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**COUNCIL OF THE GOVERNOR GENERAL
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ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS.

1880.

WITH INDEX.

VOL. XIX.

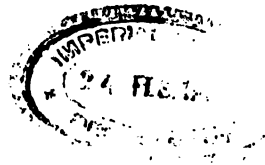
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Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic., cap. 67.

The Council met at Government House on Friday, the 23rd July, 1880.

P R E S E N T :

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

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

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

General the Hon'ble Sir E. B. Johnson, R.A., K.C.B., C.I.E.

The Hon'ble Whitley Stokes, C.S.I., C.I.E.

The Hon'ble J. Gibbs, C.S.I.

The Hon'ble C. U. Aitchison, LL.D., C.S.I.

The Hon'ble B. W. Colvin.

The Hon'ble C. Grant.

PETROLEUM BILL.

The Hon'ble MR. STOKES introduced the Bill to regulate the importation, possession and transport of petroleum and other substances of a like nature. He said that a section had been added to the Bill corresponding with section 14 of 34 & 35 Vic., Cap. 105, enabling the Governor General in Council hereafter to extend the Act to substances other than petroleum, and to adapt certain of the provisions of the Act to the case of such substances.

The schedule to the Bill contained a description of Professor Abel's test, and was identical with the first schedule to 42 & 43 Vic., Cap. 47, save that it supplied an accidental but serious omission in the English law. When the oil to be tested had been placed in the petroleum cup, the schedule directed that the lid of the cup, with the slide closed, should be put on, and the cup be placed in the bath or heating vessel. The test-lamp was then placed on the lid of the cup, a pendulum was set in motion, and when the temperature had reached about 66° the test-flame was applied (once for every rise of one degree) by drawing the slide slowly open and thus exposing the vapour of the oil to the flame of the lamp while the pendulum performed three oscillations. As a short pendulum would oscillate in a given time much more frequently than a long one, it was obvious that the time thus indicated depended on the length of the pendulum. But this essential detail was omitted from

the English schedule. We had been informed by Mr. Pedler, the Professor of Chemistry in the Presidency College, Calcutta, that the proper length of the pendulum was two feet from the point of suspension to the centre of gravity of the weight, and a footnote to this effect had accordingly been inserted in the schedule to the Bill.

He had only to add that the opportunity would be taken to repeal the thirty-seventh section of the Indian Ports Act relating to inflammable oils, and Bengal Act No. III of 1865, which regulated in Calcutta and Howrah the importation and storage of inflammable oils, as the present Bill would make those enactments unnecessary.

The Hon'ble MR. STOKES also moved that the Bill be referred to a Select Committee consisting of the Hon'ble Messrs. Gibbs, Aitchison and Colvin and the Mover.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that the Bill be published in the local official Gazettes in English, and in such other languages as the Local Governments thought fit.

The Motion was put and agreed to.

CENTRAL PROVINCES LAND-REVENUE BILL.

The Hon'ble MR. GRANT moved that the Bill to consolidate and amend the law relating to land-revenue and the jurisdiction of Revenue-officers in the Central Provinces be referred to a Select Committee consisting of the Hon'ble Messrs. Stokes, Aitchison and Colvin and the Mover.

The Motion was put and agreed to.

The Hon'ble MR. GRANT also moved that the Bill be published in the *Central Provinces Gazette* in English, and in such other languages as the Local Government thought fit.

The Motion was put and agreed to.

TÁJ MAHAL'S PENSION BILL.

The Hon'ble MR. COLVIN moved for leave to introduce a Bill for the determination of claims to certain pensions in Oudh. He said that the Bill was in the nature of a private Bill, and that, in order to make the object of it intelligible to the Council, he must give a brief sketch of the facts out of which the necessity for legislation had arisen.

In the year 1829 the East India Company accepted a loan of Sikka Rs. 62,40,000 from the King of Oudh. It was agreed that interest should be paid upon this sum at the rate of five per cent. per annum to certain persons during life in specified proportions. One of these persons, known as Nawáb Táj Mahal, was one of the King's wives, and the portion of the interest assigned to her was Rs. 6,000 per mensem. It was further stipulated by article 4 of the treaty that upon the death of any of the said pensioners, leaving an heir or heirs, the English Government might continue, as before, the pension to the heirs of the deceased, or make over to them the principal sum proportionate to the pension in question according to the rate before mentioned.

In the year 1847, after the death of her first husband, the King of Oudh, Nawáb Táj Mahal was said to have married one Sayyad Kalb Hossain, and to have had two daughters by this second marriage. Of those two daughters, it appears that one died young and without children. The other, known as the Muzhara Begam, was alleged to have married a relation of her step-father's, and to have had by him a daughter, who was now alive. This young lady, who was known as Kulsumnissa Begam and also as Shamsunnissa Begam, was now living in the neighbourhood of Baghdád, to which place her grandmother Táj Mahal migrated with all her family after the troubles of 1857, in order to pass the remainder of her life near the sacred shrine of Karbalá.

As long as Nawáb Táj Mahal lived, the interest due under the treaty was paid to her. But in 1875 she died, and upon her death disputes arose regarding the right to succeed her. The first of those disputes was between Kulsumnissa Begam and a claimant named Ramzán Alí, who is stated to have been a brother of Nawáb Táj Mahal's. This dispute was brought before the Court of the Civil Judge of Lucknow. The suit was decided in favour of Begam Kulsumnissa, and on appeal the decision of the Court of first instance was affirmed. The ordinary term for preferring a further appeal from the Superior Court in Lucknow had now elapsed, but as the Privy Council could, if good and sufficient cause were shown, admit an appeal after that period, it could not be said that the litigation even in respect of this first claim had yet been finally closed. But the claims to Nawáb Táj Mahal's succession were not confined to those made by these two litigants. Other persons had come forward with allegations to the effect that Begam Kulsumnissa was not Nawáb Táj Mahal's grand-daughter, and had advanced claims hostile to hers. So far as MR. COLVIN was aware, no judicial decision had yet been pronounced on those claims. It was possible that other persons as yet unknown might come forward hereafter, for the family was so scattered, and the facts connected with its history so obscure, that there was no saying from what quarter a claimant might not appear. This being the case, the final determination of the issues

affecting the right of succession to Nawáb Táj Mahal could not be reached until after the last of those actual and possible suits had been decided by the last Court into which an appeal could be carried. The difficulty of a final adjudication was increased by the fact that Begam Kulsumnissa, who had been the first, if she was not the best, claimant, was a female; that she was, or had been till very lately, a minor; and that she was living in Turkish Arabia, at a great distance from the Courts by which the claims to the money in dispute must be ultimately determined. There was every prospect, therefore, of great delay, and it was scarcely necessary to explain that such delay was extremely inconvenient to all the parties concerned. The Government of India could not, in common prudence, and with due regard to the public purse, pay away money to a person who might possibly be declared afterwards to have had no right to it; it must have a reasonable assurance that the person claiming payment was entitled to receive it. As soon as such assurance was given it would be the interest of the Government to release itself from its present obligations under the treaty as quickly as possible, because it was paying at present a higher rate of interest than would otherwise be necessary upon a sum of £140,000 or £150,000, which represented the portion of the King of Oudh's loan that had been allotted to Nawáb Táj Mahal. Again, it was most desirable, in the interest of the rightful heir of Nawáb Táj Mahal,—whoever that might be,—that such indefinite claims as he had described should not be kept hanging over his or her head for an uncertain period, during which the heir might be put to great inconvenience by being kept out of possession of this very considerable sum of money. It would be plain, however, from what he had said, that, as things stood, there was no possible solution of the difficulties which hindered a speedy settlement of the question, and no possible relief for the parties concerned, unless legislation were resorted to.

The Bill which he was now asking for leave to introduce was intended to remove the difficulties and to afford that relief. It would provide, if introduced, for due notice being given, on application made, to all persons claiming to have a better right than the applicant to succeed to Nawáb Táj Mahal's rights under the treaty, directing them to come forward, and make good their claims, if they could. Upon any one of those persons establishing his claim, a certificate would be issued which would entitle such claimant to receive payment, and at the same time would secure to the Government complete indemnity for all payments made to the person holding it. The rights of third parties against certificate-holders would be carefully guarded, and any previous decisions affecting the right to succeed Nawáb Táj Mahal, which might have already been made by a competent Court, would of course not be interfered with. Power would also be given to the Government to relieve itself immediately of the payment of interest at 5 per cent. The Government,

under the terms of the treaty, was entitled at any time to pay off the principal of its debt, and would doubtless do so at once, if any person could be found competent to give a valid receipt for the money paid. It was not reasonable that it should be hindered in the exercise of this undoubted right by the disputes which had arisen among the members of its creditor's family.

There was only one other point on which explanation was necessary. The Bill which he was asking for leave to introduce was described in the list of business as a Bill for the determination of claims to certain pensions in Oudh. There were certain other pensions besides this of Nawáb Táj Mahal's which were payable in Oudh, and it was at first thought that it would be advantageous to extend the procedure which he had described so as to include them. On closer examination, however, it had been found that there were no sufficient reasons to provide for them in the legislation which was now proposed. The Bill therefore would be limited to Nawáb Táj Mahal's pension only (if he was right in calling it a pension), and he proposed that the title should be amended accordingly and that it should be read as a "Bill to provide for the determination of claims to Táj Mahal's pension."

The Motion, in which the title of the Bill was altered as proposed, was then put and agreed to.

The Council adjourned to Friday, the 6th August, 1880.

SIMLA ;
The 23rd July, 1880. }

D. FITZPATRICK,
*Secretary to the Government of India,
 Legislative Department.*