

Thursday, 31st January, 1878

**ABSTRACT OF THE PROCEEDINGS**

**COUNCIL OF THE GOVERNOR GENERAL OF INDIA**

**LAWS AND REGULATIONS.**

**VOL 17**

**Jan. - Dec.**

**1878**

**P L**

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1878.

WITH INDEX.

VOL. XVII.

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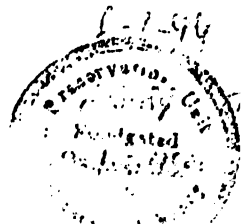


Published by the Authority of the Governor General.

CALCUTTA:

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.

1879.



*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.*

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The Council met at Government House on Wednesday, the 23rd January, 1878.

The Council adjourned to Thursday, the 31st January, 1878.

CALCUTTA; }  
The 23rd January, 1878. } Secretary to the Government of India,  
Legislative Department.

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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.*

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The Council met at Government House on Thursday, the 31st January, 1878.

PRESENT :

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

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

His Excellency the Commander-in-Chief, G.C.B.

The Hon'ble Sir E. C. Bayley, K.C.S.I.

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

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

Lieutenant-General the Hon'ble Sir E. B. Johnson, K.C.B.

The Hon'ble Whitley Stokes, C.S.I.

The Hon'ble F. R. Cockerell.

The Hon'ble B. W. Colvin.

The Hon'ble Maharaja Jotindra Mohan Tagore.

The Hon'ble T. C. Hope, C.S.I.

The Hon'ble Sir Shamsheerparkash the Raja of Sirmur, K.C.S.I.

The Hon'ble Mumtaz-ud-Daula Nawab Sir Muhammad Faiz Ali Khan,  
Bahadur, K.C.S.I.

The Hon'ble T. H. Thornton, D.C.L., C.S.I.

The Hon'ble E. C. Morgan.

NEW MEMBER.

The Hon'ble T. H. THORNTON took his seat as an Additional Member.

## TREASURE-TROVE BILL.

The Hon'ble SIR EDWARD BAYLEY presented the report of the Select Committee on the Bill to amend the law relating to Treasure-trove. He said the report of the Committee would, he thought, explain itself. It would be observed that they had received a very large number of communications on this Bill, and its provisions had been, considering its importance, the subject of a very unusual amount of criticism. The result had been that considerable changes had been made. It would be seen that no substantial change had been made in the policy of the Bill, but the wording of it had been very considerably altered, with the effect, he hoped, of making it a practical working measure. There being no real change in the policy of the Bill or in any of its substantial provisions, the Committee did not think it necessary to recommend that it should be republished, and he therefore now presented the report, and hoped that it would be shortly taken into consideration by the Council.

## ASSIMILATION OF POWERS (NORTH-WESTERN PROVINCES AND OUDH) BILL.

The Hon'ble SIR EDWARD BAYLEY also introduced the Bill to assimilate certain powers of the Local Governments of the North-Western Provinces and Oudh, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Stokes and Colvin, the Hon'ble Sir Shamsheerparkash the Raja of Sirmur and the Mover. He had before explained to the Council that this Bill was really little more than a technical measure. It affected altogether four Acts, the Oudh Rent Act, the Oudh Land Revenue Act, the Oudh Laws Act and the Prisons' Act. The Oudh Rent Act was affected in four of its sections. By section 29 of that Act, the Chief Commissioner of Oudh was allowed to make rules for the guidance of Settlement-officers with the sanction of the Governor General in Council. As Lieutenant-Governor of the North-Western Provinces, he could make such rules without the sanction of the Governor General in Council. By section 85 of the same Act, the Chief Commissioner of Oudh was empowered to declare to which of the first three grades of Courts the Court of any Assistant Commissioner shall belong, and to invest any tahsildar with the powers of any of the same grades of Courts, but this also only with the sanction of the Governor General in Council. By section 87, he was empowered, subject to the orders of the Governor General in Council, to invest any officer who was making or revising settlements with the powers of a Collector, or of a Deputy Collector, or of an Assistant Collector, and so on. And by section 91, whenever the state of public business required it, the Chief Commissioner might vest a Deputy Collector with the

## **ADDITIONAL RATES (CENTRAL PROVINCES).**

stantive law now in force in Oudh, but would merely give the Lieutenant-Governor in Oudh precisely the same powers in regard to the ordinary duties of administration as he possessed in the North-Western Provinces.

The Motion was put and agreed to.

The Hon'ble SIR EDWARD BAYLEY then moved that the Bill be published in the *Government Gazette, North-Western Provinces and Oudh*, in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

## **DISTRESSED SEAMEN'S EXPENSES RECOVERY BILL.**

The Hon'ble MR. STOKES presented the report of the Select Committee on the Bill to provide for the recovery in British India of wages due to, and expenses incurred in respect of, certain seamen and apprentices.

## **NORTHERN INDIA LICENSE BILL.**

The Hon'ble SIR JOHN STRACHEY presented the report of the Select Committee on the Bill for the licensing of trades and dealings in the Panjab, the North-Western Provinces and Oudh.

## **ADDITIONAL RATES (NORTH-WESTERN PROVINCES) BILL.**

The Hon'ble SIR JOHN STRACHEY also presented the Report of the Select Committee on the Bill for the levy of Additional Rates on Land in the North-Western Provinces.

## **ADDITIONAL RATES (OUDH) BILL.**

The Hon'ble SIR JOHN STRACHEY also presented the report of the Select Committee on the Bill for the levy of Additional Rates on Land in Oudh.

## **ADDITIONAL RATES (PANJAB) BILL.**

The Hon'ble SIR JOHN STRACHEY also presented the report of the Select Committee on the Bill for the levy of Additional Rates on Land in the Panjab.

## **ADDITIONAL RATES (CENTRAL PROVINCES) BILL.**

The Hon'ble SIR JOHN STRACHEY then asked leave to postpone the presentation of the report of the Select Committee on the Bill for the levy of Additional Rates on Land in the Central Provinces, which the Committee had not yet been able to dispose of. As there was no motion now before the Council, it would be irregular if he were to make any remarks on the subject

powers of a Collector for the trial and determination of suits under the Act, but this also only with the authority of the Governor General in Council.

Under the Oudh Revenue Act, similarly, by section 4, the appointment of Commissioners was to be subject to the rules which the Governor General in Council might prescribe. By sections 7 and 9 of the same Act, there were similar limitations as to the powers which the Chief Commissioner might confer on Assistant Commissioners in charge of districts, and also to certain other powers which he might confer on certain persons either by name or by official classes or by official titles; and in section 14 and following sections of chapter III of the same Act, as well as in sections 183, 212 and 222, there were a number of similar limitations to the powers of the Chief Commissioner in Oudh; and in section 43 of the same Act, to the power given to the Chief Commissioner to confirm finally certain minor settlements made from time to time of small portions of the land-revenue.

Again, under the Oudh Laws Act, section 39, the Chief Commissioner was empowered to make subsidiary rules as to the discipline and remuneration of the Village and Road Police, the disposal of unclaimed property, public health and conservancy at fairs and other public assemblies, and for imposing municipal taxes for those purposes; as to the manner of keeping records, the appointment and dismissal of ministerial officers other than those employed in the Civil Courts, and the extent of land in respect of which a proprietor or under-proprietor was to be held to be a tenant with a right of occupancy. All these powers were subject to limitations by which they could only be exercised under the orders or subject to the control of the Governor General in Council.

In all these cases similar powers were exercised by the Lieutenant-Governor of the North-Western Provinces without such limitations, and the limitations moreover had been found to create delay and inconvenience in the working of the administration.

Similarly, in the Prisons' Act, which was a general Act, not confined to the Province of Oudh, power had been taken for the Chief Commissioner himself to appoint an Inspector General of Prisons without sanction from the Government of India, and the Chief Commissioner was declared to be a Local Government within the definition of the Act.

This explanation would show to the Council the correctness of what he had said on a former occasion, namely, that the alterations to be effected by the Bill were purely technical and for the purpose of facilitating the administration, and would in no respect interfere with any peculiar custom or sub-

of these Bills. But with His Excellency the President's permission, he might be allowed to say that he hoped, at the meeting of the Council next week, to be permitted to move that the reports of the Select Committee on these Bills be taken into consideration, and then also to move that the Bills be finally disposed of.

Leave was granted.

### STAMPS BILL.

The Hon'ble Mr. COCKERELL moved that the Hon'ble Mr. Morgan be added to the Select Committee on the Bill to consolidate and amend the law relating to Stamps and Court-fees.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 6th February, 1878.

D. FITZPATRICK,

*Secretary to the Government of India,*

*Legislative Department.*

CALCUTTA;                    }  
The 31st January, 1878.    }