



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

MONDAY, 28TH JULY 1862.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

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 Poona on Wednesday the 23rd July 1862.

PRESENT:—

His Excellency Sir H. B. E. FRERE, K.C.B., the Governor of Bombay, presiding

His Excellency Sir W. R. MANSFIELD, K.C.B.

THE HONORABLE MR. FRERE.

THE HONORABLE MR. INVERARITY.

THE HONORABLE THE ADVOCATE GENERAL.

THE HONORABLE MR. TRISTRAM.

THE HONORABLE MR. MADHOWROW VITTUL VINCHOORKUR.

THE HONORABLE MR. JUGGONATH SUNKERSETT.

THE HONORABLE MR. ROBERTSON.

THE HONORABLE MR. SCOTT, and

THE DEPUTY SECRETARY.

The Honorable Mr. FRERE presented the Report of the Select Committee on a "Bill to amend Section 45 of Clause I. of Regulation XIII. of 1827."

His Excellency Sir W. R. MANSFIELD said he had an amendment to propose, but would defer it to the next meeting, when the Report of the Select Committee would be considered.

The ADVOCATE GENERAL remarked that he also wished to propose an amendment, and would send notice of it to the Secretary, in accordance with the Rules.

MR. JUGGONNATH SUNKERSETT, in proposing the first reading of a "Bill for making better provision for the care of the Persons and Property of Minors in the Presidency of Bombay," said:—

"The Bill which I am going to bring forward in Council to-day is, a 'Bill for making better provision for the care of the Persons and Property of Minors in the Presidency of Bombay.' It has been prepared by the Judges of the Sudder Adawlut, at the request of Government, and is intended to remedy the present defect in the law of this Presidency touching the care of the persons and property of minors. I am glad it has fallen to my lot to bring forward this Bill. As the Law now stands, there is nothing to prevent the natural guardians of minors from making away with the minor's estates. A want of provision to remedy this defect in the law has been much felt: and this Bill is intended to supply the want.

"Section 15 enacts, that the proceedings of the collector in charge of the estate should be subject to the control of the superior Revenue Authority. It is difficult to see why he should not be subject to the jurisdiction and control of the Civil Court, as well as any other manager of the minor's estates.

"In Section 18, where it runs, 'But no such person shall have power to sell or mortgage, &c.,' I would add the words, or 'otherwise alienate or dispose of' immediately after the word 'mortgage,' and this can be done in Committee. I think this addition necessary, because though the estate may not be sold or mortgaged, it may be disposed of in gift, as the law contains no prohibition against this,—the addition suggested therefore will, in my humble opinion, prevent the estate being so given away, and I think it should be considered whether the same restriction should not be extended to the moveable property of the minor,—or to some extent.

"I also wish to make another addition, viz. in regard to the marriage of minors. It is well known in India that females ripen earlier than in a cold climate. Before the age of 18 years girls are known to have become mothers of children. I think, therefore, that a provision should be made in this Bill to enable a minor, a female minor especially, to get married some time before she arrives at maturity—for, according to oriental ideas and customs, girls cannot be allowed to remain unmarried till they attain the age of 18. I am myself, I confess, averse to very early marriages, and have made it a rule in my own family, not to celebrate them—and I only hope that my fellow-countrymen who are fond of early marriages will think of the evil consequences arising from such proceedings and desist from such course.

"With these additions, which suggest themselves to me at present, I beg to introduce the Bill, which I trust may be discussed in the Committee, and outside these walls, and I would recommend that a fair time be allowed to the public to come forward, and state their reasons and objections if they have any such in regard to this enactment. I therefore move that this Bill be read a first time."

The PRESIDENT put the question that the Bill be read a first time, which was carried.

The ADVOCATE GENERAL said he did not know whether it had been considered that the same person might be appointed guardian of the person and property. The Act seemed drawn up from the Calcutta Act. The words "Houses, Gardens, or the like" in the 9th Section seemed not to include moveable property. Then he did not see any reason for compelling the guardian of the person to give security. He did not think the words of Section 13 sufficiently large. The Court should have a general discretion as to costs in case any proceedings were improperly taken. He fully concurred in the observation of the Honorable member opposite (Mr. Juggonnath Sunkersett) in the propriety of restricting the right of alienation or mortgage.

Then as to Section 29 he should think it doubtful whether 18 years was the proper age.

As to the last Section, he should like to know why the Supreme Court was to be excluded? He did not see why that Court should not have cognizance of matters respecting minors residing within the Presidency Town.

The PRESIDENT said no doubt these observations would be very valuable when the details of the measure came to be considered; but as the first reading of the Bill had been carried, he would suggest that they should be reserved till the matter came before the Committee.

Mr. JUGGONNATH SUNKERSETT said the Bill was so important that he thought that the Report ought not to be made till ample time had been given for the discussion of its provisions—he was inclined to propose 3 months.

His Excellency Sir W. R. MANSFIELD said that it was probable the Bill would be much altered in Committee, he therefore thought the views of the Honorable Mr. Juggonnath Sunkersett would be better carried out if a reasonable time, say a month, were given to the Committee. The public would have a better opportunity of forming an opinion on the measure when the Report of the Select Committee was published, which would probably embody some of the alterations which the Honorable Mover and the Advocate General seemed inclined to propose.

Mr. JUGGONNATH SUNKERSETT proposed that the following members be appointed a Committee:—

The Honorable W. E. FRERE,
The Honorable A. J. LEWIS (Advocate General),
The Honorable RUSTOMJEE J. JEJEEBHoy,
The Honorable MADHOWROY VITTUL VINCHOORKUR,
And the MOVER,

with instructions to make their report within one month from this date.

Carried.

Mr. TRISTRAM said that in pursuance of the notice he had given, he moved for leave to bring in a “Bill to abate the Nuisance arising from the Smoke of Furnaces in the Islands of Bombay and Colaba.” A similar Bill had been introduced in Calcutta. The increase of smoke from furnaces now used in the different mills and manufactories, as well as in numerous public and private buildings where machinery worked by steam has been introduced, is very apparent. These establishments are on the increase in the Fort and Colaba, as well as the outskirts of the Native Town, as any person may readily satisfy himself.

The comparatively limited space comprised within the limits of the Island, and the dense masses of people residing thereon, seem to render it very desirable that means should be taken as early as practicable to abate the nuisance and to prevent its increase.

Mr. TRISTRAM then moved for leave to introduce the Bill.

The PRESIDENT put the question, which was carried.

The PRESIDENT then adjourned the Meeting to Wednesday the 30th July at 11 o'clock.

By order of His Excellency the Governor in Council,

LYTTELTON H. BAYLEY,

Deputy Secretary to Government.

Poona, 23rd July 1862.