

*Friday,  
10th February, 1899*

ABSTRACT OF THE PROCEEDINGS  
OF THE  
Council of the Governor General of India,  
LAW AND REGULATION  
LAW AND REGULATIONS

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ABSTRACT OF THE PROCEEDINGS  
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THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA  
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The Council met at Government House, Calcutta, on Friday, the 10th February, 1899.

PRESENT :

His Excellency Baron Curzon of Kedleston, G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

His Honour Sir John Woodburn, K.C.S.I., Lieutenant-Governor of Bengal.

His Excellency General Sir W. S. A. Lockhart, G.C.B., K.C.S.I., Commander-in-Chief in India.

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

The Hon'ble Mr. M. D. Chalmers, C.S.I.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

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

The Hon'ble Mr. C. M. Rivaz, C.S.I.

The Hon'ble M. R. Ry. Panappakkam Ananda Charlu, Vidya Vinodha Avargal, Rai Bahadur, C.I.E.

The Hon'ble Mr. J. J. D. LaTouche, C.S.I.

The Hon'ble Rai Bahadur Pandit Suraj Kaul, C.I.E.

The Hon'ble Mr. Gangadhar Rao Madhav Chitnavis, C.I.E.

The Hon'ble Mr. Allan Arthur.

The Hon'ble Mr. P. M. Mehta, C.I.E.

The Hon'ble Nawab Mumtaz-ud-daula Muhammad Faiyaz Ali Khan.

The Hon'ble Mr. J. K. Spence, C.S.I.

The Hon'ble Mr. G. Toynbee.

The Hon'ble Mr. D. M. Smeaton, C.S.I.

The Hon'ble Mr. J. D. Rees, C.I.E.

The Hon'ble Maharaja Rameshwara Singh Bahadur of Darbhanga.

INLAND STEAM-VESSLS ACT (1884) AMENDMENT BILL.

The Hon'ble SIR JAMES WESTLAND presented the Report of the Select Committee on the Bill to further amend the Inland Steam-vessels Act, 1884. He said :—" The Select Committee have proposed to amend the Bill in two points, both of which I noticed when I moved the appointment of the Select Committee. The first is the provision of authority to Local Governments to prescribe for the carriage and exhibition of lights by vessels on inland waters on which steam-vessels ply. These vessels are obviously a source of danger if of any size and if

[*Sir James Westland; Mr. Chalmers.*] [10TH FEBRUARY, 1899.]

they do not carry proper lights, and it is desirable to give power to compel them to use proper lights. The other point is that the declaration or certificates of competency of service which are given by one Local Government are to be current throughout India even in the case of other Local Governments. It will be observed that this provision is not made with reference to certificates of survey which are given to vessels. The certificates of survey given to vessels have reference to the particular route, or the particular trade in which they are employed, and it would not be advisable to declare, for example, that a vessel which had passed a survey for purpose of traffic in the Irrawaddy should be competent without further special examination to ply, say, on the Brahmaputra."

#### CURRENCY-NOTES FORGERY BILL.

The Hon'ble SIR JAMES WESTLAND moved that the Bill to amend the law relating to the forgery of currency-notes and bank-notes be referred to a Select Committee consisting of the Hon'ble Mr. Chalmers, the Hon'ble Mr. Rivaz, the Hon'ble Mr. LaTouche, the Hon'ble Mr. Mehta and the mover. He said :—" This is for the most part a purely legal amendment ; that is to say, the existing penal provisions regarding the forging of currency-notes and bank-notes are not sufficient protection to the public. There is a special law in England relating to this class of offence, and we have adopted that law for India, the Bill which is now before the Council being practically based upon the English Statute."

The motion was put and agreed to.

#### INDIAN EVIDENCE BILL.

The Hon'ble MR. CHALMERS moved that the Report of the Select Committee on the Bill to further amend the Indian Evidence Act, 1872, be taken into consideration. He said :—" In making this motion I need say but very little. As Hon'ble Members are aware, the system of authenticating documents and identifying persons by means of what are known as finger-impressions is now acknowledged to be the most trustworthy system we at present possess. Till very recently it was almost impossible to employ the system for identifying persons because of the difficulty of classifying or indexing the impressions for the purpose of reference. This difficulty has now been overcome by the laborious ingenuity of Mr. Henry, the Inspector General of Police in Bengal. The Government therefore now think that the time has come for giving legislative recognition to the new system and they propose to give the Courts the same powers of taking evidence concerning, and of dealing with, finger-impressions, as they have in the case of handwriting."

10TH FEBRUARY, 1893.] [Mr. Toynbee; Mr. Chalmers.]

The Hon'ble MR. TOYNBEE said :—“ Your Excellency, I feel some doubt as to whether the words ‘*finger-impressions*,’ used in this Bill, will be legally held to include ‘*thumb-impressions*.’ The history of the introduction of the use of finger and thumb impressions into the Registration Department in Lower Bengal leads me to think that it would have been safer to have used the words ‘*digital impressions*,’ or to have added to section 3 of the Indian Evidence Act, I of 1872, the five words : ‘*finger-impressions include thumb-impressions*.’ The system of taking *finger*-prints was first tried in Bengal by Sir William Herschell when he was Magistrate and Collector of the Hooghly District. After his retirement from the service, he recorded a note on the subject, and, in 1892, sent it from Oxford to the Inspector General of Registration, who in April, 1893, recommended to the Government of Bengal the introduction of Sir William Herschell’s system into the Registration Offices in Calcutta and in the districts of Hooghly and the 24-Parganas. In May, 1893, Government accepted the above recommendations and directed that every executant of a registered deed should make an impression of his first and third *fingers*, both on the deed itself and also in a register to be kept for the purpose. In March, 1894, the Inspector General of Registration recommended that an impression of the right *thumb* should be taken, instead of impressions of the first and third *fingers*. Government approved of this proposed change in April of the same year; but in the following April they substituted the left for the right *thumb*, and, from that date to this, only the impressions of the left *thumb* are used in the Registration Department. It seems to me, therefore, that if any Criminal Court should hold, in the absence of any definition of the words ‘*finger-impressions*,’ that they do not include ‘*thumb-impressions*,’ there is considerable risk of a failure of justice.”

The Hon'ble MR. CHALMERS said :—“ The point raised by the Hon'ble Mr. Toynbee was, I may say, suggested to the Select Committee from one or two quarters. We considered it and we came to the conclusion that such an objection surely could not be entertained by any Court. These impressions, whether *finger-impressions* or *thumb-impressions*, are popularly known as ‘*finger-impressions*.’ They certainly are technically known as ‘*finger-impressions*,’ and if you leave aside both the popular name and the technical name and look at the matter etymologically you still find that ‘*finger*’ includes ‘*thumb*.’ I took the trouble of going to the latest and most authoritative English Dictionary—Murray’s Dictionary of the English language—and on looking at the term ‘*finger*’ I found the entry as follows :—

‘*Finger*: one of the five terminal members of the hand; in a restricted sense, one of the four excluding the thumb.’

[*Mr. Chalmers ; Mr. Rivaz.*] [10TH FEBRUARY, 1899.]

" But the primary meaning is, one of the five members of the hand, that is to say, primarily the term 'finger' includes 'thumb' according to the dictionary. I think, if I remember rightly, that in Oriental languages the same rule prevails : the thumb is commonly known as the big finger. Of course I may be wrong, and it is a matter as to which I should certainly follow the opinion of the Council. It seemed to us in the Select Committee that it would be almost as gratuitous to put in an explanation that 'finger' includes 'thumb' as it would be to put in an explanation that 'toe' includes 'great toe.' If Hon'ble Members here, who have very much more experience of Indian Courts than I have, think that a Court could go wrong, it would be better, of course, to provide against an error of interpretation. I do not think that in England the slightest difficulty would arise. Perhaps the discussion which has taken place in the Council to-day may be sufficient to call attention to the matter, but I am entirely in the hands of the Council."

The motion was put and agreed to.

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

The motion was put and agreed to.

#### GLANDERS AND FARCY BILL.

The Hon'ble MR. RIVAZ moved that the Bill to consolidate and amend the law relating to Glanders and Farcy be referred to a Select Committee consisting of the Hon'ble Mr. Chalmers, the Hon'ble Major-General Sir Edwin Collen, the Hon'ble Rai Bahadur Pandit Suraj Kaul, the Hon'ble Mr. Spence and the mover.

The motion was put and agreed to.

#### CARRIERS BILL.

The Hon'ble MR. CHALMERS moved that the Bill to amend the law relating to Carriers be referred to a Select Committee consisting of the Hon'ble Mr. Rivaz, the Hon'ble Mr. Allan Arthur, the Hon'ble Mr. Smeaton, the Hon'ble Maharaja Bahadur of Darbhanga and the mover.

The motion was put and agreed to.

The Council adjourned to Friday, the 17th February, 1899.

H. W. C. CARNDUFF,

CALCUTTA ;  
The 10th February, 1899. }

*Offg. Secretary to the Govt. of India,  
Legislative Department.*