



SUPPLEMENT

TO THE

BOMBAY GOVERNMENT GAZETTE.

Published by Authority.

TUESDAY, 30TH DECEMBER 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 Bombay on Monday, the 19th December 1862.

PRESENT:—

- His Excellency Sir H. B. E. FRERE, K.C.B., Governor and President in Council, Presiding.
- The Honorable Mr. W. E. FRERE,
- The Honorable Mr. J. D. INVERARITY,
- The Honorable the ADVOCATE GENERAL,
- The Honorable Mr. W. B. TRISTRAM,
- The Honorable Mr. JUGONNATH SUNKERSETT,
- The Honorable Mr. PREMABHAI HEMABHAI,
- The Honorable Mr. A. D. ROBERTSON, and
- The UNDER-SECRETARY.

Mr. HENRY LACON ANDERSON having been appointed by His Excellency the Governor an Additional Member of the Council, took the oaths and his seat.

The PRESIDENT observed that the Bill to facilitate the adjustment of claims to exemption from Land Revenue stood first on the Orders of the Day. It would, however, be impossible at a single sitting to get through all the business that was set down for disposal, and as there were one or two other subjects the disposal of which could not conveniently be deferred, it would be desirable to take them first.

The Council then proceeded to the consideration of the "Bill for the Registry of Vessels and Levy of Pilotage Fees on the River Indus."

On the question that Section II. stand part of the Bill, Mr. FRERE inquired who was to be considered "a duly authorised Officer" as set forth in this Section.

Mr. INVERARITY said he would of course be the Registrar.

The ADVOCATE GENERAL said that all the first three Sections appeared to apply to one and the same Officer, who ought to have some designation.

Mr. INVERARITY said he might be called "Registrar of Boats."

The PRESIDENT then put the question that the word "and" be omitted in line 6 of Section I. and that the words "who shall be called the Registrar of Boats; and every vessel so registered" be inserted.

Carried.

The PRESIDENT then proposed that the words "a duly authorised Officer" be omitted in line 6 of Section II. and the words "the Registrar of Boats" inserted, which was carried; and similar alterations were made in Section III. at the words "proper Officer" in line 3 of

On the question that ~~stand part of the Bill~~, Mr. FRERE remarked that the expression "any public Officer entitled to demand the same" in lines 4 and 5 of the Section was ambiguous, and after discussion, the words "required by any Magistrate, or by the Conservator, or by any member of their establishment," were substituted.

The PRESIDENT then moved the omission of the words "entitled to demand the same," which was carried.

On the question whether Section VI. stand part of the Bill, Mr. FRERE said that the latter part of the Section required alteration. As it stood, it seemed to imply that the fine provided by the Section was to be inflicted though not recovered before the conviction of the offender. He would move that the words "on conviction before a Magistrate, Justice of the Peace, or person exercising the powers of a Magistrate within the province of Sind" be omitted from the 13th and the following lines and inserted between the words "shall" and "be" in the 9th line, with the addition of the word "thereof" between "conviction" and "before."

Carried.

With regard to the word "owner" in the 7th and 9th lines of the Section, the PRESIDENT remarked that the owner was frequently not with his vessel. He might be at a considerable distance. The Section should be so worded as to afford some remedy on the spot.

Mr. ANDERSON said it was reasonable to call upon the person in charge of vessel for the certificate, but the fine should be on the owner alone. An alternative expression both in lines 7 and 9 would meet the necessities of the case.

The question that the words "or person in charge" be inserted between the words "owner" and "of" in lines 7 and 9 was put and carried.

Mr. FRERE suggested that after the word "fine" in line 12, the words "if not paid" should be inserted. The question was put and carried.

On the question that Section IX. stand part of the Bill, Mr. FRERE inquired who was "the duly authorised Officer."

Mr. INVERARITY said "the Conservator."

After a discussion the question was put that the words "duly authorised Officer" be omitted, and the words "Officer duly authorised by the Registrar of Boats" be inserted.

Carried.

Mr. FRERE made a similar inquiry with regard to Section XI. and a corresponding change was put and carried.

On the question that Section XII. stand part of the Bill, Mr. INVERARITY observed that as it was prescribed in a previous Section to whom the fee mentioned in line 4 was payable, the words "the duly authorised Officer" in that line might be omitted. He would suggest that a transposition of the latter part of the Section similar to that in Section VI. should be made.

These amendments were put and carried.

On the question that Section XIII. stand part of the Bill, the ADVOCATE GENERAL inquired who was to apply for the produce of fees and fines realised under the Act.

Mr. INVERARITY said the Conservator would apply for it as he does now.

Mr. ANDERSON remarked that the 14th Section required that an account should be kept of all sums received and expended under the Act. Who was to keep it, and to whom was the account to be rendered?

Mr. INVERARITY said that the words "under the orders of the Commissioner in Sind" might be inserted.

This amendment was put and carried.

On the question that Section XIV. stand part of the Bill, Mr. INVERARITY proposed that a similar insertion be made after the word "kept." This amendment was put and carried.

On the question that Section XVI. stand part of the Bill, Mr. FRERE inquired whether this would indemnify the Commissioner as well as those acting under him; and after discussion the question was put that the words "under the authority of the Commissioner in Sind" be omitted, and the words "as Commissioner in Sind, or under his authority," inserted after the word "acted" in line 3 of the Section.

Carried.

On the question that Section XVII. stand part of the Bill, Mr. FRERE inquired why a barge or flat was not considered as a vessel.

Mr. INVERARITY said that the barge was attached to steamers to convey baggage and should not be separately charged for.

Mr. FRERE proposed the omission of the words "party" and "parties" in line 9 of the Section, and the transposition of the words "and bodies," &c., so as to stand after the word "person" in the 9th line.

After discussion the question was put that Section XVII. terminate at the word "vessel."

Carried.

The question that the remaining portion of Section XVII. amended as proposed by Mr. FRERE form a separate Section (XVIII.) was then put and carried.

Mr. INVERARITY then moved that the Bill as amended be read a second time and passed.

Carried.

The Council then proceeded to consider the Bill for bringing Sattara and certain other districts and villages under the Acts and Regulations of the Presidency of Bombay.

On the question that Section III. stand part of the Bill, the ADVOCATE GENERAL inquired why persons in authority under the late Government should enjoy indemnity for their misconduct during that period.

The PRESIDENT said "such a course is usual on the occasion of a transfer of Government and it appears highly expedient."

The PRESIDENT said that Clause 2 ought to form a separate Section.

This was put and carried, as it was also that the word "Clause 1" be expunged accordingly.

On the question that Clause 2 stand part of the Bill, the PRESIDENT proposed that it be made a separate Section IV. This was put and carried.

Mr. FRERE, pursuant to notice, moved the addition of a Clause exempting the widow of the late Rajah of Sattara from the ordinary jurisdiction of the Courts.

This amendment was put and carried.

On the question that Schedule B stand part of the Bill, Mr. FRERE proposed that Clause 4 of the Schedule be omitted.

This was put and carried.

Mr. FRERE, pursuant to notice, moved that certain other changes be made in Schedule B.

This was put and carried.

Mr. FRERE proposed to insert the words "Collectorate of Sholapore and in the" between the words "the" and "Southern" in line 1 of Section II.

This was put and carried.

Mr. FRERE then moved that the Bill be read a second time.

The PRESIDENT requested the UNDER-SECRETARY to read any petitions received on the subject of the Bill.

The UNDER-SECRETARY read a petition in the proposed enactment provision might be made securing of the Sattara Courts praying in Sattara without further examination.

Mr. JUGONNATH SUNKERSETT said the Petitioners' request was reasonable, and they ought to be allowed to practise on their present footing until they had been proved incompetent.

Mr. FRERE said that by bringing Sattara under the Regulations an entirely new state of things would be introduced, and it was doubtful whether Vakeels not prepared for an examination in the Acts and Regulations ought any longer to be allowed to practise in the Courts.

Mr. ANDERSON said their case was this; that having passed one examination, such as was prescribed at the time, they ought not to be called on to pass again.

The PRESIDENT observed that the examination depended on a rule of Court, and was not properly a subject of express legislation.

The Bill as amended was then passed.

Mr. TRISTRAM gave notice that at the next meeting of the Council he should move for leave to introduce a Bill for regulating burials and burial places in the Town and Suburbs of Bombay.

The PRESIDENT then adjourned the Council till the 7th January 1863, at 11 A.M.

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.

Bombay, 19th December 1862.