

Tuesday, January 27, 1874

**ABSTRACT OF THE PROCEEDINGS**

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**LAWS AND REGULATIONS.**

**VOL 13**

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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.

1874.

WITH INDEX.

VOL. XIII.



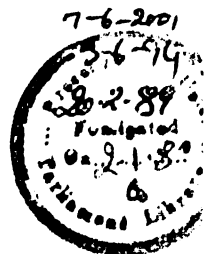
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1875.



*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.*

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The Council met at Government House on Tuesday, the 27th January 1874.

PRESENT:

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

His Honour the Lieutenant-Governor of Bengal.

The Hon'ble B. H. Ellis.

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

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

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

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

The Hon'ble J. F. D. Inglis, C. S. I.

The Hon'ble Raja Ramánáth Tagore.

The Hon'ble R. A. Dalzell.

The Hon'ble H. H. Sutherland.

The Hon'ble B. D. Colvin.

NEW MEMBER.

The Hon'ble Mr. COLVIN took his seat as an Additional Member.

OBSOLETE ENACTMENTS REPEAL BILL.

The Hon'ble MR. HOBHOUSE moved that the following Members be appointed to the Select Committee on the Bill for the repeal of certain obsolete enactments:—

The Hon'ble Messrs. Inglis and Dalzell and the Mover.

He observed that the Lieutenant-Governor was not present, and it was doubtless owing to a great pressure of business that His Honour had not been able to attend this meeting. He had authorized MR. HOBHOUSE, in case he was not able to attend, to say that he did not desire to make any further observations so as to continue the controversy which arose on the occasion when leave was asked to introduce the Bill. The matter was indeed one of considerable complication as MR. HOBHOUSE was quite free to admit; and

His Honour did not consider it worth while to take up time with a subject which now related wholly to the past, and which was not of sufficient practical moment to justify further discussion.

The Motion was put and agreed to.

#### ACT X OF 1859, &c., EXPLANATORY BILL.

The Hon'ble Mr. HOBBHOUSE also presented the Report of the Select Committee on the Bill to declare the true meaning of Acts X of 1859, XIV of 1863 and XXII of 1872.

#### BURMA FISHERIES BILL.

The Hon'ble Mr. HOBBHOUSE also moved for leave to introduce a Bill to regulate Fisheries in British Burma. He thought that a very few observations would be sufficient to induce the Council to give leave to introduce this Bill. Fisheries of considerable extent and importance existed in British Burma. He found, on looking at the papers, that these fisheries brought in a revenue to Government of about six lakhs of rupees. There was no system of law for them to be found in any written document. A few rules were made in 1865 for the guidance of the local officers in dealing with these fisheries. These rules were, Mr. HOBBHOUSE believed, founded on the old customs of the country, and he had no doubt that they had a perfectly good legal foundation, and in some respects they worked well enough. But in other respects they were not quite sufficient, and as time went on, and the interests in these fisheries became larger and more complicated, it was found necessary to regulate the rights of parties; and therefore the Local Government had come up to ask that the matter be regulated by an Act of this Council. The nature of the proposed Bill he would explain on a future occasion. He thought the Council would be of opinion that the matter was of sufficient magnitude to be dealt with by law.

The Motion was put and agreed to.

#### ADMINISTRATOR GENERAL'S ACT AMENDMENT BILL.

The Hon'ble Mr. HOBBHOUSE also presented the Report of the Select Committee on the Bill to amend Act XXIV of 1867 (the Administrator General's Act). He said that this Bill had been before the Council for a considerable time, but the last consideration of it by the Select Committee resulted in several small amendments being made. These were specified in the report as follows:—

“ We have empowered the Government of India to authorize the Administrators General to deal with the effects of British subjects dying in allied Native States.

“ We have enabled the Presidency High Courts to grant to the Administrators General letters limited to the purpose of dealing with the effects of military men in accordance with the Regimental Debts' Act. This will save time and expense.

“ We have provided (clause 32) that, whenever the Administrator General carries over assets to separate accounts in his books, he shall notify the fact in the Gazette, and we have empowered him, with the consent of the Official Trustee, to appoint the latter functionary to be the trustee of such assets. We have also declared (clause 54) that the carrying of assets to separate accounts when so notified, and the transfer of assets to the Official Trustee, shall each be deemed a “ distribution ” for the purpose of entitling the Administrator General to draw the second moiety of his commission.

“ We have struck out, as inconsistent with the rest of the section, the words in section 33 of the present Act (XXIV of 1868) providing that the plaintiff in a creditor's suit against the Administrator General shall not be entitled to enforce the decree.

“ We have extended the Administrator General's power to grant certificates to cases when all or any of the assets are immoveable. As the law now stands, probate or letters of administration must be obtained in all such cases, however small the value of the property.

“ We have empowered the Governor General in Council to decide questions as to the time at which any commission shall be deemed to have been payable, and declared that such decision shall be binding on every Administrator General and the estates held by him in his official capacity.

“ We have (clause 64) specified the particulars of which the District Judge is to inform the Administrator General on the occasion of the death of a European in the District.

“ We have saved the provisions of the Presidency Towns Police Acts as to petty estates which have been taken charge of by the Police.

“ We have omitted as useless the section (64) of Act XXIV of 1868 providing for the appointment of a Deputy Administrator General for the North-Western Provinces, the Panjáb, &c”.

The only point that it was necessary to mention was that inasmuch as the Act of 1867 had already been amended twice (by Act XIX of 1869 and Act V of 1870), the Select Committee thought it better to repeal the existing Acts, and re-enact them so as to have the law conveniently within the compass of a single enactment.

#### KULLU SUB-DIVISION (PANJAB) APPELLATE POWERS BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to invest the Assistant Commissioner in charge of the Kullu Sub-Division of the Kangra District with certain appellate powers, and moved that it be referred to a Select Committee with instructions to report in a month. He had explained the object of the Bill when he got leave to introduce it. The Council would see that it was of the simplest possible description. It was intended merely to revive

an expired Act which conferred powers which were found by the Local Government to be beneficial.

The Motion was put and agreed to.

The Hon'ble Mr. HOBBHOUSE also moved that the Bill be published in the *Gazette of India* and also in the *Panjáb Government Gazette* in English and in such other language as the Local Government might think fit.

The Motion was put and agreed to.

#### ASSAM CHIEF COMMISSIONER'S POWERS BILL.

The Hon'ble Mr. HOBBHOUSE also moved for leave to introduce a Bill to provide for the exercise of the powers hitherto exercised by the Lieutenant-Governor and Board of Revenue of Bengal in the territories forming the Chief Commissionership of Assam. He said that the nature of the Bill was almost entirely formal. The authority by which the Chief Commissionership of Assam was erected was the executive power. But the same Statute that gave the Government of India power to effect this operation also said that no law or regulation prevailing in territories so dealt with should be repealed except by a law or regulation. It so happened that some of the authorities exercised by the Lieutenant-Governor and some of the authorities exercised by the Board of Revenue of Bengal were derived from laws or regulations, and therefore as regards those authorities, it would be necessary for the Council to pass a law in order to make the proposal complete of erecting a Chief Commissionership of Assam. For that formal purpose he desired to introduce a Bill.

With regard to the subsequent motions on the paper it had been thought desirable to pass this Bill *uno statu*, because it was supposed that the arrangements were complete. He was informed that they were not complete, and he therefore wished to confine the motion this day to the first upon the paper, namely, to ask for leave to introduce a Bill.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kángra District with certain appellate powers—The Hon'ble Messrs. Inglis and Dalyell and the Mover.

The Council then adjourned to Tuesday, the 10th February 1874.

CALCUTTA,  
The 27th January 1874. }

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