



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE.

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TUESDAY, 28TH JULY 1863.

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 22nd July 1863.

PRESENT:—

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

The Honorable Mr. W. E. FRERE,

The Honorable Mr. J. D. INVERARITY,

The Honorable Mr. H. L. ANDERSON,

The Honorable Mr. MADHOWROW VITTUL VINCHOORKUR,

The Honorable Mr. JUGONNATH SUNKERSETT,

The Honorable Mr. PREMABHAI HEMABHAI,

The Honorable Mr. A. D. ROBERTSON.

The UNDER-SECRETARY presented a petition addressed to the Secretary to the Legislative Council, which was ordered to be filed, not being in conformity with Rule 41 of the Rules for regulating the conduct of business by the Council of the Governor of Bombay.

The Council proceed to consider the Report of the Select Committee on the "Bill to provide for the Periodical Survey of Steam Vessels in the Ports, Harbours, Rivers or Waters of the Presidency of Bombay."

On the question that Section II. stand part of the Bill, the Honorable Mr. MADHOWROW VITTUL VINCHOORKUR moved that the words "fit and proper" be omitted from the Section, as it was not to be supposed that the Governor in Council would appoint any but a fit and proper person to be a Surveyor under the Act.

The Honorable Mr. INVERARITY said that these words should certainly be retained.

The Honorable Mr. MADHOWROW VITTUL VINCHOORKUR pressed his amendment and the Council divided :—

Ayes—1.

The Honorable Mr. MADHOWROW VITTUL
VINCHOORKUR.

Noes—6.

The Honorable Mr. FRERE,
The Honorable Mr. INVERARITY,
The Honorable Mr. ANDERSON,
The Honorable Mr. JUGONNATH SUNKERSETT,
The Honorable Mr. PREMABHAI HEMABHAI,
The Honorable Mr. ROBERTSON.

The amendment therefore was lost.

On the question that Section III. stand part of the Bill, the Honorable Mr. FRERE said that the words "as soon as reasonably may be after the arrival of such steam vessel," were open to objection on the ground that the object of the Bill was to ensure the seaworthiness of vessels before leaving a port, not to ascertain their state after a sea-voyage.

The Honorable Mr. INVERARITY explained that a vessel could be best surveyed when she was empty ; and if the survey was made a reasonable time after the arrival of a vessel in port, the work of loading or unloading her would not be interfered with.

The Honorable Mr. FRERE would not press his objection as the Section was taken from the Act already passed by the Lieutenant Governor of Bengal.

The Honorable Mr. FRERE then moved the substitution of the words "or equipments" for "equipments or articles" in Section III.

Carried.

The PRESIDENT said that it was desirable to expunge the words "as nearly as the circumstances of each case will admit" from Section IV.

Carried.

On the question that Section IV. stand part of the Bill, the Honorable Mr. FRERE asked, with reference to the last sentence, what would be the effect in case the captain disobeyed the officer of Customs or Pilot and took his vessel out of port without a certificate, as no penalty was provided for it in the Act.

The Honorable Mr. INVERARITY said that, in general a vessel would not leave a harbour without a Pilot, for if she did, the insurance on the whole cargo would thereby be vitiated. Besides the Section provided that no Port-clearance should be given to a vessel that was not provided with a certificate, and this would be sufficient to ensure a certificate being taken, for no vessel plying to Indian or English Ports would venture to leave without a clearance.

The Honorable Mr. ROBERTSON drew attention to Sections 126 and 127 of the Consolidated Customs Act (No. VI. of 1863), which provided that no vessel should leave any port of British India without a Port-clearance, and which authorized the infliction of a heavy penalty on any Pilot who should take charge of any vessel proceeding to sea without a Port-clearance

The Honorable Mr. FRERE said that, under these explanations he was not prepared to propose any alteration of Section V.

On the question that Section VI. stand part of the Bill, the Honorable Mr. FRERE said that he was sure it would afford no pleasure to the Governor in Council to deprive any Pilot even temporarily of his license. He moved that the word "discretion" be substituted for the word "pleasure."

Carried.

On the question that Section II. stand part of the Bill, the Honorable Mr. FRERE moved that the words "where the same may be easily read" be placed immediately after the word "suspended" instead of in their present place.

Carried.

The Honorable Mr. ANDERSON remarked that Section XIII. authorized a delegated officer to cancel a certificate that might have been granted by a superior authority, as for instance, by the Governor in Council, under the provisions of Section VII. The Honorable member moved that the words "or any officer appointed or authorized by him for that purpose" and also the words "or such officer as last aforesaid" be omitted from this Section.

Carried.

On the question being put that Section XIV. stand part of the Bill, the Honorable Mr. FRERE moved that the word "competent" be omitted in line 11 of that Section; he had, he said, opposed the omission of the words "fit and proper" in the second Section, but as the Surveyors to be appointed under this Section were a sort of appellate Court, he thought embarrassment might arise if the word was retained, and the commander or owner chose to question their competency.

The Honorable Mr. INVERARITY had no objection, and the word was omitted.

The PRESIDENT said that it was desirable to add the words "and condition" after the word "description" in columns 5 and 6 of Schedule A.

Carried.

The PRESIDENT then adjourned the Council to Wednesday, the 29th instant, at 3 P.M.

By order of His Excellency the Governor in Council,

H. M. BIRDWOOD,

Officiating Under-Secretary to Government.

Poona, 23rd July 1863.