

Tuesday, August 16, 1870

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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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 & 25 Vic., cap. 67.

The Council met at Simla on Tuesday, the 16th August 1870.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, K.P., G.C.S.I.,
Presiding.

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

The Hon'ble John Strachey.

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

The Hon'ble J. Fitzjames Stephen, Q.C.

The Hon'ble B. H. Ellis.

Major-General the Hon'ble H. W. Norman, C.B.

The Hon'ble F. R. Cockerell.

His Highness Sarámade Rájáhae Hindustán Ráj Rájendra Sri Mahárájá
Dhiráj Sivái Rám Singh Bahádur of Jaypúr, G.C.S.I.

OUDH TALUQDARS' RELIEF BILL.

The Hon'ble MR. STRACHEY presented the Report of the Select Committee on the Bill to relieve from incumbrances the estates of taluqdárs in Oudh.

PENAL CODE AMENDMENT BILL.

The Hon'ble MR. STEPHEN introduced the Bill to amend the Indian Penal Code, and moved that it be referred to a Select Committee with instructions to report in a month. He had so fully described the Bill when he moved for leave to introduce it, that he would reserve his further observations until the Select Committee should have made its report.

The Motion was put and agreed to.

LOCAL ACTS CONFIRMATION BILL.

The Hon'ble MR. STEPHEN presented the Report of the Select Committee on the Bill to confirm certain laws affecting European British subjects.

REGISTRATION LAW CONSOLIDATION BILL.

The Hon'ble MR. STEPHEN moved for leave to introduce a Bill to consolidate and amend the laws relating to the Registration of Assurances. A draft Bill to exempt title deeds issued by the Inám Commissioner in the Presidency of Fort Saint George from compulsory registration under the Indian Registration Act, 1866, had been recently sent up by the Madras Government with a request that it might be passed by the Governor General's Legislative Council. A somewhat similar enactment had already been passed as Act No. XXVII of 1868, and it was thought preferable to adding a third Act on the subject to the Statute Book to take this opportunity of consolidating and amending the whole law relating to registration. The present was one of three consolidation Bills which he hoped to obtain leave to introduce. When these, and the two great Bills to consolidate the laws relating to Civil and Criminal Procedure, and the other Bills now before the Council, were passed, and when two comparatively unimportant measures relating to Paper Currency and Cattle Trespass had also become law, the process of consolidation, so far as regarded the Acts of the Governor General in Council, would be complete. A similar process, so far as regarded the Bengal Regulations, was now far advanced, thanks chiefly to the industry and knowledge of his Hon'ble friend Mr. Cockerell. The several collections of the rules and orders which, under the Indian Councils' Act, had obtained the force of law in the North-Western Provinces, the Panjáb, Oudh, the Central Provinces and British Burma, would soon be finished, and the result of the whole process would, MR. STEPHEN hoped and believed, be eminently satisfactory to the profession and to the public.

The Motion was put and agreed to.

MARRIAGE LAW CONSOLIDATION BILL.

The Hon'ble MR. STEPHEN moved for leave to introduce a Bill to consolidate and amend the law relating to marriage. That law, so far as regarded Christians (and to them alone the present Bill would apply), was now contained in one Statute (14 & 15 Vic., cap. XL) and in two Acts (V of 1852 and V of 1865). To these might be added the obsolete Statute as to marriages solemnized by ministers of the Church of Scotland, 58 Geo. III., cap. 84.

The Motion was put and agreed to.

CORONERS' LAW CONSOLIDATION BILL.

The Hon'ble MR. STEPHEN also moved for leave to introduce a Bill to consolidate the laws relating to Coroners. Those laws were 33 Geo. III., cap. 52,

section 157; 9 Geo. IV, cap. 74, sections 5 and 6; Act IV of 1848 and Act XLV of 1850.

The Motion was put and agreed to.

SEA CUSTOMS CONSOLIDATION BILL.

The Hon'ble SIR R. TEMPLE moved for leave to introduce a Bill to consolidate and amend the law relating to Sea Customs. He said that the Consolidated Customs Act of 1863 had already been more than once amended, and certain further amendments having been found necessary, the present Bill would consolidate the whole law on the subject, and make the following changes:—

'Magistrate' would be defined so as to include expressly a Magistrate of Police in the Presidency Towns.

The Local Government would be empowered to declare what should, for the purposes of the Act, be deemed to be the limits of the Custom House.

Section 23 of Act VI of 1863 authorised the Government of India to prohibit the exportation or importation of any particular class of goods. To prevent a doubt which had been raised as to the extent of the power thus intended to be conferred, the words 'by sea or by land, or both by sea and by land,' would be introduced.

In section twenty-seven, for 'Local Government' the 'Customs Duties' Act, 1870' would be substituted.

A new section would provide that, when goods were warehoused, a warrant should be delivered to the person lodging the goods, and that such warrant should be transferable by endorsement. This was now the law as regards the Bengal Bonded Warehouse. He had reason to know that the change would be welcomed by the mercantile community of Bombay.

Another section, equivalent to section 137 of Act VI of 1863, would provide that the goods on which drawback was allowed should be easily identifiable; that the Governor General in Council might determine what such goods should be deemed to be, and that three-fourths (instead of seven-eighths) should be the amount of drawback, one-fourth (instead of one-eighth) being retained as reserved duty.

PRISONERS' BILL.

Various verbal amendments would be made, and the Bill would be so printed as to facilitate perusal.

Eight Acts and parts of Acts would be repealed and consolidated, and to these he hoped, if the Bill were referred to a Select Committee, to add two other Acts and an old Bengal Regulation. It was needless to dwell on the importance of having all the law on such a subject within the four corners of a single enactment.

The Motion was put and agreed to.

PRISONS' BILL.

The Hon'ble MR. COCKERELL moved that the Hon'ble Messrs. Strachey and Ellis be added to the Select Committee on the Bill to amend the law relating to Prisons in the Panjáb and the Provinces under the immediate administration of the Government of India.

The Motion was put and agreed to.

PRISONERS' BILL.

The Hon'ble MR. COCKERELL asked leave to postpone his motion for leave to introduce a Bill to consolidate the laws relating to prisoners.

Leave was granted.

The following Select Committee was named :—On the Bill to amend the Indian Penal Code, the Hon'ble Messrs. Strachey, Ellis, Cockerell and the Mover.

The Council then adjourned to the 30th August 1870.

SIMLA;
The 16th August 1870. }

WHITLEY STOKES,

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*