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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Preliminary Report of a Select Committee was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations on the 30th January 1872 :—

We, the undersigned, the Members of the Select Committee of the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill for regulating the Procedure of the Courts of Criminal Judicature not established by Royal Charter was referred, have the honour to report that we have considered the Bill and the papers noted in the Appendix, and have come to the following resolutions, which we now submit in the form of a preliminary report.

RESOLUTION 1.—We are of opinion that the jurisdiction of Magistrates and Sessions Judges who are Justices of the Peace might with advantage be extended in the case of European British subjects.

We recommend—

(1.) That a full-power Magistrate, being a Justice of the Peace, and being, in the case of Mofussil Magistrates, an European British subject, should be empowered to try European British subjects for such offences as would be adequately punished by three months' imprisonment and a fine of rupees 1,000.

(2.) That a Sessions Judge, being an European British subject, should be empowered to pass a sentence on European British subjects of one year or fine; and that, if the European British subject pleads guilty or accepts the Sessions Judge's jurisdiction, the Court may pass any sentence which is provided by law for the offence in question.

(3.) That an European British subject, convicted by a Justice of the Peace or Magistrate, should have a right of appeal, either to the Court of Session, or High Court, at his option.

(4.) That in every case in which an European is in custody, he may apply to a High Court for a writ of *habeas corpus*, and the High Court shall thereupon examine the legality of his confinement and pass such order as it thinks fit.

RESOLUTION 2.—We think that the provisions of the Code ought to be extended to proceedings in the Presidency Towns, but not so as to vary the procedure now in force in trials by jury in the Presidency Towns. We are not, however, as yet in a position to say whether this can be more conveniently done in the present Bill or in a separate measure.

RESOLUTION 3.—We think that, if the jury system in the Mofussil is to be maintained, the Judge should, in cases in which he differs from the jury, have power to refer the case to the High Court, and that the High Court should be empowered to pass final order in the case.

J. F. STEPHEN.
G. CAMPBELL.
J. STRACHEY.
J. F. D. INGLIS.
W. ROBINSON.
F. S. CHAPMAN.
R. STEWART.
J. R. BULLEN SMITH.
F. R. COCKERELL.

The 30th January 1872.

A P P E N D I X.

- Endorsement, Home Department, No. 502, dated 17th April 1869, forwarding Letter from Secretary to Chief Commissioner, British Burma, No. 95-9, dated 22nd March 1869, and enclosure.
- Petition from Mukhtárs of Berhampore, dated 2nd May 1869.
- Endorsement, Home Department, No. 655, dated 19th May 1869, forwarding Letter from Chief Secretary to Government, Fort Saint George, No. 639, dated 19th April 1869.
- Endorsement, Home Department, No. 757, dated 7th June 1869, forwarding Letter from Secretary to Government, Bengal, No. 3323, dated 12th May 1869, and enclosures.
- Endorsement, Home Department, No. 772, dated 9th June 1869, forwarding Letter from Secretary to Government, North-Western Provinces, No. 120, dated 28th May 1869, and enclosure.

- From Registrar, High Court, Calcutta, No. 534, dated 21st June 1869.
 Endorsement, Home Department, No. 925, dated 30th June 1869, forwarding
 Letter from Acting Secretary to Government, Bombay, No. 1675, dated 31st May 1869, and enclosures.
- Endorsement, Home Department, No. 1106, dated 3rd August 1869, forwarding
 Letter from Assistant Secretary to Chief Commissioner, Central Provinces, No. ४४७, dated 16th July 1869, and enclosures.
- From Secretary to Government, Madras, No. 1360, dated 18th August 1869, and enclosures.
 From Secretary to Chief Commissioner, British Burma, No. 541-9, dated 21st August 1869, and enclosure.
 Petition from Dwarkanauth Bakshee and others, dated 31st August 1869.
- From Officiating 1st Assistant Resident, Hyderabad, No. 2711, dated 2nd September 1869, and enclosure.
 Endorsement, Home Department, No. 1520, dated 10th October 1869, forwarding
 Letter from Secretary to Government, Bengal, No. 469T, dated 22nd September 1869, and enclosures.
- Endorsement, Home Department, No. 1769, dated 8th December 1869, forwarding
 Letter from Acting Under Secretary to Government, Bombay, No. 4161, dated 24th November 1869.
- From Acting Chief Secretary to Government, Madras, No. 21, dated 7th January 1870, and enclosures.
 Endorsement, Home Department, No. 61, dated 10th January 1870, forwarding
 Letter from Acting Under Secretary to Government, Bombay, No. 4592, dated 22nd December 1869.
- From Military Department, No. 556, dated 12th January 1870, and enclosures.
 Endorsement, Home Department, No. 131, dated 17th January 1870, forwarding
 Letter from Secretary to Government, North-Western Provinces, No. 13A, dated 6th January 1870, and enclosures.
- From Secretary to Chief Commissioner, British Burma, No. 24-8, dated 5th February 1870, and enclosure.
 „ Officiating 1st Assistant Resident, Hyderabad, No. 624, dated 18th February 1870, and enclosure.
 „ Officiating 1st Assistant Resident, Hyderabad, No. 738, dated 7th March 1870, and enclosure.
 „ Officiating Junior Secretary to Government, Bengal, No. 1326, dated 15th March 1870, and enclosures.
- Endorsement, Home Department, No. 485, dated 15th March 1870, forwarding
 Letter from Officiating Secretary to Chief Commissioner, Oudh, No. 531, dated 5th February 1870, and enclosures, and
 Despatch from Secretary of State, No. 39, dated 21st October 1868.
- From Secretary to Government of Bombay, No. 1430, dated 21st April 1870, and enclosure.
 „ Secretary to Government, Panjáb, No. 613, dated 5th May 1870, and enclosures.
 „ Officiating Under Secretary to Government, North-Western Provinces, No. 84A, dated 13th May 1870, and enclosure.
- Office Memorandum, Home Department, No. 903, dated 27th May 1870.
 Endorsement, Home Department, No. 1224, dated 11th July 1870, forwarding
 Office Memorandum, Financial Department, No. 1277, dated 22nd June 1870, and enclosure.
- Despatch from Secretary of State, No. 30, dated 21st July 1870, and enclosure.
 From Secretary to Government, Bengal, No. 3142, dated 29th July 1870, and enclosures.
 From Government of Bombay, No. 2399, dated 30th July 1870, and enclosure.
 Endorsement, Home Department, No. 1397, dated 8th August 1870, forwarding
 Office Memorandum, Financial Department, No. 2397, dated 30th July 1870.
- From Officiating 1st Assistant Resident, Hyderabad, No. 53, dated 25th August 1870.
 Endorsement, Home Department, No. 1536, dated 26th August 1870, forwarding
 Letter from Officiating Secretary to Government, North-Western Provinces, No. 917A, dated 3rd August 1870, and enclosures.
- From Officiating Secretary to Government, North-Western Provinces, No. 168A, dated 26th August 1870, and enclosures.
- From Assistant Secretary to Chief Commissioner, British Burma, No. 329-9, dated 27th August 1870, and enclosure.
 From Officiating Commissioner, Jhansi Division, No. 401A, dated 29th September 1870.
 From Acting Under Secretary to Government, Bombay, No. 3810, dated 8th October 1870.
- Endorsement, Home Department, No. 2022, dated 23rd November 1870, forwarding
 Judicial Despatch from Secretary of State, to the Government of Bombay, No. 1, dated 26th January 1869, and connected correspondence.
- From T. H. Thornton, Esq., dated 24th November 1870, and enclosures.
 „ Secretary to Government, Bombay (no No. and date), and enclosure.
 „ Officiating Legal Remembrancer, No. 1450, dated 16th December 1870.
- Endorsement, Home Department, No. 79, dated 20th January 1871, forwarding
 Letter from Secretary to Government, Panjáb, No. 1795, dated 27th December 1870, and enclosures.
- Endorsement, Home Department, No. 84, dated 20th January 1871, forwarding
 Letter from Under Secretary to Government, Panjáb, No. 1777, dated 23rd December 1870, and enclosures.
- From Judge of Bhagulpore, No. ६०/२३, dated 23rd January 1871.
- Office Memorandum, Home Department, No. 103, dated 24th January 1871.
 Endorsement, Home Department, No. 134, dated 2nd February 1871, forwarding
 Letter from Registrar, High Court, No. 51, dated 17th January 1871.
- Endorsement, Home Department, No. 87, dated 11th February 1871, forwarding
 Letter from Under Secretary to Government, Panjáb, No. 279, dated 19th January 1871, and enclosure.
- From Officiating Junior Secretary to Chief Commissioner, Oudh, No. 863, dated 17th February 1871, and enclosures.
- Endorsement, Home Department, No. 250, dated 20th February 1871, forwarding
 Letter from Chief Secretary to Government, Fort St George, No. 100, dated 26th January 1871, and enclosure.
- Endorsement, Home Department, No. 254, dated 21st February 1871, forwarding
 Letter from Officiating Civil and Sessions Judge, Nuddea, No. 66, dated 4th February 1871.
- Note by the Honourable Mr. Shaw Stewart, dated 26th February 1871.
- From Officiating Junior Secretary to Government, North-Western Provinces, No. 39A, dated 28th February 1871, and enclosures.

- From Acting Under Secretary to Government, Bombay, No. 884, dated 2nd March 1871, and enclosure.
 „ Chief Secretary to Government, Madras, No. 300, dated 13th March 1871, and enclosure.
 Endorsement, Home Department, No. 436, dated 25th March 1871, forwarding
 Letter from Officiating Junior Secretary to Government, Bengal, No. 727, dated 18th February 1871,
 and enclosures.
 From H. Birdwood, Esq., to Honourable F. S. Chapman (no date).
 Memorandum by C. D. Field, Esq., dated 1st April 1871.
 Note by Officiating Deputy Commissioner, Goojranwalla, dated 3rd April 1871.
 From Acting Under Secretary to Government, Bombay, No. 1531A, dated 12th April 1871, and enclosures.
 „ Junior Secretary to Government, Bengal, No. 1799, dated 20th April 1871, and enclosures.
 „ Acting Under Secretary to Government, Bombay, No. 1954, dated 13th May 1871, and enclosures.
 Endorsement, Foreign Department, No. 150 J, dated 8th July 1871, forwarding
 Letter from Under Secretary to Government, Bombay, No. 2675, dated 11th July 1871, and enclosure.
 Endorsement, Home Department, No. 1181 J, dated 14th July 1871, forwarding
 Letter from Officiating Secretary to Government, Panjáb, No. 876, dated 23rd June 1871, and enclosures.
 From Officiating Secretary to Chief Commissioner, Coorg, No. 222, dated 27th July 1871, and enclosures.
 From Secretary to Government, North-Western Provinces, No. 207A, dated 14th August 1871, and enclosure.
 „ „ „ Panjáb, No. 1145, dated 14th August 1871, and enclosures.
 „ Acting Under Secretary to Government, Bombay, No. 3215, dated 18th August 1871, and enclosure.
 Note by Officiating Deputy Commissioner, Gonda, dated 26th August 1871.
 From Officiating Secretary to Government, Panjáb, No. 1273, dated 5th September 1871, and enclosure.
 „ Officiating 2nd Assistant Resident, Hyderabad, No. 2, dated 7th September 1871, and enclosures.
 „ Officiating Assistant Secretary to Chief Commissioner, British Burma, No. 23, dated 9th September 1871.
 Endorsement, Home Department, No. 1518, dated 14th September 1871, forwarding
 Proceedings of Government, North-Western Provinces (Criminal) for May 1871.
 „ Home Department, No. 1521 J, dated 15th September 1871, forwarding
 Office Memorandum from Financial Department, No. 2785, dated 16th August 1871.
 From Secretary to Government, Bengal, No. 4732, dated 3rd October 1871, and enclosure.
 „ Officiating Secretary to Chief Commissioner, Central Provinces, No. 2222, dated 9th October 1871, and
 enclosures.
 „ Assistant Secretary to Government, Madras, No. 157, dated 25th October 1871, and enclosures.
 „ Officiating Secretary to Chief Commissioner, Oudh, No. 5041, dated 2nd November 1871, and enclosures.
 D. G. Barkley, Esq., dated 2nd November 1871.
 „ Secretary to Government, Bengal, No. 5457, dated 4th November 1871, and enclosures.
 „ Officiating Secretary to Government, Bengal, No. 6064, dated 30th November 1871.
 „ Secretary to Government, North-Western Provinces, No. 369, dated 6th December 1871, and enclosure.
 „ „ „ Bombay (no date.)
 „ „ „ Madras, No. 172, dated 7th December 1871.
 „ „ „ Bengal, No. 6394, dated 15th December 1871.
 „ „ „ Panjáb, No. 1756, dated 16th December 1871, and enclosures.
 „ „ „ Bengal, No. 6629, dated 23rd December 1871.
 „ Chief Secretary to Government, Madras, dated 4th January 1872, forwarding
 Opinion by J. D. Mayne, Esq.

H. S. CUNNINGHAM,

Officiating Secretary to the Council of the Governor General
 for making Laws and Regulations.