

Thursday, August 1, 1872

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**VOL 11**

**Book No. 2**

**9 April - 31 Dec.**

**1872**

**ABSTRACT OF PROCEEDINGS**

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**LAWS AND REGULATIONS.**

**VOL 11**

**1872**

*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 Thursday, the 1st August 1872.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, G. M. S. I.,  
*presiding.*

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

The Hon'ble Sir John Strachey, K. C. S. I.

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

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

The Hon'ble Arthur Hobhouse, Q. C.

The Hon'ble E. C. Bayley, C. S. I.

The Hon'ble R. E. Egerton.

BOMBAY REGULATION XIII OF 1827, SECTION 34, CLAUSE 9,  
REPEALING BILL.

The Hon'ble MR. HOBHOUSE moved for leave to introduce a Bill to repeal Bombay Regulation XIII of 1827, section thirty-four, clause nine. That clause provided that witnesses obliged to leave their homes should be entitled to an "allowance for subsistence, while so detained, not exceeding a quarter of a rupee per day," to be paid by the Collector to the order of the Court. This clause had never been repealed, and the result was that, so far as regarded payment of subsistence allowances to witnesses in the Courts of Subordinate Magistrates, the practice in Bombay differed from that which prevailed throughout the rest of British India. This was obviously inexpedient, and the Bill (which had been prepared at the instance of the Financial Department) would repeal the clause in question.

The Motion was put and agreed to.

BURMA SPIRIT DUTY BILL.

The Hon'ble SIR R. TEMPLE said that the motion to pass this Bill had stood over in order that it might be ascertained whether or not the Bill had been published in the *British Burma Gazette* in accordance with the 17th Rule for the Conduct of Business. No such publication appeared to have taken

place, but the passage of the Bill was urgently required, and he would therefore ask the President to suspend the Rules in this case so far as they required previous publication of the Bill in the local official Gazette.

THE PRESIDENT observed that, in the particular case of the present Bill, publication was not essential. It enacted that a duty should be levied on certain spirits at such rate as the Local Government should from time to time notify. But the sanction of the Government of India was expressly made a necessary preliminary to every such notification. There would, therefore, be full opportunity for considering any objection that might be raised to the proposed rate. Under these circumstances, and considering the urgency with which the Bill was required, he declared the Rules suspended. But the importance of observing in all cases the Rules laid down under the Indian Councils' Act was, to HIS EXCELLENCY'S mind, clear, and he had given instructions that a record should appear on every Bill which came on for passing, shewing that the Rules affecting the successive stages of the Bill had been strictly complied with.

The Hon'ble SIR R. TEMPLE then moved that the Bill as amended be passed.

The Motion was put and agreed to.

#### RE-IMPORTATION OF GOODS (BURMA) BILL.

The Hon'ble SIR R. TEMPLE also introduced the Bill for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava, and moved that it be referred to a Select Committee with instructions to report in six weeks. He had, on moving for leave to bring in this Bill, sufficiently explained its object.

The Motion was put and agreed to.

#### OATHS AND AFFIRMATIONS BILL.

The Hon'ble MR. HOBHOUSE moved for leave to introduce a Bill to consolidate the law relating to Oaths and Affirmations. This was one of that series of measures of consolidation which, commencing with Act XXIV of 1867, had done so much to render the statute-law of India clear and compact. The Bill proposed to make no change in the substance of the present law. It would merely collect, within the compass of a single short enactment, the law regarding oaths and affirmations, which was now contained in no less than four Acts and seven Statutes, besides, he believed, sundry fragments of Regulations.

The Motion was put and agreed to.

CBSOLETE ENACTMENTS REPEALING BILL.

The Hon'ble MR. HOBHOUSE also moved for leave to introduce a Bill to repeal certain obsolete enactments. This Bill was one of those clearing measures which had done so much, both in England and in India, to reduce the bulk of the statute-book. The immediate object of the present Bill was to facilitate the preparation of the revised edition of the laws relating to India, which had been undertaken by the Legislative Department.

The Motion was put and agreed to.

BURMA COURTS' ACT AMENDMENT BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to amend Act No. VII of 1872 (*to consolidate and amend the law relating to the Courts in British Burma*), and moved that it be referred to a Select Committee with instructions to report in six weeks. His object, when he obtained leave to introduce this Bill, was simply to correct a mistake in the schedule to Act VII of 1872. But Mr. Sandford, the Judicial Commissioner of British Burma, had since pointed out two other defects in that Act. It gave no power to the Judicial Commissioner to make rules for his own Court and the Courts subordinate thereto, regulating the qualification, admission, and enrolment of pleaders, their suspension and dismissal, and the fees payable to them. And it did not enable the Judicial Commissioner to call for the records of cases in which the Courts of first appeal had wrongly refused to submit statements under section thirty-five of the Act.

The Bill would supply these two omissions as well as correct the mistake to which he (MR. HOBHOUSE) had referred.

The Motion was put and agreed to.

POSTPONEMENT OF CRIMINAL PROCEDURE CODE BILL.

The Hon'ble MR. HOBHOUSE, with the President's permission, moved for leave to introduce a Bill to postpone the commencement of Act No. X of 1872 (*for regulating the procedure of the Courts of Criminal Judicature*). He said that the first section of that Act provided that it should come into force on the 1st September 1872. But two other great bodies of law—the Evidence Act (No. I of 1872) and the Contract Law (Act No. IX of 1872)—would come into force on that day. It was, therefore, thought expedient to postpone for four months the commencement of the new Code of Criminal Procedure. The Bill would simply declare that the Code should come into force, not on the 1st September 1872, but on the 1st January 1873.

The Motion was put and agreed to. •

The following Select Committees were named:—

On the Bill for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava—The Hon'ble Mr. Hobhouse and the Mover.

On the Bill to amend Act No. VII of 1872 (*to consolidate and amend the law relating to the Courts in British Burma*)—The Hon'ble Mr. Bayley and the Mover.

The Council then adjourned to the 15th August 1872.

SIMLA;  
The 1st August 1872. }

WHITLEY STOKES,  
*Secretary to the Government of India.*