

Tuesday, March 18, 1873

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

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P. L.

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1873.

WITH INDEX.

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1874.



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 Government House on Tuesday, the 18th March 1873.

PRESENT:

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

His Honour the Lieutenant Governor of Bengal.

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

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

The Hon'ble B. H. Ellis.

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

The Hon'ble A. Hobhouse, Q. C.

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

The Hon'ble F. S. Chapman.

The Hon'ble R. Stewart.

The Hon'ble J. R. Bullen Smith.

The Hon'ble R. E. Egerton.

His Highness the Mahárájá of Vizianagram, K. C. S. I.

The Hon'ble J. F. D. Inglis.

The Hon'ble R. A. Dalrymple.

The Hon'ble Rájá Ramánáth Thákur.

OATHS AND AFFIRMATIONS BILL.

The Hon'ble MR. HOBHOUSE presented the preliminary report of the Select Committee on the Bill to consolidate the law relating to Oaths and Affirmations. He said the reason why we presented a preliminary report was that all the communications which were expected had not yet been received. But we considered it advisable, as we saw our way to some result, to let the Council know in a formal way what we were about. It would however be necessary to consider the further communications that might be received and make a final report on the Bill. At present, we adhered strictly to the principle upon which the Bill was introduced, except in one particular, in which we had made a small amendment. We had provided, in that part of the Bill which related to oaths of a peculiar nature, that no person should be compelled to attend personally in Court merely for the purpose of answering

whether he will make the oath proposed. The amendment was made only for the purpose of securing that those clauses should be used for *bond fide* purposes: it could not interfere with the efficiency of the clauses. It was reported that they had been put into action merely for the purpose of oppression. If the evidence of a person was really wanted, he ought to be summoned to give evidence in the usual way, and then these clauses could be put properly into operation. MR. HOBHOUSE thought it right to offer this explanation at the earliest period, because the Bill was introduced as being simply a consolidation measure, and in this one respect it was now proposed to deviate from the existing law.

CALCUTTA CARGO-BOATS LICENSING BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to amend the law relating to the grant of licenses to cargo-boats plying for hire within the Port of Calcutta, and moved that it be referred to a Select Committee with instructions to report in a week. He had explained when he got leave to introduce this Bill, that it was merely for the purpose of putting the licensing of cargo and passenger-boats under one authority, according to the wishes of the Government of Bengal. The Bill was of the simplest construction, and was intended merely for the purpose stated. It was desirable to pass this Bill before the Council left Calcutta, and he thought one week would be sufficient time to enable the Committee to make their report.

The Motion was put and agreed to.

BURMA TIMBER DUTIES BILL.

The Hon'ble MR. HOBHOUSE asked leave to postpone the presentation of the report of the Select Committee on the Bill to amend the law relating to timber floated down the rivers of British Burma.

Leave was granted.

VILLAGE POLICE (NORTH-WESTERN PROVINCES) BILL.

The Hon'ble MR. INGLIS asked leave to postpone the presentation of the report of the Select Committee on the Bill to consolidate and amend the law relating to Village Police in the North-Western Provinces. The translations of the Bill had not yet been published in the *North-Western Provinces Gazette*.

Leave was granted.

OATHS AND AFFIRMATIONS BILL.

His Honour THE LIEUTENANT GOVERNOR begged to suggest it would be necessary that the Council should pass some resolution regarding the presentation of the report on the Oaths Bill. As the reference to the Committee at present stood, they were directed to submit their report within a month.

The Hon'ble Mr. HOBHOUSE observed that, when the Council directed that the report of the Committee should be submitted in one month, it meant within one month or as long after as might be found necessary. If there was any irregularity in reporting at a later period than one month, we could ask the leave of the Council to extend the time for the presentation of the report. But it appeared to him that there was no irregularity in reporting at a later period.

His Honour THE LIEUTENANT GOVERNOR thought that the Committee might report sooner than the time allowed, but were bound not to be later with their report.

His Excellency THE PRESIDENT thought that the rule in regard to this matter must be interpreted as an instruction, and not as involving any question of legislative competence to produce the report within the time specified.

The Hon'ble Mr. HOBHOUSE remarked that he only yesterday received a letter from one of the Judges which would require consideration before the Committee could make their report.

TAXATION.

His Excellency THE PRESIDENT wished to mention to hon'ble members of the Council that papers relating to taxation would shortly be circulated.

The following Select Committee was named :—

On the Bill to amend the law relating to the grant of licenses to cargo-boats plying for hire within the Port of Calcutta :—His Honour the Lieutenant Governor, the Hon'ble Messrs. Stewart and Bullen Smith and the Mover.

The Council then adjourned to Tuesday, the 25th March 1873.

CALCUTTA, }
The 18th March 1873. }

WHITLEY STOKES,
Secretary to the Government of India,
Legislative Dept.