

Wednesday, November 6, 1878

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

VOL 17

Jan. - Dec.

1878

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ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Government of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

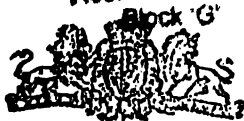
LAWS AND REGULATIONS.

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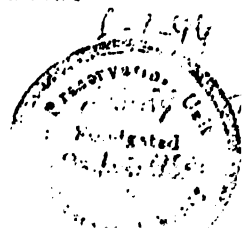


Published by the Authority of the Governor General.

CALCUTTA:

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.

1879.



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 Vict., cap. 67.

The Council met at Government House on Wednesday, the 6th November 1878.

P R E S E N T :

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

His Excellency the Commander-in-Chief, G.O.B.

Colonel the Hon'ble Sir Andrew Clarke, R.E., K.C.M.G., C.B.

The Hon'ble Whitley Stokes, C.S.I.

The Hon'ble A. R. T. Thomson, C.S.I.

Lieutenant-General the Hon'ble R. Strachey, R.E., C.S.I., F.R.S.

General the Hon'ble Sir Neville B. Chamberlain, G.O.B., G.C.S.I.

The Hon'ble B. W. Colvin.

The Hon'ble Sir Shamsherparkash, the Raja of Sirnur, K.C.S.I.

The Hon'ble T. H. Thornton, D.C.L., C.S.I.

The Hon'ble F. R. Cockerell.

The Hon'ble G. H. M. Batten.

PLEADERS ACT AMENDMENT BILL.

The Hon'ble Mr. Stokes introduced the Bill to amend the Pleadings, Mukhtars and Revenue-Agents Act, 1865, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Thornton and Cockerell and the mover. He had already explained that the object of this Bill, which had been framed at the desire of the Home Department, was to enable certain Local Governments to extend the Pleadings, Mukhtars and Revenue-Agents Act, No. XX of 1865, *in part* to the territories under their administration, and that it originated in the desire of the Madras Government to apply the provisions relating to pleadings and mukhtars, leaving those as to revenue-agents untouched. All he could say in favour of the Bill was that he believed it would attain its object. It was, he must confess, a piece of patchwork legislation; and he should much prefer to repeal the Pleadings Act (which was about the worst drawn Act of the Indian Statute-book, and which had been already twice amended) and to re-enact it with the necessary amendments of form and substance. The Committee to which he hoped the Bill would be referred would, he trusted, consider the desirability of taking this course. The opportunity might be taken of supplying a defect which he understood was much complained of in the Presidency-towns, namely, the absence of any power to make rules

under the Pleadings Act as to the qualification, admission and enrolment of proper persons as practitioners in the Presidency Courts of Small Causes. Sir Barnes Peacock, 1 Ben. A. C. 49, had held that " Courts of Small Causes " as used in the Act meant Courts of Small Causes in the mufassal established under Act XI of 1865, and the result was that the Presidency Small Cause Courts, holden under Act IX of 1850, were unprovided for in this respect.

The Motion was put and agreed to.

The Hon'ble Mr. STOKES then moved that the Bill be published in the local official Gazettes in English and in such other languages as the Local Government should think fit.

The Motion was put and agreed to.

FERRIES BILL.

The Hon'ble Mr. STOKES presented the final Report of the Select Committee on the Bill to regulate Ferries in the Panjab, the North-Western Provinces and Oudh, and moved that the Reports be taken into consideration. He said that the Bill in its second stage had found favour in the eyes of the four Local Governments concerned, and that, quite lately, the Chief Commissioners of Assam and Ajmer and Merwara had accepted the Bill as suitable to the territories administered by them respectively. The Committee had accordingly made it applicable to those territories, and the Bill would thus be the ferry-law for the whole of Northern India. The Committee had also extended section 28 of the Bill to the rash or negligent mooring, anchoring and fastening of vessels and rafts and to the rash or negligent stacking of timber. At present the section only applied to the navigation of vessels and rafts, and it might reasonably be doubted whether the Indian Courts would hold that "navigation" included mooring, anchoring and making fast. The extension of the clause to the stacking of timber had been made because it had been represented that in the Panjab and elsewhere one of the most ordinary cases of damage to boat-bridges was the careless stacking of timber on river-banks so close to the water's edge that when the river rose the timber was carried away and borne down with violence against the bridges, which were thus often greatly injured. The Committee did not consider that the alterations now made were such as to render the republication of the Bill necessary; and they recommended that the Bill as now amended be passed.

The Motion was put and agreed to.

The Hon'ble Mr. STOKES then moved that the Bill as amended be passed.

The Motion was put and agreed to.

SALT TRANSPORT BY SEA BILL.

The Hon'ble MR. STOKES also moved that the Hon'ble Messrs. Thompson, Morgan and Batten be added to the Select Committee on the Bill to restrict the transport of salt by sea.

The Motion was put and agreed to.

The Council adjourned *sine die*.

D. FITZPATRICK,
Secretary to the Government of India,
Legislative Department.

SIMLA :

The 6th November 1878. }

NOTE.—The meeting which was originally fixed for Wednesday, the 30th October 1878, was adjourned to Wednesday, the 6th November 1878.