

*Wednesday,  
23rd December, 1885*

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

**Council of the Governor General of India,**

**LAWS AND REGULATIONS**

**Vol. XXIV**

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ABSTRACT OF THE PROCEEDINGS

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

1885

VOL. XXIV



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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 pro-  
visions of the Act of Parliament 24 & 25 Vic., cap. 67.*

The Council met at Government House on Wednesday, the 23rd December,  
1885.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.P., G.C.B.,  
G.C.M.G., G.M.S.I., G.M.I.E., P.C., *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. O. 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.

PROVINCIAL SMALL CAUSE COURTS BILL, 1885.

The Hon'ble MR. ILBERT moved that the Bill to consolidate and amend the law relating to Courts of Small Causes established beyond the Presidency-towns be referred to a Select Committee consisting of the Hon'ble Sir S. C. Bayley, the Hon'ble Messrs. Hunter and Quinton, the Hon'ble Peári Mohan Mukerji, the Hon'ble Rao Saheb Vishvanath Narayan Mandlik and the Mover.

The Hon'ble PEÁRI MOHAN MUKERJI said:—"I fully recognise the necessity which has arisen by the progress of legislation during the last twenty years of amending and consolidating the law relating to Small Cause Courts beyond the limits of Presidency-towns, but it appears to me that if the primary object of the Bill be, as it is stated to be, to remove doubts engendered by conflicting judicial rulings as to the class of suits cognizable by Small Cause Courts, that object will be far from realised by the changes in the existing law which the Bill proposes to make. At present the jurisdiction of Small Cause Courts is confined to four or five classes of suits, but the Bill proposes to extend it to all suits of a civil nature with thirty-eight specified

[*Bábú P. M. Mukerji ; Mr. Ilbert.*] [23RD DECEMBER,

exceptions. What strikes me is that if the meaning of four or five phrases has given rise to a wide divergence of judicial interpretation, how much greater is likely to be the confusion if thirty-eight different exceptions are made subjects for judicial construction? And then it is impossible to contend that these thirty-eight exceptions afford an exhaustive list of the classes of suits which it is desirable should be excluded from the jurisdiction of Small Cause Courts. The fact that the exceptions mentioned in the Presidency Small Cause Courts Act, 1882, are only twenty-three in number and those in the present Bill are thirty-eight shows clearly that the Act of 1882 cannot be taken as a safe precedent and guide, and that it is an extremely difficult task to enumerate all classes of suits of a civil nature. I think the best way to amend the Act by the light of the judicial interpretations would be to incorporate them as explanations or illustrations of the section relating to jurisdiction. It is a suggestion which I venture to hope will receive due consideration by the Select Committee."

The Hon'ble MR. ILBERT said:—"The hon'ble member is quite right in describing the object for which this Bill has been introduced and the mode by which it is proposed to attain that object. The object of the Bill is to remove doubts which have arisen in consequence of conflicting judicial decisions on the construction of the section of the existing Act which defines the jurisdiction of Small Cause Courts in the Mufassal. The mode in which it is proposed to attain that object is by specifying not the matters which are included in but the matters which are excluded from their jurisdiction. I understand the hon'ble member to suggest that the object of the Bill will be better attained not by the process adopted in the Bill but by supplementing the existing law, where necessary, with illustrations or explanations. That is a matter which will very properly fall within the province of the Select Committee, and no doubt due weight will be given to the suggestion which he has made."

The Motion was put and agreed to.

#### LAHORE TRAMWAYS BILL, 1885.

The Hon'ble MR. ILBERT presented the report of the Select Committee on the Bill to authorize the making, and to regulate the working, of Street Tramways in Lahore.

1885.]

[*Sir Steuart Bayley.*]

ACT XXXVI OF 1858 AMENDMENT BILL, 1885.

The Hon'ble SIR STEUART BAYLEY introduced the Bill to amend Act XXXVI of 1858 (*an Act relating to Lunatic Asylums*), and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Ilbert and Quinton and the Mover.

The Motion was put and agreed to.

The Hon'ble SIR STEUART BAYLEY 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.

The Council adjourned to Saturday, the 2nd January, 1886.

S. HARVEY JAMES,

FORT WILLIAM; }  
The 30th December, 1885. }

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