

Thursday, December 21, 1871

ABSTRACT OF THE PROCEEDINGS

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA
LAWS AND REGULATIONS.**

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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 Thursday, the 21st December 1871.

P R E S E N T :

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

The Hon'ble John Strachey.

The Hon'ble Sir Richard Temple, K. C. S. I.

The Hon'ble J. Fitzjames Stephen, Q. C.

The Hon'ble B. H. Ellis.

Major General the Hon'ble H. W. Norman, C. B.

The Hon'ble F. R. Cockerell.

The Hon'ble J. F. D. Inglis.

The Hon'ble W. Robinson, C. S. I.

The Hon'ble F. S. Chapman.

The Hon'ble R. Stewart.

The Hon'ble J. R. Bullen Smith.

INLAND CUSTOMS BILL.

The Hon'ble SIR RICHARD TEMPLE, in moving for leave to introduce a Bill to consolidate and amend the law relating to Inland Customs, said it would be in the recollection of the Council that, a few months ago, he had obtained leave to introduce a Bill to provide for some slight amendment in the mode of levying Customs Duties in the North-Western Provinces. Since then it had been found that that was not the only point in which the law required some amendment in details, and it had been considered that it would be desirable to take this opportunity of completing all these small amendments and consolidating the law, which was now scattered in several Acts, into one comprehensive enactment. Hence it was that the Bill which he had already obtained leave to introduce had not been proceeded with, and that it had been merged into this larger Bill which he now asked leave to introduce. The Bill in question contained a good many details on which, if the Council permitted its introduction, we should obtain the advice, step by step, of the responsible Department of Revenue, Agriculture and Commerce; and all

these points could be, of course, most carefully considered when the Bill would be referred to a Select Committee.

With these observations he asked leave to introduce the Bill as it was set forth in the paper to-day.

The Motion was put and agreed to.

CRIMINAL PROCEDURE BILL.

The Hon'ble MR. STEPHEN moved that His Honour the Lieutenant Governor of Bengal be added to the Select Committee on the Bill for regulating the procedure of the Courts of Criminal Judicature not established by Royal Charter. He said that His Honour had expressed a wish to be added to the Select Committee on this Bill, and there could be no doubt that his presence and assistance in Committee would be of great importance.

The Motion was put and agreed to.

NATIVE MARRIAGE BILL.

The Hon'ble MR. STEPHEN presented the report of the Select Committee on the Bill to legalize marriages between certain Natives of India not professing the Christian Religion. He said that he would request the permission of His Excellency the President that the Bill as now amended by the Select Committee be published. This Bill had been re-cast twice since its introduction, with the title mentioned in the List of Business, by his predecessor, Sir Henry Maine. It was introduced in the form of a Bill for legalizing the marriages of the Bráhma-Samája some months ago. A difficulty had been found in connection with the Bill, as last introduced, in consequence of differences of opinion amongst the members of that persuasion. The Bill, as it stood, would, with His Excellency's permission, be published in the Gazette, and MR. STEPHEN hoped, after the expiration of some reasonable time, say a few weeks or a month, that the Bill might be taken into consideration by the Council and then be finally disposed of. He did not wish to say anything more on the subject at present, but he was afraid that he would have to address the Council at very considerable length when the Report of the Committee came on for consideration.

OATHS AND DECLARATIONS BILL.

The Hon'ble MR. STEPHEN also presented the report of the Select Committee on the Bill to amend Act No. V of 1840 (concerning the Oaths and Declarations of Hindoos and Mahometans).

NATIVE PASSENGER SHIPS ACT AMENDMENT BILL.

The Hon'ble MR. CHAPMAN introduced the Bill to amend Act XII of 1870, the Native Passenger Ships Act, and moved that it be referred to a Select Committee with instructions to report in a fortnight. He said, this Bill would remove all uncertainty as to the applicability of the existing law to steam vessels. It was never intended to exempt them from its provisions; and the defect which it was now proposed to remedy was not discovered until the Act came under the scrutiny of the law officers in connection with a memorial to the Government of India from the Agents of certain Steam Companies. The memorialists, under the belief that the Act applied to their vessels, remonstrated against what they considered the unnecessary stringency of some of its provisions, especially those for the regulation of space. They argued, and MR. CHAPMAN thought fairly and reasonably, that it was not right to insist on the same amount of space in the case of a well-found, well-ventilated, speedy steamer, as was necessary in the case of an old tub of a sailing vessel that might take weeks beating up the Red Sea.

In this Bill he had endeavoured to meet their objection by giving the officer appointed to grant the certificate discretionary power to allow of a diminution of space in case of steamers, provided that the space between decks should never be less than nine superficial and fifty-four cubical feet for each passenger. He had thought it best to modify the law in this permissive manner, because, of course, there was great variety in the class of steamers likely to be engaged in this carrying trade; and it was possible that, in some cases, it might be advisable to insist on the full amount of space fixed for sailing vessels, namely, twelve superficial, and twenty-two cubical, feet. He also proposed that the same officer should, in the case of steamers fitted with serviceable condensers, have the power to allow a reduction in the quantity of stored water specified in section 21, provided that the quantity should in no case be less than at the rate of three gallons per passenger for each week of the estimated duration of the voyage.

A copy of the Bill had been forwarded to the Local Governments for their early opinion after consulting those interested in the subject, and MR. CHAPMAN hoped their replies might be received in time to admit of the Bill being passed as speedily as possible.

The pilgrim season had now commenced, and it was consequently advisable that there should be no avoidable delay.

The Motion was put and agreed to.

The following Select Committee was named:—

On the Bill to amend Act XII of 1870, the Native Passenger Ships Act—
The Hon'ble Messrs. Stephen, Cockerell, Stewart and Bullen Smith and the
Mover.

The Council adjourned to Tuesday, the 2nd January 1872.

CALCUTTA;
The 21st December 1871. }

H. S. CUNNINGHAM,
Offg. Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.