

Wednesday, July 3, 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 3rd July 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 John Strachey.

CHIEF COMMISSIONERS' POWERS BILL.

The Hon'ble MR. MAINE introduced the Bill to enable the Governor General of India in Council to delegate to a Chief Commissioner any power conferred on a Local Government by an Act of the Governor General of India in Council, and moved that it be referred to a Select Committee, with instructions to report in a week. He said that the Bill was so short and simple that, under ordinary circumstances, he would not have thought of referring it to a Select Committee. But as a Chief Commissioner (Mr. Strachey) was present, it would be as well to take advantage of his experience on the subject, and to refer the Bill to a Committee composed of Mr. Strachey and himself.

The Motion was put and agreed to.

SALTPETRE ACT AMENDMENT BILL.

The Right Hon'ble MR. MASSEY introduced the Bill to amend Act No. XXXI of 1861 (to regulate the manufacture of Saltpetre and the sale of Salt educated in the refinement thereof), and moved that it be referred to a Select Committee, with instructions to report in a week. He said that, in describing the Bill at their last meeting, he had stated that its object was to rectify an oversight in the drafting of Section 6 of the Saltpetre Act. On consideration, however, he doubted whether the wording of the clause referred to was not intentional, and he was inclined to think that the draftsman had taken as his

model the English Excise Acts, which left no discretion to the convicting Magistrate as to the amount of the fine for infringing their provisions, such discretion being reserved for the Commissioners of Inland Revenue. India, however, was differently situated from England in this respect, and the difficulties which a person convicted under Section 6 might experience, in bringing his case properly before the Executive, were or might be so numerous that he (MR. MASSEY) could not believe that the legislature intended to make the law so stringent. At all events, the Bill was justified by the fact that it was prepared at the desire of the Local Government, which was of opinion that the discretion proposed to be conferred by the Bill might safely be entrusted to the convicting Magistrate.

The Motion was put and agreed to. .

The following Select Committees were named :—

On the Bill to enable the Governor General of India in Council to delegate to a Chief Commissioner any power conferred on a Local Government by an Act of the Governor General of India in Council—The Hon'ble Mr. Strachey and the Mover.

On the Bill to amend Act No. XXXI of 1861 (to regulate the manufacture of Saltpetre and the sale of Salt educed in the refinement thereof)—The Hon'ble Mr. Maine and the Mover.

The Council adjourned till the 10th July 1867.

SIMLA, }
The 3rd July 1867. }

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