

Tuesday, February 24, 1874

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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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.

1874.

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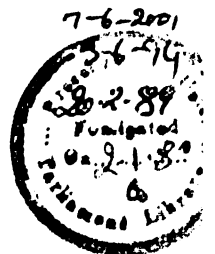
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1875.



The Council met at Government House on Tuesday, the 24th February 1874.

PRESENT:

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

The Hon'ble B. H. Ellis.

Major-General the Hon'ble Sir H. W. Norman, K. C. B.

The Hon'ble A. Hobhouse, Q. C.

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

His Highness the Maharájá of Vizianagram, K. C. S. I.

The Hon'ble Rájá Ramánáth Tagore.

The Hon'ble R. A. Dalyell.

The Hon'ble H. H. Sutherland.

The Hon'ble B. D. Colvin.

MARRIED WOMEN'S PROPERTY BILL.

The Hon'ble MR. HOBHOUSE moved that the Report of the Select Committee on the Bill to explain and amend the law relating to certain Married Women, and for other purposes, be taken into consideration. He said that the Council would observe by the Report that there was very little alteration in the Bill as it now stood from what it was when it was first introduced. He had, therefore, little to explain to the Council. He had shown on a previous occasion that the Bill did not introduce any new principle. The broad principle of the separation of interests as between husband and wife was affirmed by the Indian Succession Act, and the object of this Bill was only to extend that principle to certain details, and to make it apply in one particular class of transactions, namely, policies of insurance, to persons who were married before the Indian Succession Act came into force.

There were only three alterations of any importance introduced by the Select Committee in the Bill. The first was in section 5, where the power of the wife to effect policies of insurance had been made indefinite and not confined to her own life or the life of her husband—it might be on that of a parent, a sister, or any one else. There was no reason why the power should not be extended.

By section 7, married women who were sued would be subject to such suits, processes and orders in respect of their property as they would be liable to if they were unmarried. It gave them, with the power, the responsibility of having separate property. Whether that would have been the law without this enactment, he could not say. His impression was that it would. We had an intimation of judicial opinion in that direction. He had said that the matter would be taken into consideration by the Select Committee. They did consider it, and proposed to declare the law as it stood in the Bill.

The only other alteration was that section 9 had been made to extend to persons who were married before the 1st January 1866 when they had separate property. It could not possibly matter when the separate property was acquired: whether the property was acquired by special contract before the 1st January 1866, or by the general provisions of the law subsequent to that date, did not signify at all with respect to the liabilities of the wife under that enactment.

Those were all the points he had to mention.

The Motion was put and agreed to.

The Hon'ble Mr. HOBHOUSE also moved that the Bill as amended be passed. In doing so he might state that, as far as suggestions had come in, there had been a remarkable unanimity expressed that the Bill was a useful one, and there was every reason to believe that, though its operation would not be extensive, it would operate well.

The Motion was put and agreed to.

FOREIGN ENLISTMENT BILL.

The Hon'ble Mr. HOBHOUSE also moved that the Report of the Select Committee on the Bill to prohibit recruiting in British India for the service of Foreign States, be taken into consideration. He said that the only point which he thought it at all necessary to observe upon was as to the form of the Bill, by which we did not positively prohibit in the Act itself the recruiting which it was desired to control, but only gave to the Government a power of interfering whenever they thought it necessary. That point he had mentioned before, and His Honour the Lieutenant-Governor of Bengal then expressed some doubt which was the better principle to go upon, and Mr. HOBHOUSE then stated that the Select Committee would take the matter into consideration. The question had been discussed, and it seemed to them that it might be inconvenient to have a positive law which might prevent a

perfectly innocent operation. On the other hand, they believed that a proceeding of this sort could not go on to any injurious extent or for any length of time without the Government becoming aware of it, and the moment that was so they could move in the matter. It was therefore thought the Bill, as it at present stood, was calculated to preserve to the Government all the necessary powers.

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE also moved that the Bill as amended be passed.

The Motion was put and agreed to.

KULLU SUB-DIVISION (PANJAB) APPELLATE POWERS BILL.

The Hon'ble MR. HOBHOUSE also presented the Report of the Select Committee on the Bill to invest the Assistant Commissioner in charge of the Kullu Sub-division of the Kangra District with certain appellate powers.

ASSAM CHIEF COMMISSIONER'S POWERS BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to provide for the exercise of the powers hitherto exercised by the Lieutenant-Governor and Board of Revenue of Bengal in the territories forming the Chief Commissionership of Assam, and moved that it be referred to a Select Committee with instructions to report in a fortnight. He said that the Council would observe that the Bill was exactly what he had said it would be. It was merely a formal transfer of the powers vested by Statute in the Lieutenant-Governor and the Board of Revenue of Bengal, for the purpose of their being exercised under the direction of the Governor General in Council by the new Chief Commissioner of Assam. MR. HOBHOUSE thought a fortnight would be found quite sufficient time for the Select Committee to make their report.

The Motion was put and agreed to.

BOMBAY REVENUE JURISDICTION BILL.

The Hon'ble MR. HOBHOUSE moved that, in the room of the Hon'ble Mr. Inglis, the Hon'ble Mr. Dalryell be appointed a Member of the Select Committee on the Bill to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the land-revenue.

The Motion was put and agreed to.

SELECT COMMITTEE.

The following Select Committee was named :—

On the Bill to provide for the exercise of the powers hitherto exercised by the Lieutenant-Governor and Board of Revenue of Bengal in the territories forming the Chief Commissionership of Assam—The Hon'ble Messrs. Bayley, Dalvell and the Mover.

The Council then adjourned to Tuesday, the 10th March 1874.

CALCUTTA ;
The 24th February 1874. }

WHITLEY STOKES,
*Secretary to the Government of India,
Legislative Dept.*