

Friday, July 14, 1865

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

VOL. 4

JAN. - DEC.

1865

P. L.

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.

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The Council met at Simla on Friday, the 14th July 1865.

P R E S E N T :

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

His Excellency the Commander-in-Chief.

The Hon'ble W. Grey.

The Hon'ble G. N. Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble W. Muir.

The Hon'ble Rájá Sáhíbh Dyál Bahádur.

WARRANTS OF ATTORNEY AND COGNOVITS' BILL.

The Hon'ble MR. GREY, in moving for leave to introduce a Bill to give effect to certain Warrants of Attorney and Cognovits, said that the Statement of Objects and Reasons related the circumstances under which the present Bill became necessary, and that hardly any further remarks were required in introducing it. He might say, however, that the measure was founded on a petition which had been originally presented to the Chief Justice, who, though declining to be the medium of forwarding it to Government, made some observations in doing so, which seemed to indicate an opinion favourable to its object. On the receipt of the petition, the Chief Justice was accordingly consulted, and the present Bill had been prepared under his advice and instruction.

It had not been considered necessary to publish the Bill, as its object was merely to restore to persons beneficially interested in the Judgments, Warrants of Attorney and Cognovits to which the Bill related, the status which up to the time of Mr. Justice Norman's decision they had been supposed on all hands to possess, and to indemnify the Officers of the Court for acts done *boná fide* in the discharge of their supposed duty; the purpose of the Bill was therefore wholly equitable, and would not deprive any one of any thing which was justly his right. On the other hand, to have published the Bill might to some extent have defeated its object, and possibly have been the cause of much vexatious litigation.

The Motion was put and agreed to.

The Hon'ble MR. GREY then 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. GREY then introduced the Bill, and moved that it be taken into consideration. In doing so he remarked that, as the Bill had been prepared in consultation with the Chief Justice of the High Court, and had been circulated to all the Members of Council present, it seemed unnecessary to refer it to a Select Committee.

The Motion was put and agreed to.

The Hon'ble MR. GREY also moved that the Bill be passed.

The Motion was put and agreed to.

#### CUSTOMS DUTIES.

The Right Hon'ble MR. MASSEY moved for leave to introduce a Bill to amend the law relating to the duties of Customs on goods imported and exported by Sea. He observed that, the first Section of the Bill repealed Act XVII of 1865, and generally its object was merely to remove the duties imposed by that law without interfering with the reductions which it had effected.

The Motion was put and agreed to.

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

The President declared the Rules suspended.

The Right Hon'ble MR. MASSEY then introduced the Bill and moved that it be taken into consideration.

The Motion was put and agreed to.

The Right Hon'ble MR. MASSEY also moved that the Bill be passed.

The Motion was put and agreed to.

The Council adjourned.

E. C. BAYLEY,  
*Secy. to the Govt. of India,*  
*Home Dept.*

SIMLA, }  
*The 14th July 1865.*