

*Friday,
18th December, 1885*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXIV

Jan.-Dec., 1885

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Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

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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 18th December, 1885.

PRESENT :

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E., *presiding*.
His Honour the Lieutenant-Governor of Bengal, K.C.S.I., C.I.E.
The Hon'ble C. P. Ilbert, C.I.E.
The Hon'ble, Sir S. C. Bayley, K.C.S.I., C.I.E.
The Hon'ble T. C. Hope, C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.
The Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D.
The Hon'ble H. J. Reynolds, C.S.I.
The Hon'ble Rao Saheb Vishvanath Narayan Mandlik, C.S.I.
The Hon'ble Peári Mohan Mukerji.
The Hon'ble H. St. A. Goodrich.
The Hon'ble R. Steel.

ACT XXXVI OF 1858 AMENDMENT BILL, 1885.

The Hon'ble SIR STEUART BAYLEY moved for leave to introduce a Bill to amend Act XXXVI of 1858 (*An Act relating to Lunatic Asylums*). He said that this Act gave power to various authorities to deal with lunatics and to send them when necessary to lunatic asylums. But it limited the power to such asylums as might be within the same Province or Presidency or under the jurisdiction of the same Inspector General as the locality from which the lunatic was sent. A case had arisen in Coorg in which it was expedient to act under the authority given by this law, but Coorg was a fortunate Province which had no lunatic asylum, and there were some other minor provinces, such as Ajmer, which were so far in a similar condition. Under such circumstances it would be obvious that there was no lunatic asylum to which the local authorities could send the lunatic if necessary. The Bill which he had the honour to ask leave to introduce was intended to remove this defect in the law, and to give the necessary power by enabling the Governor General in Council to appoint asylums outside the limits of the Province to which non-criminal lunatics might under such circumstances be sent.

The Motion was put and agreed to.

[Mr. Ilbert.]

[18TH DECEMBER,

INDIAN TRAMWAYS BILL, 1885.

The Hon'ble MR. ILBERT moved that the Bill to facilitate the construction and to regulate the working of Tramways be referred to a Select Committee consisting of the Hon'ble Sir S. Bayley, the Hon'ble Messrs. Hope, Goodrich and Steel, the Hon'ble Rao Saheb Vishvanath Narayan Mandlik and the Mover.

He said that he had nothing to add to what he said when obtaining leave to introduce the Bill. It was one of a general and permissive character, intended primarily for those Provinces which had not Legislative Councils of their own, but also capable of being specially applied to such Provinces as Lower Bengal.

The Motion was put and agreed to.

PROVINCIAL SMALL CAUSE COURTS BILL, 1885.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to consolidate and amend the law relating to Courts of Small Causes established beyond the Presidency-towns. He said that the Courts of Small Causes outside the Presidency-towns were now regulated by the Act of 1865, which declared that, subject to certain provisos, suits cognizable by those Courts should be "claims for money due on bond or other contract, or for rent, or for personal property, or for the value of such property, or for damages, when the debt, damage or demand does not exceed in amount or value the sum of Rs. 500, whether on balance of account or otherwise."

This enumeration was of considerable importance with reference to the law of appeals, because the Code of Civil Procedure provided that no second appeal should lie in any suit of a nature cognizable in a Small Cause Court when the amount or subject-matter of the original suit did not exceed Rs. 500. But the meaning of the language used in the Act of 1865 was far from clear, and there had been several conflicting decisions on its construction; so that the question whether a particular class of suits were or were not suits cognizable by Courts of Small Causes was open to a good deal of doubt. The chief object of the Bill was to remove such doubts by defining more precisely the jurisdiction of Small Cause Courts, and it proposed to do so in the same manner as in the Act recently passed for regulating the Small Cause Courts in the Presidency-towns; that was to say, by enacting that the jurisdiction of the Court should extend to all suits of a civil nature with certain specified exceptions; in other words, by enumerating the matters excluded from the jurisdiction of

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[*Mr. Ilbert.*]

the Court, instead of enumerating the matters *included* under that jurisdiction. But at the same time, as parts of the Act of 1865 had been repealed and other portions had become obsolete or were of doubtful construction, it was proposed to repeal the Act and re-enact it in an amended form. The numerous decisions which had been given on the sections of the Act had been carefully examined, and he believed the effect of the Bill would be to clear away a vast mass of case-law.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

SUNDRY BILLS.

The Hon'ble MR. ILBERT also moved that the Hon'ble Mr. Evans be added to the Select Committee on the Bill to amend and define the law of Testamentary and Intestate Succession to Khojás.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Hon'ble Mr. Steel and the Hon'ble Peári Mohan Mukerji be added to the Select Committee on the Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Hon'ble Mr. Evans be added to the Select Committee on the Bill to amend section 265 of the Indian Contract Act, 1872.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Hon'ble Messrs. Quinton, Goodrich and Steel be added to the Select Committee on the Bill to amend the Petroleum Act, 1881.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Hon'ble Messrs. Evans and Steel and the Hon'ble Rao Saheb Vishvanath Narayan Mandlik be added to the Select Committee on the Bill to amend the Indian Registration Act, 1877.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Hon'ble Mr. Evans and the Hon'ble Peari Mohan Mukerji be added to the Select Committee on the Bill to amend the Code of Criminal Procedure, 1862, the Bombay District Police Act, 1867, the Indian Penal Code and the Prisoners' Act, 1871.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 23rd December, 1885.

S. HARVEY JAMES,

FORT WILLIAM ;
The 21st December, 1885.

} *Offg. Secretary to the Government of India,*
} *Legislative Department.*