Bill for the Regulation of the Village Police in the Presidency of Bombay;" (3) A "Bill to enable Magistrates to depute to Subordinate Magistrates power to try certain offences punishable under the Indian Penal Code;" (4) A "Bill to entrust Landholders with the charge of the Police within their respective lands"—had been considerably delayed by the unavoidable absence of His Excellency Sir William Mansfield from Bombay. His assistance was so valuable and important, that the Committee were unwilling to proceed in his absence, and this had prevented their full consideration of the Bills until a few days ago. The Reports, however, were now ready, and would be circulated in time for consideration at the next meeting of the Council to which he requested that the period for presenting the Reports might be extended. The question was put and carried.

The PRESIDENT then adjourned the Council until Friday, the 19th instant, at 2 o'clock

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

Bombay, 15th December 1862.