

Thursday, July 30, 1868

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

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Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.

The Council met at Simla on Thursday, the 30th July 1868.

PRESENT :

His Excellency the Viceroy and Governor General of India, *presiding*.

His Excellency the Commander-in-Chief, G.C.S.I., K.C.B.

The Hon'ble G. N. Taylor.

The Hon'ble Major General Sir H. M. Durand, G.C.S.I., K.C.B.

The Hon'ble H. S. Maine.

The Hon'ble John Strachey.

The Hon'ble Sir Richard Temple, K.C.S.I.

The Hon'ble F. R. Cockerell.

JUSTICES OF THE PEACE BILL.

The Hon'ble MR. MAINE moved for leave to introduce a Bill for the appointment of Justices of the Peace. He said that the necessity for the present Bill arose from the changes which had been made in the jurisdiction of the superior Courts over European British subjects. The Council were aware that the principal function of Justices of the Peace in India was to investigate allegations against European British subjects, and, if necessary, to fine, imprison or commit them for trial to one of the High Courts. Until recently, the High Court at Fort William, on receiving a warrant from the Governor General in Council, issued commissions for the whole of the Presidency of Bengal and the places subordinate thereto and for most of the Native States, and the High Courts of Bombay and Madras similarly, on receiving warrants from the Local Government, issued commissions for their respective Presidencies and the places subordinate to them. But lately a High Court had been established in the North-Western Provinces, and a Chief Court at Lahore, and a Statute had been passed under which the Governor General in Council was empowered to declare that original criminal jurisdiction over European British subjects should be exercised by the several High Courts in such of the Non-Regulation Provinces as might from time to time be determined, and also to exercise jurisdiction in respect of Christian subjects of Her Majesty residing in the Native States. Under this

EUROPEAN VAGRANCY BILL.

Act a Notification had been issued under which Mysore and Coorg were placed under the High Court at Madras. The Justices in Mysore and Coorg would accordingly henceforth make commitments to that High Court; and a question had arisen as to whether the High Court at Fort William could any longer exercise its power to issue commissions for those Districts, and it was understood that a difference of opinion on the point existed among the learned Judges of the High Court of Fort William. It was clear that the Government of Madras had no power to issue commissions, inasmuch as Mysore and Coorg were not subordinate to that Presidency. Under these circumstances, an interposition of the legislature seemed absolutely necessary, and if the Council would give him leave to introduce the Bill, they would find that it would settle the matter on the simple basis that commissions for Justices of the Peace should, in future, be issued in all cases by the Court to which they committed. The law on the subject of the issue and supersession of commissions to Justices, and to the administration of their oaths of office, was in a somewhat dispersed condition, and the opportunity would be taken of consolidating the seven enactments in which that law was now contained.

The Motion was put and agreed to.

EUROPEAN VAGRANCY BILL.

The Hon'ble MR. MAINE moved for leave to introduce a Bill to provide against European vagrancy. He said that the papers on the subject had been for some time before the Council, and on the present occasion, if his motion were agreed to, he proposed merely to ask His Excellency the President to suspend the Rules in order that the Bill might be introduced and published.

The Motion was put and agreed to.

The Hon'ble MR. MAINE applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The President declared the Rules suspended.

The Hon'ble MR. MAINE then introduced the Bill. He said that the Statement of Objects and Reasons which had for some time been in the hands of members, and which would be published with the Bill, not only described the Bill, but was a condensation of the numerous papers which had been

received on the subject. He did not propose to ask the Council to affirm the principle of the Bill by referring it to a Select Committee until they re-assembled at Calcutta.

The Council adjourned till the 6th August 1868.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Department (Legislative).*

SIMLA,
The 30th July 1868. }