

*Thursday,
4th October, 1894*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXIII

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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,

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1895

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 Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Viceregal Lodge, Simla, on Thursday, the 4th October, 1894.

PRESENT:

His Excellency the Viceroy and Governor General of India, P.C., LL.D., G.M.S.I., G.M.I.E., *presiding*.
His Honour the Lieutenant-Governor of the Punjab, K.C.S.I.
His Excellency the Commander-in-Chief, K.C.B., G.C.I.E., V.C.
The Hon'ble Sir A. E. Miller, Kt., Q.C.
The Hon'ble Lieutenant-General H. Brackenbury, K.C.B., R.A.
The Hon'ble Sir C. B. Pritchard, K.C.I.E., C.S.I.
The Hon'ble J. Westland, C.S.I.
The Hon'ble Sir A. P. MacDonnell, K.C.S.I.
The Hon'ble Baba Khem Singh Bedi, C.I.E.

INDIAN ARTICLES OF WAR BILL.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY presented the Report of the Select Committee on the Bill to amend the Articles of War for the government of Her Majesty's Indian Forces. He said that he proposed at the next meeting of Council to move that the Report be taken into consideration, and that he would reserve such few remarks as he had to make until then.

REPEALING AND AMENDING (ARMY) BILL.

The Hon'ble LIEUTENANT-GENERAL BRACKENBURY also presented the Report of the Select Committee on the Bill to amend certain enactments relating to the Army. He said that he would also ask that this Report be taken into consideration next week.

BURMA MUNICIPAL ACT, 1884, AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER presented the Report of the Select Committee on the Bill to amend the Burma Municipal Act, 1884. He said that he hoped to be able to move that the Report be taken into consideration next week.

[*Sir Antony MacDonnell.*]

[4TH OCTOBER,

LOWER BURMA VILLAGE ACT, 1889, AMENDMENT BILL.

The Hon'ble SIR ANTONY MACDONNELL moved that the Bill to amend the Lower Burma Village Act, 1889, be taken into consideration.

The Motion was put and agreed to.

The Hon'ble SIR ANTONY MACDONNELL also moved that the following be inserted as sub clause (iii) of clause (1) of section 6 of Act III. of 1889 as proposed in the Bill :—

“ the prevention and extinction of fires, ”

and that the present sub-clause (iii) be numbered (iv).

He said :—“ In introducing this Bill on the 20th September last, I took occasion to explain what the objects and scope of the measure were, and I do not suppose that it will be necessary to trouble Your Excellency or the Council now with more than a brief summary of what I said on that occasion. I explained that the object and scope of the measure were to empower the village-headman to take certain precautions in connection with the prevention of cattle-disease, and also, subject to rules and the control of the Local Government, to take measures for the cure of that disease. I also explained that the Bill was supported by a great weight of authority ; in point of fact, that it was admittedly a provision for what was felt to be a want in Lower Burma. Since introducing the Bill, I have had a communication from the Chief Commissioner, Sir Alexander Mackenzie, in which he stated, while accepting the Bill as it was introduced in Your Excellency's Council, that it is also the practice at present in villages in Lower Burma to make certain provisions for the prevention and extinction of fires, and he desired that advantage should be taken of this opportunity with a view of legalizing the rules issued for that purpose and generally of bringing the practice which prevails within the provisions of the measure now before the Council. Personally I consider that there can be no more unobjectionable and legitimate practice than that referred to by Sir Alexander Mackenzie, and I think that it is quite within the scope of the Village Act that such power should be taken. At the same time I am ready to confess that this new proposal introduces a very considerable extension of the Bill as it was laid before the Council, and that there has been no time allowed for that full publication of this addition which is usual in these legislative measures ; and if, having regard to that circumstance, there is any feeling in the Council as to the undesirability of proceeding with this addition on the present occasion, I shall not consider myself justified in opposing it. On the other hand, I myself

1894.] [Sir Antony MacDonnell; Sir Alexander Miller.]

think that there is no such great departure—certainly no departure from the existing practice, and no such very large extension of the purport and objects of the legislation contemplated—as to preclude the Council from considering this matter now and allowing the Bill to pass out as the Chief Commissioner desires that it should.”

The Hon'ble SIR ALEXANDER MILLER said:—“I do not know that it is necessary to add anything to what the Hon'ble Sir Antony MacDonnell has said. If this amendment were not proposed by the Chief Commissioner himself, I think it would be desirable that it should be sent back to Burma for an expression of opinion before it is passed; but inasmuch as it is a suggestion of the Chief Commissioner, and as we may fairly take it that it has been duly considered there, and as it is only legalizing an existing practice, I do not think it is necessary to postpone the passing of the Bill, which is urgently needed, for the purpose of such a reference.”

The Motion was put and agreed to.

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

The Motion was put and agreed to.

The Council adjourned to Thursday, the 11th October, 1894.

J. M. MACPHERSON,

SIMLA;
The 5th October, 1894. }

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