

**Friday,
5th December, 1884**

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXIII

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Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

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1884

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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 Government House on Friday, the 5th December, 1884.

PRESENT :

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

His Honour the Lieutenant-Governor of Bengal, C.S.I., C.I.E.

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

The Hon'ble J. Gibbs, C.S.I., C.I.E.

Lieutenant-General the Hon'ble T. F. Wilson, C.B., C.I.E.

The Hon'ble C. P. Ilbert, C.I.E.

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

The Hon'ble T. C. Hope, C.S.I., C.I.E.

The Hon'ble Sir A. Colvin, K.C.M.G.

The Hon'ble Mahārājā Luchmessur Singh, Bahádur, of Darbhanga.

The Hon'ble J. W. Quinton.

The Hon'ble R. Miller.

The Hon'ble W. W. Hunter, LL.D., C.S.I., C.I.E.

The Hon'ble H. J. Reynolds.

The Hon'ble Rao Saheb Vishvanath Narayan Mandlik, C.S.I.

The Hon'ble Peári Mohan Mukerji.

PÁNCH MAHÁLS LAWS BILL, 1884.

The Hon'ble MR. ILBERT introduced the Bill to amend the law in force in the Páñch Maháls, and moved that it be sent to the Government of Bombay for opinion.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Bombay Government Gazette* in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

TARIFF ACT, 1882, AMENDMENT BILL.

The Hon'ble *SIR A. COLVIN* moved for leave to introduce a Bill to repeal part of section 6 of the Indian Tariff Act, 1882. He said :—

“The Government of Madras recently submitted a draft Bill to consolidate and amend the *shikari* law of the Presidency of Madras for sanction to its introduction in the local Legislative Council, and, on examination of its provisions, it was found that two clauses of one of its sections, imposing a duty on liquor, were, as applied to spirit, *ultra vires* of the local legislature, as the mode of fixing the excise-duty on spirit is determined by section 6 of the Indian Tariff Act, 1882. It was also feared that the penultimate clause of the latter section, by keeping in force under the authority of the Governor General's Legislative Council an unexplored mass of law existing on the 10th March, 1882, might render other provisions of that Bill *ultra vires*.

“This in itself would make it necessary that legislation should be resorted to in the Council of the Governor General, in order to prevent the Madras Bill from being declared invalid; and as, moreover, section 6 of the Tariff Act must seriously hamper any local legislature contemplating legislation like that proposed by the Madras Government, it is proposed to repeal that section, leaving it to the Local Governments to deal with the mode of fixing the duties of excise on spirit, under the other enactments locally in force, subject, so far as any discretion is allowed to them by those enactments, to the general executive control of the Government of India.

“The present Bill has accordingly been prepared. It repeals section 6 of the Tariff Act, except the last clause amending section 1 of Act XVI of 1863, which Act is still in force.”

The Motion was put and agreed to.

CARRIAGE OF PASSENGERS BY SEA BILL.

The Hon'ble *MR. ILBERT* moved for leave to introduce a Bill to amend Act II of 1860, relating to the carriage of passengers by sea. He said :—

“Act II of 1860 contains provisions for the relief and maintenance of distressed and shipwrecked emigrant-passengers, and for forwarding them to their destination when left without their consent at places other than that to which they are bound. The Act was passed under the special authority of an Act of Parliament called ‘The Passengers’ Act, 1855,’ and it required that authority, because it operates in parts of the world beyond the limits of British India. The Passengers’ Act, 1855, empowered the Indian legislature to

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[Mr. Ilbert.]

declare that Act or any part of it applicable to the carriage of passenger on any voyage from any ports or places within British India, to be specified in the Act, to any ports or places in any parts of the world whatsoever, to be also specified in the Act. The Council will observe that the terminal ports of the voyage must be specified in the Act, and that no addition can be made to their number without fresh legislation. The Act of 1860 applied the Passengers' Act, 1855, to certain voyages within specified ports, and it naturally named as ports of destination those places to which at that time emigration took place from British India. But since 1860 the number of places to which emigration takes place from British India has largely increased, and the consequence is that there are a number of emigrant-voyages to which the provisions of that Act are not applicable. That is one defect of the Act. Another defect is that the Act speaks of a passenger finding himself, without any neglect or fault of his own, within some colonial or foreign port or place other than that at which he may have contracted to land. But the Indian emigrant does not as a rule contract with the owner or charterer or master of a vessel to be carried to any particular place. In all cases falling under the present emigration law, what happens is that the contract is made by the recruiter with the emigration agent for the colony importing labour. Therefore, strictly speaking, the Indian emigrant cannot be brought under the provisions of the Act. Both these defects were brought to light in a case which recently occurred, and the object of the Bill is to remove them. The Act which it is proposed to amend is a short one, and it will probably be found the most convenient course to repeal the Act and to re-enact it with the necessary modifications."

The Motion was put and agreed to.

TRANSFER OF PROPERTY ACT, 1882, AMENDMENT BILL.

The Hon'ble MR. ILBERT also moved that the Hon'ble Peári Mohan Mukerji be added to the Select Committee on the Bill to amend the Transfer of Property Act, 1882.

The Motion was put and agreed to.

KHOJÁ SUCCESSION BILL.

The Hon'ble MR. ILBERT also moved that the Hon'ble Rao Sahib Vishvanath Narayan Mandlik be added to the Select Committee on the Bill to amend and define the law of Testamentary and Intestate Succession to Khojás.

The Motion was put and agreed to.

[*The President.*]

[5TH DECEMBER, 1884.]

At the conclusion of the business before the Legislative Council His Excellency THE PRESIDENT made the following remarks:—

“ Before this Council adjourns to this day fortnight, this being the last meeting of the Council during my tenure of office as Viceroy and Governor General of India, I am anxious to avail myself of the opportunity to express my very sincere thanks to the members of this Legislative Council, both past and present, for the very valuable assistance which they have at all times given to the Government of India in connection with the Bills which have been brought before the Council. I very fully and deeply recognise the value of their services in that respect, and I also beg to tender to them my personal acknowledgments for the aid which I have ever received from them in the consideration and discussion of the questions which have engaged the attention of this Legislative Council.

“ I may mention that, in accordance with the usual practice, members of the Legislative Council will be permitted to be present when the new Viceroy takes his seat. Lord Dufferin arrives here on Saturday afternoon, the 18th instant,—the arrangements for his reception will be duly notified in the Gazette,—and the members of this Council who may be present to receive him will follow him into this room, where he will take his seat.”

The Council adjourned to Friday, the 19th December, 1884.

FORT WILLIAM; }
The 9th December, 1884.

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