

*Saturday,  
21st March, 1891*

**ABSTRACT OF THE PROCEEDINGS**

**OF THE**

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

**LAWS AND REGULATIONS**

**Vol. XXX**

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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,

1891

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1892

*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 Government House on Saturday, the 21st March, 1891.

**PRESENT:**

His Excellency the Viceroy and Governor General of India, G.C.M.G.,  
G.M.S.I., G.M.I.E., *presiding.*

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

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

The Hon'ble Sir A. R. Scoble, Q.C., K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble Colonel R. C. B. Pemberton, R.E.

The Hon'ble F. M. Halliday.

The Hon'ble Rao Bahádúr Krishnaji Lakshman Nulkar, C.I.E.

The Hon'ble H. W. Bliss, C.I.E.

The Hon'ble G. H. P. Evans.

The Hon'ble J. Nugent.

The Hon'ble J. L. Mackay, C.I.E.

The Hon'ble J. Woodburn.

The Hon'ble Rájá Udai Partab Singh of Bhingá.

**REPEALING AND AMENDING BILL.**

The Hon'ble SIR ANDREW SCOBLE moved that the Report of the Select Committee on the Bill to repeal certain Obsolete Enactments and to amend certain other Enactments be taken into consideration. He said:—

“The schedules to this Bill have been carefully examined both in the Legislative Department and by the Select Committee; and Local Governments have been consulted, and their suggestions scrupulously followed, with regard to such enactments as relate more especially to the Provinces under their administration. I think therefore that I may safely ask the Council to accept the Bill without fear that our desire to remove dead matter from the statute-book will lead to inconvenience or difficulty in the construction or administration of the law.

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“So far as the Bill is an amending Bill there is only one matter which, I think, requires special reference. Under Bengal Regulation III of 1822, the distribution of business between the members of the Board of Revenue, and the confirmation of settlements of land-revenue, are left to be determined by the Governor General in Council. This arrangement, suitable enough at the time when the Governor General was also Governor of Bengal, has become obviously inconvenient now that the direct administration of Bengal is no longer in the hands of the Government of India. Advantage has therefore been taken of the opportunity afforded by this Bill to place the Local Government of Bengal on the same footing as other Local Governments, and to empower the Lieutenant-Governor to exercise the functions which properly belong to him in both these respects.”

The Motion was put and agreed to.

The Hon'ble SIR ANDREW SCOBLE also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

INLAND STEAM-VESSELS ACT, 1884, AMENDMENT BILL.

The Hon'ble SIR DAVID BARBOUR moved that the Report of the Select Committee on the Bill to amend the Inland Steam-vessels Act, 1884, be taken ~~approval~~ into consideration. He said:—

“When introducing this Bill I explained that its main object was to divide inland steam-vessels into three classes for certain purposes instead of into two classes as at present. This change in the law has met, I may say, with universal approval, and I need not dwell further on the subject.

“The Select Committee proposes to alter the words ‘third class master’ into ‘serang’. The change seems desirable; it is generally better to call men by the names which they actually bear than to invent new ones for them.

“In one respect there has been some misapprehension, and, though the misapprehension has been largely allayed already, I may as well allude to the matter. It has arisen in connection with section 28 (4). It has been said that it is quite unnecessary to make the masters and engineers referred to in that sub-section take out certificates under the Inland Steam-vessels Act, the certificates they already possess under other Acts and Regulations being a suffi-

AMENDMENT OF INLAND STEAM-VESSELS ACT, 1884; OUDH 199  
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[*Sir David Barbour ; Mr. Woodburn.*]

cient guarantee of their fitness. As to this I would explain that the certificates they possess under other Acts may be a sufficient guarantee of fitness, but, for various reasons which I need not dwell on, it is impossible to withdraw those other certificates if the holders are guilty of misconduct when employed in an inland steam-vessel.

“ On this account it is proposed that such persons must also, if the Local Government so direct, possess a certificate under the Inland Steam-vessels Act; if they possess a certificate under the Inland Steam-vessels Act, it becomes possible in case of misconduct to withdraw that certificate and so to prevent the offender from again taking charge of an inland steam-vessel.

“ This provision of the law need not be put in force in any Province where it is not required, and power is taken to make the grant of the certificate under the Inland Steam-vessels Act little more than a formality in the case of men who already possess the other certificates referred to. When explained in this way, there is really no objection to sub-section (4) of section 28, and it serves a useful purpose.”

The Motion was put and agreed to.

The Hon'ble SIR DAVID BARBOUR also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

LOUDH COURTS BILL.

The Hon'ble MR. WOODBURN moved that the Report of the Select Committee on the Bill to amend the constitution of the Court of the Judicial Commissioner of Oudh and alter the Law with respect to Second Appeals and other matters in that Province be taken into consideration. He said :—

“ It was explained on the introduction of the Bill that its object was to strengthen the Court of the Judicial Commissioner of Oudh and to assimilate the law of appeal in civil suits in Oudh to that which obtains in other parts of India.

“ The alterations of the Bill in Select Committee have been few.

"At the instance of the Judicial Commissioner and the Lieutenant-Governor, the hearing of civil appeals by the two Judicial Commissioners sitting together will ordinarily be limited to cases involving claims above Rs. 10,000 in value; and power has been given to the Judicial Commissioner to recall a case which has been made over to the Additional Judicial Commissioner. The Select Committee recommend that, when the two Judicial Commissioners have referred to the High Court a difference of opinion in a case respecting the confirmation of a sentence of death, power should be given to the Chief Justice, when he sees fit, to send the case to a Bench of the High Court instead of to a single Judge. The reference to the High Court in the case of such differences of opinion has been accepted by the Lieutenant-Governor as the solution best suited to the circumstances in which the Bill has been brought forward.

"Under the Act of 1879, when an appeal is preferred to the Judicial Commissioner from a judgment or order passed by him in any other capacity, or in which he has a personal interest, he was required to report the fact to the Local Government, which might transfer the case to the High Court or appoint an officer to be an Additional Judicial Commissioner for the disposal of the case. Now that there are to be two Judicial Commissioners, it is simpler to provide that in any such case the appeal shall be heard by the other Judicial Commissioner.

"The Bill needs no further remarks. I should personally have been glad to see a larger measure for the better administration of justice in Oudh, but the people of the Province are to be congratulated on an adjustment which at least gives them what they have not hitherto had, a hearing in the final stage before two Judges in all capital cases and in all civil suits of importance or intricacy. The civil litigation in a rich and prosperous province, characterized by large landed properties, is frequently of great pecuniary value; and, alike in the decision of these cases and in the confirmation of death sentences, the Judicial Commissioner's post has hitherto been one of such isolation as to make the duties of his office among the most anxious and arduous within my knowledge. In these he will now have, to his relief and to the great benefit of the province, the help of a permanent colleague."

The Hon'ble THE RAJA OF BHINGA said:—

"The Bill as it stands at present has my cordial support. But at the same time I respectfully beg to add that the establishment of a Chief Court would have been more satisfactory to the Taluqdars and legal practitioners of Oudh

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than the present arrangements. With this observation I vote for the passing of the Bill."

The Motion was put and agreed to.

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

The Motion was put and agreed to.

MOORSHEDABAD BILL.

The Hon'ble SIR ANDREW SCOBLE moved that the Bill to confirm and give effect to an Indenture between the Secretary of State and the Nawab Bahadour of Moorshedabad, Amir-ul-Omrah, be taken into consideration.

The Motion was put and agreed to.

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

The Motion was put and agreed to.

The Council adjourned *sine die*.

FORT WILLIAM; }  
 The 23rd March, 1891. }

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