

Wednesday,
7th June, 1882

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXI

Jan.-Dec., 1882

Not to be taken away.

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1882.

VOL. XXI.

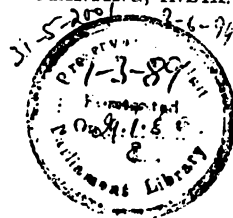
Gazettes & Debates Section
Parliament Library Building
Room No. FB-025
Block 'B'



Published by the Authority of the Governor General.

CALCUTTA:

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1883.



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, Simla, on Wednesday, the 7th June, 1882.

P R E S E N T :

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

His Honour the Lieutenant-Governor of the Panjáb, K.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.

Major the Hon'ble E. Baring, R.A., C.S.I., C.I.E.

Major-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. O. Bayley, K.C.S.I., C.I.E.

The Hon'ble C. H. T. Crosthwaite.

The Hon'ble W. O. Plowden.

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

PORTS ACT AMENDMENT BILL.

The Hon'ble MR. ILBERT moved that the Report of the Select Committee on the Bill to exempt certain vessels from the Indian Ports Act, 1875, section 38, be taken into consideration. He said :—

"The original object of this Bill was very limited. It was merely to exempt certain Native vessels in Bombay harbour from particular provisions of the Act as to compulsory pilotage. The Bill was referred to a Select Committee, and, whilst it was in that stage, an application was made to exempt pleasure-yachts from liability to harbour-dues. It appeared on enquiry that pleasure-yachts are exempted from such dues, not only in English waters, but, as I understand, throughout European waters, and that the amount now levied in respect of these dues in British Indian waters is so trifling as not to compensate for the trouble and annoyance caused by the levy. Under these circumstances, we have, on the recommendation of the Government of India in the Financial

Department, added a section amending the Indian Ports Act in such a way as to exempt pleasure-yachts throughout British India from the payment of port-dues, and we have amended the title of the Bill in such a way as to make it correspond to its extended scope.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

PETROLEUM BILL.

The Hon'ble MR. ILBERT also moved that the Bill to modify temporarily certain provisions of the Petroleum Act, 1881, be taken into consideration. He said:—

“This Bill, as I stated on the occasion of the last meeting of the Council, was introduced in compliance with the request of the Secretary of State, and for the following reasons: It will be remembered that under the Act of 1881 the dangerous quality of petroleum is ascertained by a certain chemical test, which is described in the schedule to the Act, and is commonly known as Abel's test. Now, Professor Abel has recently advised the Secretary of State that conditions of climate make the test provided by the Act of 1881—his own test be it remembered—so uncertain as to be inapplicable in India. That is a very serious statement, and it is one which appears to shake the scientific foundations on which the Act of 1881 rests; and, if it is to be accepted as sound, it is difficult to avoid the conclusion that the Act of 1881 is unsuitable, and ought to be amended as soon as possible. Under these circumstances, and in order to meet certain cases which, as it was alleged, involved considerable hardship under the existing law, the Secretary of State suggested the expediency of passing forthwith a short temporary measure admitting petroleum on certificates granted at the port of departure. In deference to this suggestion, and to the opinion of the eminent scientific authority on which it was based, we prepared and introduced the present measure.

“It will be observed that this measure is temporary, provisional, and, above all things, permissive. It is temporary, as it is contemplated that it shall, after passing, continue in force only until the first day of January, 1883, or until such later date as the Governor General in Council may by notification direct. It is, on the face of it, provisional, as it is only intended to make provision for what is to be done pending certain further scientific inquiries considered necessary. Finally, it is permissive, as it does not come into operation of its own force, but

merely enables the Governor General in Council to accept certain tests other than those provided by the Act of 1881, if on inquiry he is satisfied that they are sufficient.

"Further than that we were not prepared to go. We thought that we might with safety go so far, not intending to bring the Act into operation at once, but merely to take power to modify the Act in such a way as should be found suitable if on enquiry it was considered expedient to do so. Notwithstanding the passing of the Act, we should still have had to decide in our executive capacity what effect should be given to it. However, various representations have been made to us; we are instituting further inquiry, and, on the whole, we think it expedient not to proceed, even legislatively, with the measure in such a way as to produce the appearance of undue hurry; and in particular we are anxious to consult and obtain the opinion of such bodies as the Calcutta Chamber of Commerce. I shall, therefore, only move that the Bill be taken into consideration, and I do not propose to move that the rules for the conduct of business be in any way suspended.

"The Bill will be published in the ordinary course."

Major the Hon'ble E. BARING said:—"I merely wish to say that I entirely approve of the postponement of this measure. It deals with a question which is new to myself, and possibly to other Members of Council. I think that, before it is passed into law, both this Council and the public should have some further time to consider its provisions."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT asked for leave to postpone the Motion that the Bill be passed.

Leave was granted.

The Council adjourned to Wednesday, the 14th June, 1882.

SIMLA;
The 7th June, 1882. }

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