

Friday, February 18, 1881

COUNCIL OF GOVERNOR GENERAL
OF
INDIA

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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.

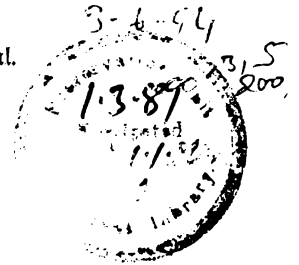
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WITH INDEX.

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OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.

1882.

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 18th February, 1881.

P R E S E N T :

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

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

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

The Hon'ble Rivers Thompson, C.S.I.

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

Lieutenant-General the Hon'ble Sir D. M. Stewart, G.C.B.

Major the Hon'ble E. Baring, R.A., C.S.I.

The Hon'ble C. Grant.

The Hon'ble G. C. Paul, C.I.E.

The Hon'ble H. J. Reynolds.

The Hon'ble G. F. Mewburn.

The Hon'ble B. W. Colvin.

The Hon'ble Mahárájá Jotindra Mohan Tagore, C.S.I.

ADMINISTRATOR GENERAL'S ACT, 1874, AMENDMENT BILL.

The Hon'ble MR. STOKES presented the Report of the Select Committee on the Bill to exempt Pársís from certain provisions of the Administrator General's Act, 1874.

RECORDING EVIDENCE (HIGH COURT) BILL.

The Hon'ble MR. STOKES, in the absence of the Hon'ble Mr. Kennedy, introduced the Bill to provide for recording evidence taken by the High Courts in the exercise of their original civil jurisdiction, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Gibbs, Kennedy and Paul and the Mover. He said that he had been requested by his hon'ble and learned friend Mr. Kennedy to introduce the Bill. He (MR. STOKES) felt two regrets in doing so—one, that Mr. Kennedy was unavoidably absent, and that the Council was thus deprived of the further explanation of the provisions of the Bill which Mr. Kennedy would doubtless have given: the other was that the Bill

had apparently been necessitated by the abstention of the High Court at Fort William from exercising the power to make rules as to taking evidence which the legislature had conferred upon the Court by section 633 of the new Code of Civil Procedure, and which was, of course, intended to be exercised. MR. STOKES said "apparently", for he presumed that the learned Chief Justice had been moved to make the rules, and had intentionally omitted to make them.

MR. STOKES had nothing to add to the explanation given by Mr. Kennedy on moving for leave to bring in the Bill. But he thought the Bill required two slight amendments—one to show clearly that it applied only to High Courts for the time being established under the 24th & 25th of Victoria, chapter 104, and not to every "High Court" as defined by the General Clauses Act, I of 1868; the other providing that the proposed Act should be only a temporary measure, ceasing to operate in any Court as soon as a rule was made by that Court under section 633 of the Code.

In conclusion, MR. STOKES was sure that he might say, on behalf of his hon'ble friend, that there was no intention to hurry the Bill through the Council, and that any remarks which the High Courts concerned might see fit to make would be received with deference and considered with care.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that the Bill be published in the *Fort St. George Gazette*, the *Bombay Government Gazette*, the *Calcutta Gazette* and the *Government Gazette, North-Western Provinces and Oudh*, in English and in such other languages as the Local Governments might think fit.

The Motion was put and agreed to.

MADRAS CORONER'S JURISDICTION BILL.

The Hon'ble MR. STOKES presented the Report of the Select Committee on the Bill to empower the Government of Madras to alter the local limits of the Coroner's Jurisdiction, and for other purposes.

EXEMPTION FROM MUNICIPAL TAXATION BILL.

The Hon'ble MR. COLVIN presented the Report of the Select Committee on the Bill to exempt certain persons and property from Municipal taxation.

MERCHANT SHIPPING BILL.

The Hon'ble MR. STOKES moved for leave to introduce a Bill to amend the law relating to Merchant Shipping. He said that the object of the Bill was to consolidate the Indian Merchant Shipping Act, IV of 1875, and the sections of

Act XIII of 1878 by which it had been amended, and to introduce in it the provisions constituting chapters VII and VIII of the Indian Merchant Shipping Bill of 1879, which, with the omission of those chapters, was subsequently passed as Act VII of 1880.

The objects of the provisions which were omitted from Act VII of 1880 were, first, in compliance with the desire of the Secretary of State, and with the view of protecting lascars and other oriental seamen when serving on board a European ship, to authorize the appointment of an officer called a "Port-inspector," to be entrusted with the duty, among others, of enquiring into any complaints which might be made on the arrival of a ship in port, by any of the crew against the master or any others of the crew.

Secondly, to give power to hold Marine Courts of Enquiry in certain cases of casualties to ships, which were at present unprovided for, such as, for instance, where no material damage was sustained by the ship; where the accident did not happen on or near the coasts of India but the witnesses were in India; and where a ship was supposed to have been lost, and evidence regarding the circumstances under which she proceeded to sea, or was last heard of, was obtainable in India. It would be made clear that an investigation might be held at any port in a Province of British India where the ship and witnesses arrived, without reference to the place of occurrence of the accident to be enquired into.

Thirdly, to enable the Local Government to fix a minimum scale of provisions to be supplied to lascars and other oriental seamen.

In addition to these, a further amendment of the law had since been suggested and would be introduced into the Bill. This was the modification of section 26 of Act IV of 1875, so as to provide that, when the service of any lascar was to end at any port not in India, the agreement between him and the master should invariably stipulate for his return to India, and not for his employment on board some vessel bound to such other port as might be agreed on, possibly not in India. It was clear that, with the extended employment of Native seamen in the Eastern trade and the increasing number of Asiatic sailors found in a destitute condition at European ports, Government should, on economical grounds, if for no other reason, devise steps to secure the return of Indian seamen to this country at the expense of the persons who took them away.

Lastly, the procedure to be followed by Courts of Enquiry in connection with the suspension and cancellation of the Board of Trade certificates held by

officers of the Mercantile Marine, and with the suspension, cancellation and re-issue of local certificates granted in India, under Act I of 1859, was laid down in Act IV of 1875; but the procedure in those matters, where the certificates were issued under the English Merchant Shipping (Colonial) Act of 1869, was not indicated. The Board of Trade had suggested that provision should be made in the Indian Act extending the procedure described in it to Colonial certificates, and the Bill would give effect to this suggestion.

The Motion was put and agreed to.

The Council adjourned to Friday, the 25th February, 1881.

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

CALCUTTA ;
 The 18th February, 1881. }

NOTE.—The meeting which was originally fixed for Friday, the 11th February, 1881, was adjourned to Friday, the 18th February, 1881.