

Thursday, July 18, 1872

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

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ABSTRACT OF PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

VOL 11

1872

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 Thursday, the 18th July 1872.

PRESENT :

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

His Honour the Lieutenant-Governor of the Punjab.

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

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

The Hon'ble Sir Richard Temple, K. C. S. I.

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

The Hon'ble Arthur Hobhouse, Q. C.

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

The Hon'ble R. E. Egerton.

CHRISTIAN MARRIAGE BILL.

The Hon'ble MR. HOBHOUSE moved that the Bill to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian religion, as amended, be passed.

THE PRESIDENT observed that under section two the Bill, if passed, would come into force at once and repeal all prior legislation on the subject, and asked how would it be with a marriage solemnized to-morrow in some remote part of India by a clergyman who knew nothing of the passage of this Bill? It might be desirable to alter section two so as to postpone the commencement of the measure (say) for three months.

The Hon'ble MR. HOBHOUSE said that the Bill would make no method of marriage illegal which was legal before, and therefore that it was unnecessary to make the change suggested by the President.

The motion was put and agreed to.

BURMA SPIRIT DUTY BILL.

The Hon'ble SIR RICHARD TEMPLE moved that the Report of the Select Committee on the Bill for imposing a duty on certain spirits manufactured

in British Burma, be taken into consideration. He said that the Committee had fixed the maximum duty leviable under the proposed Act at the highest rate at which a duty on like spirits would for the time being be leviable in any part of British India.

They had also provided that the duty to be from time to time fixed under the Act should be notified in the local Gazette.

As it appeared that the Local Government had, since 1st April 1872, been levying duties in anticipation of the passing of this Act, the Committee had legalized such levy and barred suits in respect thereof.

Lastly, they had provided that the Act should come into force on passing and not retrospectively.

The Motion was put and agreed to,

The Hon'ble SIR RICHARD TEMPLE then moved that the Bill as amended be passed.

The PRESIDENT asked the Secretary whether, in accordance with the seventeenth Rule for the Conduct of Business, the Bill and Statement of Objects and Reasons had been published in the Vernacular language in the official Gazette of British Burma?

The SECRETARY said that he did not know. The *British Burma Gazette* was not received at Simla by the Legislative Department.

The PRESIDENT suggested that the passage of the Bill should be postponed in order that enquiries on the subject might be made.

The Hon'ble SIR RICHARD TEMPLE then asked leave to postpone his motion that the Bill as amended be passed.

Leave was granted.

SEPOY LUNATICS BILL.

Major-General the Hon'ble H. W. NORMAN introduced the Bill to provide for the admission of Native military lunatics into Asylums, and moved that it be referred to a Select Committee with instructions to report in a month. He had fully described the primary object of the Bill on his motion for leave to introduce it. He would now only add that the Bill contained a clause declaring that all Native soldiers heretofore received into Lunatic Asylums should be deemed to have been received in accordance with law; and as the

cost of Lunatic Asylums was now defrayed from Provincial Funds, the Bill further provided that the expenses of military lunatics in any Asylum should be defrayed by the Paymaster of the Military Circle within which it was situated.

The Motion was put and agreed to.

PENAL CODE AMENDMENT BILL.

The Hon'ble MR. HOBHOUSE introduced the Bill to amend the definition of 'Coin' contained in the Indian Penal Code, and moved that it be referred to a Select Committee with instructions to report in a month. At their last meeting he had sufficiently explained the necessity for the Bill.

The motion was put and agreed to.

SINDH JURISDICTION BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to amend Act No. V of 1872 (*to remove doubts as to the Jurisdiction of the High Court of Bombay over the Province of Sindh*), and moved that it be referred to a Select Committee with instructions to report in a month. He had already explained the object of this measure.

The Motion was put and agreed to.

BURMA COURTS' ACT AMENDMENT BILL.

The Hon'ble MR. HOBHOUSE also moved for leave to introduce a Bill to amend Act No. VII of 1872 (*to consolidate and amend the law relating to the Courts in British Burma*). He said that this Bill was necessitated by a mistake in the schedule to the Burma Courts' Act. Section eight of that Act gave the Court of the Deputy Commissioner, the Commissioner and the Judicial Commissioner power to hear certain appeals "where such appeal is allowed by law." But section twenty-three of Act XXIII of 1861 was the only law which allowed such appeals, and this section was repealed by the schedule and section five. Hence the need for the present Bill.

The Motion was put and agreed to.

RE-IMPORTATION OF GOODS (BURMA) BILL.

The Hon'ble SIR RICHARD TEMPLE moved for leave to introduce a Bill for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava. He said that Act IV of

1863, section one, authorised goods imported into Rangoon to be cleared at that port for the territory of the King of Ava on payment of a duty of one per cent. *ad valorem*. The present Bill was intended to authorise the re-importation into British territory of goods so cleared, on payment of the difference between that duty and the duty to which they would have been liable on first importation by sea, if cleared for home consumption.

The Motion was put and agreed to.

The following Select Committees were named :

On the Bill to provide for the admission of Native military lunatics into Asylums,—His Excellency the Commander-in-Chief, the Hon'ble Messrs. Hobhouse and Egerton, and the Mover.

On the Bill to amend the definition of 'Coin' contained in the Indian Penal Code,—the Hon'ble Mr. Bayley and the Mover.

On the Bill to amend Act No. V of 1872 (*to remove doubts as to the Jurisdiction of the High Court of Bombay over the Province of Sindh*)—the Hon'ble Mr. Bayley and the Mover.

The Council then adjourned till the 1st August 1872.

SIMLA;
The 18th July 1872. }

WHITLEY STOKES,
Secretary to the Government of India.