

Friday,  
2nd October, 1885

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXIV

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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 the Viceregal Lodge, Simla, on Friday, the 2nd October, 1885.

**P R E S E N T :**

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

Lieutenant-General the Hon'ble T. F. Wilson, C.B., 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 Amír Ali.

**LOCAL AUTHORITIES LOAN ACT, 1879, AMENDMENT BILL, 1885.**

The Hon'ble MR. HOPE moved that the Report of the Select Committee on the Bill to amend the Local Authorities Loan Act, 1879, be taken into consideration. He said :—

“ In March last, when I had the honour to move for leave to introduce the Bill to amend the Local Authorities Loan Act of 1879, I mentioned that a certain small local railway was required in the district of Tanjore, in the Madras Presidency, and that the proposal was that it should be constructed by a company, the interest upon the capital to be raised by the company-being guaranteed by the Local Funds Board of Tanjore. At the same time I added that we considered that there was a legal difficulty in the way of the Board giving this guarantee, which existed in the general Local Authorities Loan Act of 1879, and that we thought that it would be better to amend that general Act in the first place, without any specific provision for Tanjore in particular. The Bill is an extremely simple one, as the Council will perceive, and I trust that the Council will accede to the Motion which stands in my name that it be passed to-day. It will be seen, however, from the Bill that, before it can take effect anywhere, a

further special enactment is required. Such an enactment will, in the case of Local Governments possessing them, be one to be passed by their own legislatures—and by the legislature of the Madras Presidency in the first instance—if they should think it necessary. In the case of other Governments who do not possess legislatures, such as the North-Western Provinces and the Punjab, any enactment of this kind that might be required would have to be passed in our own Council, and it would probably take the form of amendment of some of the existing local Acts, such as the Municipalities or Local Boards Acts, applying to particular Provinces. The present case arises, as I have already said, out of the needs of the district of Tanjore, and those needs, as regards Tanjore, will no doubt be provided for by local legislation; but along with the Tanjore case it was brought to our notice that there were several other localities which would be very much benefited by a similar arrangement. The Tanjore case was put forward as a sort of test case, but other branch lines will probably be deemed by the Madras Government to be of importance also, and in that case it will be for them to consider whether they will make their Act general for all Local Boards in the Madras Presidency. Supposing that sanction had been accorded by the Secretary of State to this course, namely, that they should pass a general Act applying to their Presidency, it would then be for other Local Governments to consider whether it was desirable for them to follow suit. I may here add, in conclusion, that from my own point of view I look upon this little Bill as one of very great potential value. Throughout India a very large number of small branches are wanted to our great trunk lines, and the need of this is being constantly pressed upon us by local authorities—commercial, administrative and others—with great urgency. At the same time it is quite obvious that we cannot out of Imperial Funds construct such branches, or give guarantees to Companies to construct them. If such branches are to be constructed at all, the funds for guarantees must be found in some way totally distinct from those of the Imperial Government, in fact, from sources which lie to hand in the local and municipal revenues of India. At the same time it will be an exceedingly good test of the real necessity of any such branches that such Local Boards or Bodies should have to bear the burden of their construction; and I think we shall thereby obtain an additional safeguard that money will not be thoughtlessly thrown away. On the other hand, I may add that in the proceedings of these Boards I earnestly hope the interests of the riyats will not be lost sight of, and that care will be taken, while providing branches in cases where they are really necessary, not to allow them to absorb funds which should more properly be distributed in some manner better calculated to

give the greatest amount of general benefit to all the contributors to the land-revenue, cesses and other sources from which those funds are raised."

The Motion was put and agreed to.

The Hon'ble MR. HOPE also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

#### CENTRAL PROVINCES CIVIL COURTS BILL, 1885.

The Hon'ble MR. ILBERT moved that the Report of the Select Committee on the Bill to amend the Law relating to Civil Courts in the Central Provinces be taken into consideration. He said :—

"I have fortunately very little to say on this Motion. The Bill to which the Motion relates is based upon a scheme which had been very carefully considered by the Chief Commissioner of the Central Provinces and his officers. The Bill itself was settled in personal consultation with the Chief Commissioner when he visited Simla a few months ago, and he has now informed us that, after referring again to his officers, he is of opinion that its provisions meet the requirements of the case. He has advised us to pass the Bill without alteration, and the Report of the Select Committee is framed in accordance with that advice."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill be passed.

The Motion was put and agreed to.

#### KHOJÁ SUCCESSION BILL, 1885.

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

"Mr. Amír Alí has already been kind enough to give us, on behalf of one of the Muhammadan Associations, some valuable suggestions with respect to this Bill, and I am glad to avail myself of his visit to Simla by asking him to assist in the further deliberations of the Select Committee on a measure which undoubtedly raises some very difficult and important questions."

The Motion was put and agreed to.

## CENTRAL PROVINCES GOVERNMENT WARDS BILL, 1885.

The Hon'ble MR. ILBERT also presented the Report of the Select Committee on the Bill to make better provision for the Superintendence of Government Wards in the Central Provinces.

The Council adjourned to Thursday, the 8th October, 1885.

SIMLA;  
The 8th October, 1885.

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

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*Note.*—The Meeting fixed for the 1st October, 1885, was subsequently postponed to the 2nd idem.