

Friday, March 12, 1880

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

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ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS.
1880.

WITH INDEX.

VOL. XIX.

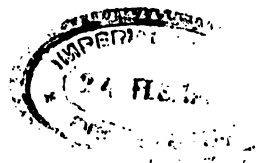
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1881.



*Abstract of 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 12th March, 1880.

PRESENT :

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

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

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

The Hon'ble Sir A. J. Arbuthnot, K.C.S.I., C.I.E.

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

General the Hon'ble Sir E. B. Johnson, R.A., K.C.B., C.I.E.

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

The Hon'ble Rivers Thompson, C.S.I.

Major-General the Hon'ble A. Fraser, C.B., R.E.

The Hon'ble Sayyad Ahmad Khán Bahádur, C.S.I.

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

Hon'ble B. W. Colvin.

The Hon'ble Mahárájá Jotíndra Mohan Tagore, C.S.I.

The Hon'ble C. Grant.

The Hon'ble E. C. Morgan.

The Hon'ble J. Pitt Kennedy.

The Hon'ble G. C. Paul, C.I.E.

The Hon'ble H. J. Reynolds.

JHÁNSÍ ENCUMBERED ESTATES RELIEF BILL.

The Hon'ble MR. COLVIN introduced the Bill to provide for the relief of Encumbered estates in the Jhánsí Division of the North-Western Provinces.

INDIAN LIMITATION ACT, 1877, AMENDMENT BILL.

The Hon'ble MR. STOKES moved for leave to introduce a Bill to correct a clerical error in the Indian Limitation Act, 1877. He said that the Code of Civil Procedure, section 366, as amended by Act XII of 1879, provided that where a sole plaintiff died and his legal representative did not, within the time limited by law, apply to be placed on the record, the Court should, on the

application of the defendant, award him certain costs or pass a certain order. The "time limited by law" for the application by the representative was sixty days from the date of the plaintiff's death, and the intention was that the defendant should have a further period of sixty days in case the representative failed to make his application within due time. Owing, however, to a clerical error, the period prescribed for the defendant's application was also sixty days from the date of the plaintiff's death, and the result was (as had been observed by a learned Judge) that the right to apply under the Code, section 366, was barred by limitation as soon as it accrued. The object of the present Bill was simply to correct this error by giving the defendant a period of sixty days from the expiration of the period allowed to the representative.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also introduced the Bill, which ran as follows:—

"A Bill to correct a clerical error in the Indian Limitation Act, 1877.

In the second schedule to the Indian Limitation Act, 1877, No. 171A, column three, for the words 'The date of the plaintiff's death' the words 'The sixtieth day from the date of the plaintiff's death' shall be, and be deemed to have always been, substituted."

The Hon'ble MR. STOKES also applied to His Excellency the President to suspend the Rules for the Conduct of Business. The error might involve serious consequences, and should be corrected at once.

The PRESIDENT declared the Rules suspended.

The Hon'ble MR. STOKES then moved that the Bill be taken into consideration. He believed that it would effect its object, and he was sure that it had one merit—extreme brevity—which would be appreciated by the Council and the public.

The Motion was put and agreed to.

The Hon'ble MR. STOKES also moved that the Bill be passed.

The Motion was put and agreed to.

NORTH-WESTERN PROVINCES RENT ACT, 1873, AMENDMENT BILL.

The Hon'ble MR. COLVIN introduced the Bill to amend the North-Western Provinces Rent Act, 1873.

VACCINATION BILL.

The Hon'ble SAYYAD AHMAD KHÁN asked leave to postpone the presentation of the Report of the Select Committee on the Bill for giving power to prohibit the practice of inoculation, and to make the vaccination of children compulsory in certain Municipalities and Cantonments.

Leave was granted.

FACTORIES BILL.

The Hon'ble MR. COLVIN asked leave to postpone the Motion that the Report of the Select Committee on the Bill to regulate labour in Factories be taken into consideration. He said that objection had been taken to proceeding with the Bill on the ground that sufficient time had not been allowed for discussing the change which the Select Committee had introduced into the Bill, by which it had been converted from a permissive, into a compulsory, measure, and he understood that the Government wished to give further time for a full discussion of the proposed alteration.

Leave was granted.

The Council adjourned *sine die*.

CALCUTTA ;
The 12th March, 1880. }

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