

*Friday,
12th October, 1888*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXVII

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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

VOLUME XXVII



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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 Vict., cap. 67.

The Council met at Viceregal Lodge, Simla, on Friday, the 12th October, 1888.

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 Honour the Lieutenant-Governor of the Punjab, K.C.S.I.

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General G. T. Chesney, C.B., C.S.I., C.I.E., R.E.

The Hon'ble A. R. Scoble, Q.C.

The Hon'ble Sir C. U. Aitchison, K.C.S.I., C.I.E., LL.D., D.O.L.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

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

The Hon'ble G. R. Elsmie.

BILL TO SUPPLEMENT BOMBAY AND CALCUTTA MUNICIPAL ACTS.

The Hon'ble MR. SCOBLE moved that the Bill to supplement certain provisions of the City of Bombay Municipal Act, 1888, and of the Calcutta Municipal Consolidation Act, 1889, be taken into consideration. He explained that the Bill had received the approval of the Local Governments of Bombay and Bengal and had been published in the manner directed by the Council and that he had no modification to propose.

The Motion was put and agreed to.

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

The Motion was put and agreed to.

KING OF OUDH'S ESTATE BILL.

The Hon'ble MR. SCOBLE also moved for leave to introduce a Bill to make further provision for the Administration of the Estate of His late Majesty the King of Oudh. He said :—

“ By Act XIX of 1887 the Governor General in Council was entrusted with the administration of the property left by His late Majesty the King of Oudh.

[*Mr. Scoble; Mr. Elsmie; Lieutenant-General Chesney.*] [12TH OCTOBER,

Of course it was necessary for the Governor General in Council to act through an Agent, and the object of the Bill which I now ask leave to introduce is to facilitate the performance by that Agent of certain ministerial acts which are necessary for the realization and distribution of the estate. The Bill therefore proposes that, subject to the control of the Governor General in Council, the Agent shall have power to dispose of any moveable or immoveable property belonging to the estate, to execute and take conveyances of immoveable property and to institute proceedings in any Court for the purpose of getting possession of such property or for the recovery of rents, or debts, due to the estate; and, as it appears that the administration of the estate will take some time, the second section of the Bill provides, in case of the departure from India, death, resignation or removal of the Agent, for the continuance to his successor of all powers and rights necessary for the uninterrupted conduct of the administration."

The Motion was put and agreed to.

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

The Hon'ble MR. SCOBLE also moved that the Bill and Statement of Objects and Reasons be published in English in the Gazette of India and the Calcutta Gazette.

The Motion was put and agreed to.

PUNJAB COURTS ACT, 1884, AMENDMENT BILL.

The Hon'ble MR. ELSMIE presented the Report of the Select Committee on the Bill to amend the Punjab Courts Act, 1884.

CANTONMENTS BILL.

The Hon'ble LIEUTENANT-GENERAL CHESNEY moved for leave to introduce a Bill to consolidate and amend the law relating to Cantonments. He said :—

"I may explain that the primary object of this Bill is to overcome the great and increasing difficulty which military officers experience in obtaining houses near the barracks occupied by the regiments to which they belong or other places of duty or even within the limits of cantonments. This matter of the great difficulty and inconvenience that military officers

1888.]

[*Lieutenant-General Chesney.*]

are put to in obtaining suitable accommodation within cantonments has been repeatedly brought to the notice of the Government of India by the military authorities, and in consequence of these representations a committee was appointed by the Governor General in Council in 1884, consisting of the Secretaries in the Legislative, Military and Home Departments, the Adjutant General, the Quartermaster General and the Judge Advocate General in India, to consider and report upon the whole subject. This committee sat throughout the whole of the summer season of 1884 and submitted their report in October of that year. They stated that it was desirable to amend the existing Cantonment Act, and they explained the amendments which they considered necessary. The amendments which they proposed had reference mainly to this difficulty of officers obtaining house-accommodation, owing to the great degree of complexity and uncertainty which had gradually gathered round the rights of owners of houses in cantonments. A draft Bill was prepared on the lines indicated by this committee, but various circumstances have stood in the way of its being brought before the Council; and the Bill which I have now the honour to submit, although based on that Bill, has been drafted entirely anew by the learned Secretary in the Legislative Department.

“ This matter of occupancy of cantonment houses is dealt with in Chapter V of the Bill, which, while insisting on the prior claim of military officers to occupy houses in cantonments, specially provides that the claim is not to extend to houses which are occupied as banks, or have been occupied for three years as hotels or shops, and that disputes respecting the amount of rent to be paid for houses claimed by military officers are to be settled by committees of arbitration, in which the civilian element will be predominant if houseowners so desire. Such privileges with respect to residence in cantonments, as members of the Civil Service and other civilians enjoy in some parts of India, are to cease, the only houses which are not to be subject to the prior claim of military officers being those already mentioned (that is, banks and hotels or shops) and houses owned by or under the control of railway administrations, or appropriated by the Government to the use of such officials as postmasters and telegraph-officers, whose residence in cantonments is necessary for the public convenience.

“ Of the other portions of the Bill the following only appear to call for remark :—

“ (1) *Section 2.*—It is proposed to repeal all existing Cantonment Acts in force in British India and several obsolete enactments relating to cantonments and other military matters.

[*Lieutenant-General Chesney.*] [12TH OCTOBER,

“(2) *Section 3.*—The words ‘officer’ and ‘soldier’ are defined for the purposes of Chapters V and III, respectively, and the definition of the expression ‘spiritous liquor’ is designed to remove difficulties which have arisen in the construction of that expression in existing enactments.

“(3) *Sections 4-7.*—It is proposed that every cantonment be constituted a subdivision of the district in which it is situated, and that the Subdivisional Magistrate be called the Cantonment Magistrate.

“(4) *Section 8.*—This section vests the administration of the cantonment police in the District Superintendent under the general control and direction of the District Magistrate. Commanding officers of cantonments are to be relieved of the duty which is now unnecessarily imposed upon them of serving processes issued by the Courts for execution in cantonments.

“(5) *Sections 17-21.*—These sections give a legal status to cantonment funds and cantonment committees. The want of such a status has been a not unfrequent cause of inconvenience.

“(6) *Section 28.*—This section, which constitutes every cantonment a sub-district for the purposes of the Indian Registration Act, III of 1877, and the Cantonment Magistrate the Sub-Registrar of the sub-district, and which requires the provisions of the Transfer of Property Act, 1882, with respect to the registration of documents, to be observed in every cantonment, is designed to reduce the difficulties which now occur in the maintenance of registers of immoveable property in cantonments.

“(7) *Section 29.*—This section, following the precedent of former Acts, gives the Governor General in Council power to make rules consistent with the Act to provide for the executive control and management of cantonments, and supplements some deficiencies which have been found to exist in the powers given by the enactments now in force.”

The Motion was put and agreed to.

The Hon'ble LIEUTENANT-GENERAL CHESNEY also introduced the Bill.

The Hon'ble LIEUTENANT-GENERAL CHESNEY also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and 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.

1888.]

[*Lieutenant-General Chesney.*]

MARINE ACT, 1887, AMENDMENT BILL.

The Hon'ble LIEUTENANT-GENERAL CHESNEY also moved for leave to introduce a Bill to amend the Indian Marine Act, 1887. He said:—

“This is a technical Bill of a very small character. The object of it is to enable the Governor General in Council, as occasion may require, to vary the definition of ‘gazetted officer’, of ‘warrant officer’ and of ‘petty officer’ in clauses (b), (c) and (d) of section 2, sub-section (1), of the Indian Marine Act, 1887, inconvenience having resulted from the present hard-and-fast rules in respect of the classification of officers in the lower grades of the Indian Marine service.”

The Motion was put and agreed to.

The Hon'ble LIEUTENANT-GENERAL CHESNEY also introduced the Bill.

The Hon'ble LIEUTENANT-GENERAL CHESNEY also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Fort St. George Gazette, the Bombay Government Gazette, the Calcutta Gazette and the Burma Gazette in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 18th October, 1888.

SIMLA;
The 12th October, 1888.

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S. HARVEY JAMES,
Secretary to the Government of India,
Legislative Department.