

Wednesday, September 4, 1867

**COUNCIL OF GOVERNOR GENERAL
OF
INDIA**

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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.

The Council met at Simla on Wednesday, the 4th September 1867.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, *presiding*.

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

The Hon'ble H. Sumner Maine.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Major General Sir H. M. Durand, C. B., K. C. S. I.

The Hon'ble Sir George Yule, C. B., K. C. S. I.

ADDITIONAL FINANCIAL COMMISSIONERS' (PANJÁB) BILL.

The Hon'ble MR. MAINE introduced the Bill to provide temporary assistance to the Financial Commissioner of the Panjáb. He said that, as the Bill had been published in the *Gazette* under Rule 19, it was unnecessary to ask for leave to introduce it. His Excellency the President was aware of the circumstances which had led to the preparation of the Bill. A vast amount of arrears had accumulated in the Court of the Financial Commissioner of the Panjáb, during more incumbencies than one of that office, and it was highly expedient to give the present Commissioner some temporary assistance in clearing off those arrears. The Financial Commissionership had been constituted under an old rule which had now gained the force of law ; but the principle which prevailed in the Panjáb and other Non-Regulation Provinces was that several functions should be accumulated on a single individual, rather than that several persons should exercise the same functions; hence there was no power to appoint an assistant or a deputy to the Financial Commissioner. Thus arose the necessity for the present Bill; and as the power of subordinate legislation, which the Non-Regulation Provinces once practically enjoyed, had been taken away by the Indian Councils' Act, the Bill had to be passed by the Council of the Governor General—a good illustration of the trifling character of much of its present business.

The Hon'ble MR. MAINE having applied to His Excellency the President to suspend the Rules for the Conduct of Business.

The PRESIDENT declared the Rules suspended.

The Hon'ble MR. MAINE then moved that the Bill be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. MAINE then moved that the first blank in the Section prescribing the continuance of the proposed Act be filled up with the date—first day of October 1867 ;—and that the second and third blanks should be each filled up with the date—first day of April 1868.

The Motion was put and agreed to.

The Hon'ble MR. MAINE then moved that the Bill as amended be passed.

The Motion was put and agreed to.

HEADS OF VILLAGES' (MADRAS) BILL.

The Hon'ble MR. MAINE introduced the Bill to correct an error in Act No. XVII of 1862, an Act to repeal certain Regulations and Acts relating to criminal law and procedure. He said that the first clause of Section XI of the Madras Regulation XI of 1816 conferred the power of search on heads of villages, where they had reason to believe stolen property was concealed and likely to be made away with. This clause was repealed by Act No. XXIV of 1859, but the loss of the power was found so inconvenient, that the Madras Government applied to have it restored. This was done, or rather intended to be done, by an Act passed before His Excellency or any Member of the present Council acceded to office, No. XVII of 1862—a measure framed to repeal a vast mass of Acts and Regulations which had been rendered obsolete by the Penal Code, and the Code of Criminal Procedure. The Schedule to Act XVII expressly repealed so much of Act XXIV of 1859 as repealed clause 1, Section XI of Regulation XI of 1816. The effect of this would of course have been to revive, as was intended, the clause in question ; but unfortunately a misprint in a subsequent part of the same Schedule—the numeral XII being erroneously substituted for XI Clause 1—had the effect of again depriving the heads of villages of the useful power to which he (MR. MAINE) had referred. The Bill

had been prepared at the instance of the Government of Madras, and he trusted that His Excellency the President would consent to suspend the Rules for the Conduct of Business in order that it might at once be passed.

The PRESIDENT declared the Rules suspended.

The Hon'ble MR. MAINE then moved that the Bill be taken into consideration.

The Motion was put and agreed to.

The Hon'ble MR. MAINE then moved that the Bill be passed.

The Motion was put and agreed to.

The Council then adjourned *sine die*.

SIMLA, }
The 4th September 1897. }

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Department (Legislative).