

Tuesday, January 5, 1875

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.

1875.

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1876.



*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 Government House on Tuesday, the 5th January, 1875.

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 Arthur Hobhouse, Q.C.

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

The Hon'ble Sir W. Muir, K.C.S.I.

The Hon'ble John Inglis, C.S.I.

The Hon'ble R. A. Dalrymple.

The Hon'ble H. H. Sutherland.

The Hon'ble J. R. Bullen Smith.

The Hon'ble Sir Douglas Forsyth, K.C.S.I.

NEW MEMBER.

The Hon'ble Sir DOUGLAS FORSYTH took his seat as an Additional Member.

DISTRESSES (PRESIDENCY TOWNS) BILL.

The Hon'ble Mr. HOBHOUSE said that, instead of the first two items in the list of business, he wished now to present a Supplementary Report of the Select Committee on the Bill to regulate Distresses for Rents in the Presidency Towns. The publication of the former Report of the Select Committee and the observations made in Council had elicited some new suggestions, and the Committee had found it desirable to make further alterations. He desired to allow some further time to elapse before asking the Council to take the Committee's Reports into consideration.

INDIAN LAW REPORTS BILL.

The Hon'ble Mr. HOBHOUSE also presented the Report of the Select Committee on the Bill to diminish the multitude and improve the quality of Law Reports and to extend the area of their authority.

HIGH COURTS CRIMINAL PROCEDURE BILL.

The Hon'ble Mr. HOBHOUSE also presented a further Report of the Select Committee on the Bill to regulate the procedure of the High Courts in the exercise of their Original Criminal Jurisdiction. He said that this was a Bill which the Council would remember was framed on the principle of applying a great many of the clauses of the Criminal Procedure Code to the High Courts in the exercise of their original criminal jurisdiction. In the Bill as introduced the clauses of the Criminal Procedure Code were referred to merely by the numbers they bore in the Code. But owing to representations received from the High Courts of Calcutta and Bombay, which he was informed by his hon'ble friend, Mr. Dalrymple, were concurred in by the highest judicial authority in Madras, the Committee had thought it right to alter the principle upon which the Bill was framed; and, instead of referring to the sections of the Code by their numbers, the Bill now set them out *in extenso*, making the alterations necessary in consequence of differences between the High Courts and the Courts of Session. That made the Bill very much larger and to a certain extent different from what it originally was. MR. HOBHOUSE had no doubt, from the work the Committee had to do in the matter, that the High Courts were perfectly right in urging upon the Committee to do what they had done, and the work would by this means be more complete than by incorporating merely by reference the clauses of the Code of Criminal Procedure. But the amount of alteration was substantial, and it would not be safe to go on with the Bill without a republication for a sufficient time, in order that the learned Judges might send in such suggestions as occurred to them. The Committee therefore recommended that the Bill be republished and not be brought again before the Council before a sufficient time should have elapsed.

· OUDH LAWS, INLAND CUSTOMS, PANJAB LAWS AND OUDH
LAND REVENUE BILLS.

The Hon'ble Mr. HOBHOUSE also moved that the Hon'ble Sir Douglas Forsyth be added to the Select Committees on the following Bills :—

For declaring what laws are in force in Oudh.

For regulating Inland Customs Duties on Salt and Sugar, and for other purposes.

For the better administration of the law in the Panjab.

To consolidate and define the law relating to the settlement and collection of Land Revenue in Oudh.

The Motion was put and agreed to.

The Council adjourned to Tuesday, the 19th January, 1875.

WHITLEY STOKES,

*Secretary to the Government of India,
Legislative Department.*

CALCUTTA;

The 5th January, 1875.