

*Thursday,
31st January, 1895*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,
LAWS AND REGULATIONS

Vol. XXXIV

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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,

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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 Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Government House on Thursday, the 31st January, 1895.

PRESENT :

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

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

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

The Hon'ble Sir A. E. Miller, Kt., Q.C.

The Hon'ble Lieutenant-General Sir H. Brackenbury, K.C.B., R.A.

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

The Hon'ble Sir J. Westland, K.C.S.I.

The Hon'ble Sir A. P. MacDonnell, K.C.S.I.

The Hon'ble A. S. Lethbridge, M.D., C.S.I.

The Hon'ble P. M. Mehta, M.A., C.I.E.

The Hon'ble Gangadhar Rao Madhav Chitnavis.

The Hon'ble H. F. Clogstoun, C.S.I.

The Hon'ble W. Lee-Warner, C.S.I.

The Hon'ble P. Playfair.

The Hon'ble Mahárájá Partab Narayan Singh of Ajudhiá.

The Hon'ble Prince Sir Jahan Kadr Meerza Muhammad Wahid Ali Bahá-
dur, K.C.I.E.

The Hon'ble Mohiny Mohun Roy.

The Hon'ble Sir F. W. R. Fryer, K.C.S.I.

The Hon'ble C. C. Stevens, C.S.I.

MERCHANT SHIPPING BILL.

The Hon'ble MR. CLOGSTOUN moved that the Bill to consolidate and amend certain Indian enactments relating to Merchant Shipping and the carriage of passengers by sea be referred to a Select Committee consisting of the Hon'ble Sir Alexander Miller, the Hon'ble Sir James Westland, the Hon'ble Dr. Lethbridge, the Hon'ble Mr. Mehta, the Hon'ble Mr. Playfair, the Hon'ble

Mr. Stevens and the Mover. He said:—"The Bill which it is now proposed to refer to a Select Committee was introduced into this Council so far back as the 20th October, 1892, by my hon'ble friend the Legal Member. It was then forwarded for consideration to all the Local Governments, by whom copies of the Bill have been widely circulated with the object of obtaining the opinions of all bodies interested. A large amount of valuable criticism on the Bill has been received which will be carefully considered by the Select Committee.

"Before entering into any description of the plan of the Bill and of the objects of the amendments which it proposes to make in the existing law, it will be well to refer to a suggestion made by two important bodies largely representative of the shipping interests of the United Kingdom, that the measure now before the Council should be restricted to one of consolidation of the various enactments now in force; all consideration of the proposed amendments to the existing law being postponed until a measure consolidating the existing Merchant Shipping Law has been passed through this Council. Something might have been said for this proposal if it had been brought forward two years ago when the Bill was first introduced. Acceptance of the suggestion at this period would render it necessary to defer for a year the consideration of the important amendments of the existing law which are contained in the Bill, which have already received most careful consideration from all bodies interested, and which are generally admitted to be necessary. It is not alleged by any one interested in the proposed amendments that a sufficient time has not been allowed for their consideration, or that their consideration has been prejudiced by the want of a consolidated enactment, and by the fact that the law to be amended has had to be searched for in numerous separate enactments; and, now that the time for passing the proposed amendments into law has arrived, it can hardly be questioned that the proper course is to amend the law while consolidating it, rather than first proceed to consolidate it and then immediately set to work to amend it.

"The representations of the important bodies to which I have just referred must, it seems to me, have been made with a want of clear knowledge of the nature of the amendments which it is proposed to make in the existing Indian law. Whatever may be said against these amendments from the point of view of Indian shipowners, they are mainly directed, as pointed out by the Hon'ble Sir Alexander Miller in introducing the Bill, to bringing the Indian law more and more into accord with the English Merchant Shipping Law, which for years

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has been consistently taken as its guide by the Government of India in all merchant shipping legislation which it has initiated.

“Another important suggestion made by a representative body of ship-owners in the United Kingdom has reference to the form and wording of the Indian law. This body—the Liverpool Shipowners Association—calls attention to ‘the harrassing effect of a want of exact uniformity (on all points where uniformity is possible) between the Imperial law and the law of India,’ and expresses ‘the hope that the wording of the Statute of 1894 may be adopted as far as possible in the Indian Bill.’ No one, my Lord, will gainsay the importance of this suggestion, but the statement of the Hon’ble the Legal Member which I have already referred to, that the main objects of the amendments proposed are to bring the Indian law into accord with the English law in all essentials, may be accepted as showing that this principle of uniformity has been followed wherever possible. In the wording and in the arrangement of the Indian Bill there certainly exists considerable difference as compared with the wording and arrangement adopted in the English Merchant Shipping Act, 1894. These differences are mainly due to the fact that the Indian Bill was drawn up in 1892 while the English Act was drawn up two years later. Before taking up the consideration of the Bill I was myself much impressed with the desirability of getting rid of all these avoidable differences. A careful comparison of the Indian Bill with the English Act has, however, convinced me that too much stress may easily be laid on the differences of wording and of arrangement which exist. I have myself experienced but little difficulty in making this comparison, though it is a work to which I am unaccustomed, and I do not think that any great difficulty is likely to be experienced by any one concerned in understanding the various requirements of the two laws. I desire to express my cordial concurrence in the remarks made by Sir Alexander Miller in introducing the Bill when he expressed his strong sense of the skill, labour and attention bestowed upon the Bill by Mr. O’Conor, Mr. Bestic and Mr. Wigley, and of the general excellence of the drafting. I would also bear my testimony to the great clearness of the language in which the English law is expressed. The two laws are so clear that their intent can be easily ascertained. Under these circumstances, I would beg the Council not to waste the months of labour which have been devoted to the Indian Bill by the able men who have drawn it up, but to accept the assurance, which His Excellency will, I am sure, allow me to give, that all important differences between the wording and arrangement of the two laws shall be considered in the Select Committee, with the view of bringing the wording and arrangements of the two laws as much in accord as may be considered by the Select Committee to be practicable.

"So long a time has elapsed since the Bill was first laid before the Council that it will be advisable for me, before referring to any of the suggestions which have been made by the various bodies to which the Bill has been submitted, to give as briefly as I can a sketch of the objects and scope of the Bill and of the amendments which it is proposed to make in the existing law. In doing so I make no apology for availing myself largely of the speech made by the Hon'ble Sir Alexander Miller in introducing the Bill, to which, and to the note drawn up by Mr. Wigley which was circulated with the Bill, I would draw the attention of all Hon'ble Members.

"The Bill as it stands, comprising 415 sections, consolidates 14 entire Acts, and portions of 10 other Acts, or in other words some 506 entire sections besides portions of other sections, and it carries the process of consolidation as far as has been found to be practicable. The Bill is divided into forty-five chapters which have been grouped in ten parts. It will, however, be proposed in Select Committee to eliminate the whole of Part X from the present Bill.

"The part of the Bill in question, Part X, deals entirely with inland steamships, and it is considered undesirable that provisions relating to inland vessels only should find place in a Merchant Shipping Bill, the law on this latter subject being liable to be affected by legislation in England, while the regulation of inland steamships is a matter solely within the scope of Indian legislation.

"The Bill then, as it will be dealt with in Select Committee and as I propose to deal with it to-day, consists of the following nine parts:—

"Part I contains the usual preliminary clauses.

"Part II deals with the subject of measurement and registry of British ships.

"Part III, which contains eighteen chapters or nearly one-half of the whole, deals with masters, seamen and apprentices.

"Part IV deals with the rules for safety and prevention of accidents.

"Part V contains the law relating to wrecks, casualties and investigations.

"Part VI deals with assistance to passengers abroad.

"Part VII contains the law relating to Native passenger ships.

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“ Part VIII deals with coast-light dues, and

“ Part IX, which is headed ‘ Miscellaneous,’ contains a number of miscellaneous provisions.

“ I will deal with each part separately, but while I shall be as brief as is possible I will endeavour not to pass over any amendment of importance which it is proposed to make in the existing law.

“ There is nothing in Part I calling for remark save that the omission in the Bill to define the term ‘ British ship,’ a term so frequently used in the Bill, is due to the fact that the term is defined in the English Act, and that we can neither add to, nor alter, the definition. The Select Committee will, however, consider whether the definition in the English Act should not be inserted in the Bill.

“ Part II deals, as I have already said, with the registry and measurement of British ships. The state of the existing law in regard to this subject was explained, in considerable detail, by the Hon’ble Member who introduced the Bill, and it is, I think, unnecessary for me to go further into that question. What the Bill proposes to do is to repeal all the Indian Acts so far as they relate to registration and measurement, and to leave all British ships registered in India, with the exception I shall presently note, to be registered under the English Merchant Shipping Act, which applies to the whole of Her Majesty’s dominions. This course will tend to ensure a uniform system of measurement for all British ships wherever built—a uniformity on the desirability of which every one is, I think, agreed. The exception I have referred to above is that of Native coasting ships as defined in section 8. The system of measurement prescribed for ordinary British ships is inapplicable to the Native vessels referred to, which are not square-rigged and are usually of a peculiar build, and it is necessary to make special provisions for the measurement of these ships. It is proposed, therefore, in the Bill, following the course which the English Act provides for such cases, to repeal all provisions of the English law in regard to registration and measurement in so far as they relate to the Native ships in question, and to empower the Local Governments, subject to the sanction of the Government of India, to make special rules for these ships. The Bill further proposes to require that all British ships registered under Act XIX of 1838 or Act X of 1841 shall be re-registered within a period of twelve months under the English law. No charge will be made for this re-registration.

“ I now come to Part III of the Bill, which deals not with the ships, but with the requirements, rights, duties, discipline, etc., of the masters, seamen and apprentices who man the ships.

“ The first important amendment in this part is that embodied in section 31 of the Bill, which prescribes what class of British ship is to be required to carry a certificated master and a certificated mate or mates. Under the existing law no foreign-going ship or home-trade ship of a burden exceeding three hundred tons may go to sea from any port in India, unless the master and one officer besides the master are duly certificated. In practice, however, no passenger ship which, if a sailing vessel, carries more than thirty passengers, or if a steam-ship carries more than sixty passengers, can leave port without a certificated master and mate, as she is required under the Native Passengers Act, 1887, to have the proper complement of officers and seamen, and the proper complement of officers is held, and rightly held, to mean the proper complement of duly qualified officers.

“ From the provisions of the law above quoted are excepted at present all ships registered under Act X of 1841 and trading between ports in India and the coast of Arabia when such ships are navigated and manned exclusively by Arabs, lascars or other Asiatic masters and seamen. These last ships are exempt altogether from carrying certificated officers unless they carry thirty passengers if a sailing vessel, or sixty passengers if a steamer.

“ The Bill proposes that no foreign-going British ship shall proceed to sea without a duly certificated master, while if she is of a burden of one hundred tons or upwards she must have in addition at least one duly qualified mate.

“ If the ship is a home-trade British ship, that is to say, a coasting ship or a ship trading between any port in British India and any port or place on the Continent of India, or in the Straits Settlements or in the island of Ceylon, it is, if it carries passengers, required in all cases to have a duly certificated master, and to have additional certificated officers if of a burden of one hundred tons or upwards. In the case of non-passenger home-trade ships the Bill requires, in the case of ships of one hundred tons or upwards, the same staff of duly certificated officers as is required for passenger ships. No certificated officer is required for a non-passenger home-trade ship of less than one hundred tons. Briefly stated, the difference between the existing law and the Bill is as follows. In the case of cargo ships, that is to say, non-passenger home-trade ships, the existing law requires no certificated officer if the ship is of a burden not exceeding three hundred tons. The Bill requires duly certificated officers in all cases where such ship is of a burden of one hundred tons or upwards.

“ In the case of passenger ships the existing law as at present enforced requires duly certificated officers for all sailing ships carrying over thirty Native

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passengers and for all steamers carrying over sixty Native passengers. The Bill requires duly certificated officers for all passenger ships without exception. It should be explained that the Bill makes an exception, as does the existing law, in the case of ships navigated and manned exclusively by Arabs, lascars or other Asiatic masters and seamen, but the Bill limits the exemption to sailing ships so manned, though it extends it to all such ships wherever they may be trading and not to such ships only as trade between ports in India and the ports of Arabia.

“ The proposed amendments to the law in the case of British ships other than those dealt with in the above exception bring the Indian law into close accord with the English law, and are based on the consideration that the increase which has taken place in recent years in the number of officers already certificated or capable of obtaining the necessary certificates renders it unnecessary that any ships save the few which it is proposed to exempt should be allowed to go to sea without certificated officers.

“ It has been pointed out by some of the officers who have criticised the Bill that the requirement of certificated officers for all classes of passenger ships may impose hardships on vessels carrying under thirty passengers, as the owners are as a rule unable to pay for certificated masters, and it is considered possible that passengers who cannot afford to travel by steamers will take their passage by small vessels of fifteen tons and under, which are not affected by this clause. The Government of Bengal makes no objections to the proposed amendments, save indirectly, by proposing that the certificate required shall be granted on easy terms to certain classes of experienced officers without the necessity for their passing an examination.

“ The proposed amendments make a very important alteration in the law and will require—and will, I am sure, receive—very careful consideration by the Select Committee.

“ There are some useful provisions inserted in this part of the Bill with a view to securing that seamen shall not be bound by agreements which have not been properly explained to and understood by them, and the attention of the Council is invited to section 93, which gives the Court, before which any proceeding is pending relative to a dispute between master and seaman, or master and apprentice, an equitable power of going behind the bond.

“ Under the existing Indian law an agreement in the form prescribed by law is required to be entered into between the master and the crew of

every ship, except home-trade ships of a burden of three hundred tons and under. The Bill, following the English law, requires that the prescribed agreement shall be entered into in the case of every ship, except home-trade ships of less than eighty tons burden. No objection has been raised, as far as I can learn, to the proposed amendment.

"Sections 97 and 100 provide for the recovery of the wages of seamen or apprentices who are lost with their ship, while section 106 introduces into India regulations similar to those in force in the United Kingdom in regard to the inspection of seamen's provisions of a particular class.

"The necessity for inspecting seamen's provisions has been felt in India as well as in England. My hon'ble friend in introducing the Bill alluded to the case of the *Crofton Hall* as one specially in point. It is hoped that this section, in conjunction with section 109, which embodies the existing Indian law as to the inspection of provisions and water, will be found to provide sufficiently for the inspection of provisions and water of the crews, both lascar and European, of ships, both home-trade and foreign-going.

"Certain of the English shipping associations who have addressed the Government of India in regard to this Bill have strongly urged that a saving clause should be introduced into the Bill providing that British ships which have conformed to the English law as to the inspection of provisions, and also as to load-line and life-saving appliances, may be exempted from being again subject to the expense and inconvenience of survey on the same matters while in Indian ports.

"I need not say, my Lord, that where a double inspection can be avoided it should be avoided. It is the object of the Bill to avoid all interference with ships and seamen that is not absolutely necessary, and I am sure that the Select Committee and the Council will go as far as it possibly can to meet the reasonable demands of the English shipping companies. The last few words in section 109 of the Bill were added for the express purpose of preventing double inspections.

"It has been urged by a Local Government that no inspection can be effective for the purpose desired, and that the fact that the provisions have been officially certified to be fit for use will have a bad effect in lessening the responsibility of the master and owners. There is some force in these remarks, but it will probably appear to the Council that if, as is the case, the existing Indian law has led to more than one preventible disaster, a change in the law in the direction proposed in the Bill should be tried.

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“ I come now to that section in the Bill—section 113—which deals with the provision of accommodation for seamen and apprentices.

“ The Bill as introduced by my hon'ble friend made a slight alteration in the existing law in regard to the accommodation to be allowed to European seamen or apprentices, and gave to each such seaman or apprentice a space of twelve superficial and seventy-two cubic feet in lieu of the space of ten superficial and sixty cubic feet which has been allowed to them by Indian law since Act XIII of 1876 was passed. No change was proposed in the Bill in regard to the space allotted for lascars, which, according to existing law and according to the Bill as introduced, is six superficial and thirty-six cubic feet, or exactly half that which it is proposed to allow to European seamen. But, as it was generally felt and admitted that the space allowed to lascars, if it was allowed to be cumbered up by the large boxes they were accustomed to carry, was too small for their health and comfort, the Bill proposed (section 114) to empower the master of a ship to refuse to allow a lascar to carry in his berth any chest of greater capacity than six cubic feet. Serious objection, however, has been taken by all the maritime Local Governments in India to the insufficiency of the space that will be available for lascars even with the proposed limitation as to the size of boxes. Grave objections have also been raised in England as to the special insufficiency of the allowance in cold climates, and the Government of India has been so impressed with the force and gravity of these objections that it has determined to propose in the Select Committee an amendment to the Bill in view to granting to lascars the same area as that proposed in the Bill as the statutory minimum for European seamen, and a further amendment to omit section 114 from the Bill.

“ The proposed amendment is of such importance that it may be well that I should enter a little fuller into its history.

“ I may remind the Council that under Act I of 1859, the Merchant Seamen's Act (India), the space allotted to lascars was four superficial and eighteen to twenty-four cubic feet, while that for European seamen and apprentices was nine superficial feet and fifty-four cubic feet.

“ In 1876, by Act X of that year, the space for European seamen was raised to ten superficial feet and sixty cubic feet, and that for lascars to six superficial feet and thirty-six cubic feet. There seems to have been no discussion in the Legislative Council in 1876 on the proposal to give the increase referred to to lascars, and no representations opposing it seem to

have been received from any of the shipping bodies interested. The increase seems to have been generally admitted to be just and necessary, and it seems very probable that it had been allowed in practice before it was actually enforced by law.

"In July, 1891, a communication was received by the Government of India from the Secretary of State, containing a letter from the Medical Officer of Health of the Port of London, in which that officer pointed that both the superficial and the cubic space allowed to lascars were 'extremely small—in fact, far too small for health.' The Health Officer went on to observe that the space allowed to a lascar was in reality not available, as much of it was taken up by his trunk, many of the trunks being from 8 to 10 cubic feet, and he suggested that a practical way of dealing with the difficulty of providing a space sufficient for the lascar's health would be to fix a maximum size for the trunks. Two to three cubic feet was suggested. The suggestion of the Health Officer to limit the size of the trunks was communicated to the Marine Superintendents in London of the Peninsular and Oriental Steam Navigation Company and of the British India Steam Navigation Company. The former officer observed that, speaking from a long experience of Native crews, he heartily approved of the suggestion. It would, he observed, 'greatly improve the health and comfort of the men if a limit was made and strictly adhered to,' and he suggested a limit of a little over two cubic feet. The latter officer also agreed with the suggestion. It would, he stated, 'conduce to the health and comfort of the men if a limit were made' to the size of the boxes, 'as, in consequence of the large amount of room taken up by the boxes, the quarters of the crew could not be so thoroughly cleansed as could be wished.' He suggested a maximum limit of about $3\frac{1}{2}$ cubic feet.

"The Local Governments to whom the communication from the Secretary of State was referred for opinion were generally in favour of placing some restriction on the size of the boxes, but an important letter was received through the Bombay Government from the Health Officer of the Port of Bombay which seemed to minimise the importance of making any such reduction by law. Surgeon-Major MacCartie, the Health Officer of the Port of Bombay, while reporting that there was no evidence to warrant an opinion that lascars suffer from diseases due to overcrowding on boardship, pointed out that the insufficiency of lascar crew space had only been observed in the case of one large shipping company, which compared most unfavorably with other lines

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carrying lascars crews. Of the crew space in the British India Steam Navigation Company's vessels the Health Officer was unable to offer any opinion, as these ships do not sail direct to Europe from Bombay, and are rarely inspected there. Regarding other lines of steamers he remarked as follows :—

'Almost all other steamers, with a few exceptions in cases of very old vessels, for European ports with lascar crews have a crew space per head generally very much in excess of the legal six superficial feet and thirty-six cubic feet ; in many instances double that space.'

"He instanced the following shipping lines trading regularly between Bombay and European ports as examples of this increased crew accommodation :—

"McIvor ; Bedouin ; Wood ; Hall ; Anchor ; Knight ; MacVicar ; Marshall & Co. ; E. Bates & Co. ; Bombay and London Steam Ship Company.

"In accordance with the general opinions expressed by the Local Governments it was decided to insert section 114 (the section limiting the size of the lascars' boxes) in the Bill which the Council is now considering, and which was about then to be circulated for the opinions of the various Local Governments and the various bodies interested. The opinions of the Local Governments on the question of the space to be allotted to lascars were received some during 1893 and some during the past year, and will be found in the papers relating to the Bill which are in the hands of Hon'ble Members.

"The Government of Madras, replying in 1893, stated that it considered the space allowed to lascars by section 113 of the Bill to be insufficient, and it recommended that it should be raised to at least nine superficial and fifty-four cubic feet.

"The Government of Bombay quoted the opinions of the Port Officer, Bombay, and the Health Officer of the Port, that the space allowed to lascars was insufficient for the health and comfort of the men, and it recommended that the same amount of space should be allowed for lascars as it was proposed to give to European seamen.

"The Secretary to the Government of Bengal reported that in the opinion of the Lieutenant-Governor the space allowed to lascars was insufficient for the health and comfort of the crew. It was pointed out that the same amount of space was considered by the Native Passenger Ships Commission inadequate for Native passengers on a short voyage, and the Lieutenant-Governor recommended that nine square feet and fifty-four cubic feet should be allowed for a lascar.

"The Chief Commissioner, Burma, observed that no evidence was forthcoming to show that the space at present allotted by law for lascars was too small for health. At the same time he intimated his approval of a proposal to raise the space in proportion to the increase provided in the case of European seamen.

"The Council will observe from what I have stated that there was a very strong opinion on the part of three out of four local Maritime Governments that an increase of space was necessary, and that at least nine superficial feet and fifty-four cubic feet should be granted to lascars. The Bombay Government would have given more—would have given, that is to say, the same allowance as the Bill gives to European seamen.

"At this stage the communication was received from the Secretary of State which determined the Government to move the amendment of which I have already spoken—an amendment which will give to lascars the amount of space which is granted to European seamen, and which, as I have shown, is the amount recommended for them by the Government of Bombay. The communication referred to was an intimation from the Secretary of State that the Board of Trade—in the exercise, I understand, of its undoubted powers—had determined to require in all British ships the same allowance of space for lascars as for other seamen, and to disallow all tonnage deduction for crew space on such vessels until this requirement had been complied with. The Secretary of State further desired that the question as to the amount of space to be provided for lascars in the Bill under consideration should be reconsidered. The action of the Board of Trade, I should explain, was based on reports from its officers as to the overcrowded and unhealthy state of the lascars' cabins in certain ships inspected, and of the impossibility of entering them to make a proper inspection owing to the offensive smell and filth.

"Such, my Lord, as I understand them, are the circumstances which have determined the Government of India to move in Select Committee the amendment of which I have given notice.

"Of the inadequacy of the six superficial and thirty-six cubic feet which the Bill allows to lascars there cannot, I think, be much difference of opinion. I would ask the Council to consider how very small this space is and to realise that representatives of important shipping companies have had to recommend that to render this small space fit for the health and comfort of the lascars their trunks must be cut down to a size which my hon'ble friend the Legal Member describes as that of an average office box. Whether it is necessary to give the

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lascar a space as much as double that which the law now gives him is a question which the Council must hereafter decide. To me I cannot say that the proposed increase seems excessive. The Council has heard that as much space, or nearly as much space, is already given to lascars by numerous important steamship companies trading to Bombay, and I would remind the Council that, though the increased space may bring the lascar's statutory minimum to the same amount as that allotted by law to European seamen, yet that as a matter of fact it will still be largely below that which the Board of Trade states it has reason to believe is allowed by very many, if not the majority, of British shipowners, namely, one hundred and twenty cubic feet or nearly double the statutory minimum.

" Section 116 somewhat extends the existing liabilities of shipowners in the case of the illness or death of a master, seaman or apprentice. The Bill follows closely the English law on the subject.

" Section 135 adapts to India the provisions of the English law for the protection of seamen charged with desertion, in cases where the defence consists of an allegation of unseaworthiness or unsafety of the ship, or insufficiency of accommodation for the crew.

" There are, I think, no further amendments calling for remark in this Part of the Bill.

" Part IV of the Bill deals with safety and prevention of accidents. The first chapter (XXI) is new, and imposes upon Local Governments, subject to the sanction of the Governor General in Council, the duty of determining the requirements of British ships in regard to life-saving appliances, such as boats, life-boats, life-rafts, life-buoys, etc. Native craft, not square-rigged, have been exempted from the provisions of the chapter. Exception has been taken to the propriety of this exemption, especially in the case of the larger Native craft, and the point will be further carefully considered by the Select Committee.

" Under the Bill nothing in Chapter XXIV, which relates to unsafe ships, to the marking of a load-line, etc., refers to any home-trade ship of a burden of less than one hundred and fifty tons. It has been represented by the Government of Bombay that this exemption goes too far, and that in the case of steamers the exemption should, following the English law, be limited to steamers of less than eighty tons burden. A somewhat similar representation is made by the Government of Bengal. These representations will be duly considered by the Select Committee.

"Under section 206 of the Bill every ship so loaded as to submerge in perfectly smooth salt water the centre of the disc placed on it under the load-line regulations shall be deemed to be 'unsafe.' It is suggested by the Superintendent, Preventive Service, Bombay, and by the Collector of Customs, Bombay, and the suggestion is approved of by the Local Government, that power shall be taken in the Act in case of dispute to take a ship into a wet basin or dock in order to ascertain whether or not the centre of the disc is submerged, as generally in the stream on account of the roughness of the sea it would be difficult to decide in such cases. If the proposed amendment should be accepted, it will have to be considered whether, in case the ship is found not to be too deeply submerged, the cost of moving her into dock should be borne by the State.

"The rest of Part IV is practically the re-enactment of existing law. Exception is taken to the law on some minor points, but it is not now necessary to refer to these points.

"Part V deals with wrecks, casualties and investigations, but neither Part V, Part VI, Part VIII nor Part IX of the Act call for any detailed remarks from me at this stage, though I would refer Hon'ble Members to the remarks made on these chapters by the Hon'ble Sir Alexander Miller in introducing the Bill. Some valuable criticisms on Part V have been received from Mr. Leggett, solicitor, Karachi, and from others which will be carefully considered by the Select Committee.

"It will therefore be necessary for me further to detain the Council only while I make a few remarks on Part VII of the Bill. This part of the Bill embodies the law in regard to Native passenger ships which is now mainly contained in Act X of 1887, but the Bill also contains some important amendments to the law as it stands in that Act. The majority of the amendments which it is proposed to make in the law relating to Native passenger ships are the result of the recommendations made by a Committee appointed by the Government of India in 1890 to consider the working of the Native Passenger Ships Act, 1887. The Committee was presided over by my hon'ble friend Dr. Lethbridge and comprised among its members representatives of the Peninsular and Oriental Steam Navigation Company, the British India Steam Navigation Company and the Asiatic Steam Navigation Company, and it submitted a report which I understand was unanimous.

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“The more important questions referred to the Committee were—

“(1) as to whether the allotment of space made in practice in Native passenger ships was in accordance with the Act, and whether it involved overcrowding in any case;

“(2) as to the nature of the voyages, and the number of the passengers carried, which should be held to necessitate the employment of a medical officer on a Native passenger ship,

“The Committee was also required to consider any cognate matters that might come before it, or which it might consider proper to be examined other than those specially referred to it, and it made many valuable recommendations affecting the comfort and convenience of Native passengers which will be embodied in the rules to be drawn up under section 324 of the Act.

“In connection with the question of accommodation to be allowed to Native passengers, amendments have been suggested in the law which, while providing for what, though very small, is held to be a sufficiency of space on excursion or shelter-port or short voyages, will ensure to the Native passengers on long voyages, and on short voyages in foul weather, an amount of carefully protected accommodation which is absolutely necessary, but which the existing law does not give them.

“In regard to the cases in which a medical officer shall be required on a Native passenger ship, the recommendations of the Committee are embodied in section 291 of the Bill. The section, however, as it stands in the Bill goes somewhat beyond the recommendations of the Committee, which confined its recommendations to the case of Native passenger traffic on the East Coast of India. There is reason to believe that the absence of any recommendation in regard to passenger traffic on the West Coast was due to oversight and does not imply that in the opinion of the Committee the presence of a medical officer is in no case necessary in the case of Native passenger ships on the West Coast. There certainly are voyages made on the West Coast of India in which the presence of a medical officer is as essential as in the particular voyages specified in the section on the East Coast. It has been pointed out, however, that clause (4) of the section as drafted includes several short voyages in which a medical officer is clearly not necessary, and the attention of the Select Committee will be specially invited to the point.

“It may strike Hon'ble Members that, even with the amendments which the Bill proposes to make in the law in regard to Native passengers, the

accommodation allowed to them, and the limited amount of medical attendance which it is proposed to secure for them, leave much to be desired ; but, as the Government of India was careful to point out in its resolution appointing the Committee I have referred to, 'the Government is not desirous of imposing on the Native passenger traffic any restriction which is not essentially required to secure for the passengers the minimum space and quality of accommodation which are necessary for comfort, health and safety, or which will involve increased expenditure in the form of higher fares in excess of the means of the persons who ordinarily use the vessels in question.'

"These views of the Government of India must, I think, commend themselves to the Council. The reputation which our hon'ble colleague Dr. Lethbridge bears is our guarantee that the recommendations of the Committee give to Native passengers everything which considerations of justice and expediency entitle them at present to demand.

"I believe, my Lord, I have now pointed out every important amendment which it is proposed to make, and, with an apology to the Council for the length of time I have had to detain them, I beg to make the Motion which stands in my name."

The Hon'ble MR. PLAYFAIR said:—"My Lord, I do not intend at the present stage to detain the Council with a detailed criticism upon the provisions of this very important and ponderous Bill, but I desire to invite the attention of Hon'ble Members to the recommendation made by the Chamber of Shipping of the United Kingdom, in Paper No. 20, to which the Hon'ble Member has referred, that, following the precedent set by the Home Government in the matter of the Merchant Shipping Consolidation Act of 1894, the Indian Merchant Shipping Bill should be so framed as to be strictly a consolidating Bill, pure and simple, leaving all amendments in the Indian Merchant Shipping Law to a future amending measure. It is stated by this influential Corporation that the course now almost invariably pursued by the Home Government is to keep consolidation Bills distinct from amending Bills, a precedent that has been established with very satisfactory results to those more immediately concerned in the legislation. I understand that British shipowners brought forward such arguments as induced the President of the Board of Trade to eliminate from the Merchant Shipping Bill of 1894, which when passed came into operation on the 1st of January of this year, all amendments and even verbal corrections, the result being that the Act is a consolidation of all previous Acts, pure and simple, no change in the law for or against the shipowner having been made. I understand

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that shipowners gave the Home Legislature considerable assistance when this important measure was being settled. The Chamber of Shipping of the United Kingdom trusts that the Government of India will adopt the same suggestion and follow the example set in the matter of shipping legislation by Parliament. The Bill now before this Council may be divided into two grand sections affecting separate interests—first, the British and Foreign shipowner, and second, the Indian (including the Native) shipowner. I have discussed the proposal put forward by the Chamber of Shipping of the United Kingdom with my hon'ble friends the Member in charge of the Bill and the Legal Member of this Council, and, as the Hon'ble Member has just stated to Council, I find that while they do not wish to forestall British enactments, and do not intend therefore to anticipate any provisions of the amending Bill that will probably before long be introduced into the British Parliament, they are anxious to make progress with legislation affecting the Indian (including the Native) part of this Bill. Understanding, therefore, my Lord, that the intention is only to bring the Indian Merchant Shipping Law in line with the British Merchant Shipping Act of 1894, which procedure will be in harmony, I consider, with the wishes expressed by shipowners in England, I shall not suggest to the Legislative Department the formidable task of re-drafting this Bill, but leave it to the Select Committee, about to be appointed, to make such alterations in the construction of the measure and the language used, or otherwise, as may be required to bring the British and Indian Shipping Codes into substantial and convenient agreement. I admit, my Lord, that the Bill has been a long time before the public, and that, while a consideration of the principles affecting British owners could not be proceeded with until it was ascertained into what shape Parliament would recast the law of England, it has been possible to give some thought to the proposed amendments in the law which have been suggested by experience in connection with what I have called the Indian (including the Native) trade. And here again I desire to express the hope that in considering these amendments the Select Committee will have diligent regard to the provisions set forth in the English Merchant Shipping Act of 1894, for the Indian Code of Shipping Law is based upon and interlaced with the Acts of Parliament relating to British shipping. The Bill before the Council is so lengthy and there are so many amendments and alterations that the members of the Select Committee have before them an arduous duty which must involve the expenditure of a great deal of time and demand a considerable amount of careful thought. I have already said I do not intend to anticipate their consideration of the provisions of this Bill, save in one instance, and that is with reference to section 113, which deals with the provision of

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accommodation for seamen and apprentices, and upon which I think it appropriate that I should make a few remarks. The section as applicable to the accommodation for lascars or Native seamen re-enacts what has been in existence for the past twenty years, namely, that a space of 6 superficial and 36 cubic feet should be allowed to each lascar or Native seaman, measured on the deck or such place as is provided for their occupation. But a memorandum from the Department of Finance and Commerce of the Government of India, dated 19th December, 1894, to the Legislative Department (Paper No. 15), appears to require that section 113 shall be amended so as to provide that the space to be allotted on British ships for the accommodation of Native seamen shall be the same as that prescribed for European seamen, that is, 12 superficial and 72 cubic feet. These instructions therefore provide that our Indian seamen shall have double the space on board ship required by the existing Indian law. The recommendation appears to have been derived from an instruction from the Secretary of State for India, dated 10th October, 1894, which instruction again is founded upon an opinion expressed by the Board of Trade that the accommodation now allowed to lascar crews is insufficient. It seems further that this opinion is based chiefly upon a report of one Mr. R. H. Penney, Shipweight Surveyor to the Board of Trade, after an inspection made in September last of the Peninsular and Oriental steamers *Victoria* and *Paramatta*, at present chartered by Government for the conveyance of troops to India. This officer states that (I use the words of his report) 'as all the men, while the vessels are in London, are below at the same time either taking their meals or sleeping, it will be seen how overcrowded and unhealthy the spaces are, and I may add that I would not enter them to make a proper inspection in either case owing to the offensive smell and filth.' An abnormal development of the olfactory nerves is doubtless a desirable qualification for an inspector of ships, but I should be inclined to think that Mr. Penney's experience of the flavour of ghee and condiments associated with Indian marine cooking has not been extensive. This may have confused his olfactory perceptions, and unless he has visited this country he cannot have an idea of the favourable comparison that a fore-castle of a Peninsular and Oriental mail steamer bears to the condition of lascars' dwellings in any one of the big Indian cities. I need hardly point out that if this officer did not enter the fore-castle of these steamers his inspection cannot be considered so thorough as to be taken as a sufficient reason for serious alterations in the law, nor need I add that there is a difference between a fore-castle sufficiently large when kept clean and offensively inadequate if as filthy as Mr. Penney imagined these to be. The Secretary of State in forwarding this correspondence alludes to an opinion

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expressed by the medical officer of the port of Bombay that the minimum space prescribed by law for lascars might be increased, but the Secretary of State adds that this officer found no evidence that lascars had suffered from disease due to overcrowding. There is no evidence, so far as I am aware, my Lord, that epidemics have broken out, or that disease has been contracted, or that the public health has suffered, or that the death-rate has been high, or that a deterioration in morale has occurred in consequence of lascars having been provided with accommodation on board ship at present prescribed by law. I find that this subject has come up for discussion with each Bill to amend the Shipping Act dating from 1852, and that, after giving the subject the most careful consideration, Government officials and merchants have invariably come to the conclusion that a superficial area of 6 feet and a space of 36 cubic feet is sufficient for each Native seaman. Under sub-section (3) it is provided that the minimum height of a forecastle for accommodating lascars or Native seamen shall be 5 feet 6 inches. This is an increase of 1 foot in the height at present prescribed by law. The majority of shipowners have provided in excess of this minimum; the interior of forecastles range about 7 feet and upwards in height. And this, I submit, is an important consideration in favour of maintaining as minimum the superficial area at present required by law. Although the Local Governments have suggested an increase in the minimum accommodation for lascars,—to which the Hon'ble Member has directed attention,—their proposal has not extended to a recommendation that the space to be provided should be equal to that required for European crews; and, with reference to the Hon'ble Member's remarks that the area becomes further restricted when under clause 114 lascars' private boxes are placed in the forecastle, I can only say that as the outfit of a European seaman is generally contained in a canvas bag, and as we know that the wardrobe of a lascar is not more elaborate, I cannot see why these large boxes should be there at all. Let me here remark that the minimum accommodation prescribed by law for men-of-war's men is only 6 superficial feet; for European soldiers in transports on a voyage of seven days and under, $7\frac{1}{2}$ superficial feet, over seven days, $10\frac{1}{2}$ superficial feet; Native soldiers on a voyage not exceeding five days, 6 superficial feet, over five days, 9 superficial feet; and for convicts 9 superficial feet—this accommodation being given below deck. According to the Act of 1859 the minimum space for seamen was 4 superficial feet and 18 cubic feet. This was raised by the Act of 1876 to 6 superficial and 36 cubic feet, making an increase of 50 per cent. and 100 per cent. respectively, which has continued to be the legal minimum accommodation during these many years. In 1858 and

again in 1867 the proposal to increase the accommodation to 9 superficial and 54 cubic feet was considered and the decision come to was that such an increase of accommodation was unnecessary. It was then argued that the accommodation was ample, and better than lascars were accustomed to on shore; that as forecastles could not be enlarged it would be necessary, if extra accommodation were required of vessels, to find such in the between-decks. This again was objected to for, among other reasons, the fear of fire occurring. The Insurance Companies objected to lascars being placed below. It was considered it would be very improper to allow lascars to sleep below at night because it would be impossible to get them upon deck in an emergency. And it was further held that what Native seamen most like is a place of shelter from bad weather, where they can smoke frequently, and thus it comes about that the forecastle is preferred by them. Except in port in England, where the cargo is handled by stevedores and their gangs of dock hands, a lascar crew will never be found together in the forecastle at one time. It has been said by one shipowner, experienced in the employment of lascar crews, that, if when the vessel is lying in the port of London the lascars were permitted to have the whole run of the ship for sleeping accommodation, they would be found for choice, after their evening meal, lying together in a corner of the vessel; while east of Suez many lascars as well as Englishmen prefer to sleep on deck.

“The Board of Trade regulations provide for the ventilation of forecastles, and as lascars running to the United Kingdom are chiefly employed on steamers, the speed of which in itself creates ventilation, the men do not return from duty to inhale a polluted or stagnant atmosphere. Mr. Penney, the Shipweight Surveyor to whom I have alluded, observes that on board the *Victoria* he found one house with 46 sleeping bunks erected for that number of men, the space being certified to accommodate 27 seamen only, and in another house he found 28 bunks erected in the space certified for 17 men only. This is just what experience teaches, namely, that one and a half to two lascars are considered at work, and in dealing with crew space, as equal to one European seaman. Lascars are only employed on account of their relative cheapness; they are not considered by shipowners to be equal to European crews; they have to be superintended by European quartermasters; and I have been told by some of the largest shipowners in Britain that, if legislation causes the employment of lascars to become as expensive as European crews, shipowners will forthwith revert to the employment of Europeans. In short, it is said that, if the recommendation put forward by the Finance Department of the Government of India is adopted, it will

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have the effect of reducing the number employed if it does not result in lascars being ousted altogether from employment on sea-going vessels.

“ From the last official reports issued by the Marine Departments of Calcutta and Bombay I find that in round numbers 50,000 Native seamen were afloat. I cannot say how many were on shore, but the number must be large. With the prospect in view of either being superseded in employment, or their numbers being greatly reduced, I am certain that, if the lascars understand what is being apparently philanthropically advocated on their behalf by the authorities at home, they will be inclined to ask the Government of India to save them from their friends. In most cases additional accommodation could only be provided for lascar crews between decks, and besides creating other very strong objections this would cut off valuable space for cargo. It would be impossible to give the space required except at great cost in effecting structural re-arrangement, and at great loss of passenger or cargo accommodation. In the case of a cargo steamer trading between Calcutta and London, and making perhaps three voyages in the year, the effect of any reduction of cargo space upon the income derived under the manifest would be of serious consideration to the shipowner, and, by tending to increase rates of freight, to the trade of the country as well. I trust, my Lord, that the members of the Select Committee and the Government of India will, under the circumstances I have put forward, consider the question very carefully before they come to the conclusion that the space as at present provided for the lascars is inadequate. I would reiterate what I have already said, namely, that the recommendation by the Department of Finance and Commerce is based, so far as it has been shown, upon a report by a Shipweight Surveyor of the Board of Trade, and that it has not been supported by facts or statistics showing that cases of illness or ill-health have occurred through the accommodation for lascar crews being inadequate, and if such evidence exists I invite the Government of India to place it before the Select Committee for their information and consideration. I would add that shipowners, both in India and in England, look to the Government of India to advise and enlighten the President of the Board of Trade on a question so exclusively Indian in its character as this.”

The Hon'ble MR. MEHTA said:—“ I intended to say a few words with regard to the amendment which, as the Hon'ble Mover has said, is to be laid before the Select Committee with reference to the accommodation to be allotted to Native lascars ; but my hon'ble friend Mr. Playfair has so well and so exhaustively dealt with this matter, and said everything that I wished to say, that I will content myself by remarking that I join in and subscribe to every observation which he has

made on that subject. Of course, the anxiety shown for the health and comfort of Native seamen is most commendable, but it is a matter of serious consideration whether in our anxiety for their health and comfort they might not be thrown out of work altogether."

The Hon'ble SIR JAMES WESTLAND said:—"As one of the members of this Council who has been more immediately engaged with this Bill, I desire to offer a few observations upon the remarks made by my hon'ble friend Mr. Playfair. The main object which the Government have set before them in introducing this Bill has been that of collecting into a single code the mass of Statutes which run up and down the last fifty years of our statute-book. It is extremely desirable that the whole of these should be brought together, and the task is such a very great one that I venture to express the hope that any obstacles which will prevent our attaining the end which we have in view ought to be avoided. The Hon'ble Mr. Playfair has asked us to follow the procedure adopted in the Parliament of last year—to restrict our operations entirely to the direction of consolidation, and to leave out all questions of amending the existing law. I cannot help thinking, in the first place, that the very important and powerful interests from which we have received representations on this matter have taken a rather exaggerated view of the amendments proposed in the Bill. As my hon'ble friend Mr. Clogstoun in moving the Bill pointed out, this Bill was produced three years ago, whereas the consolidated Merchant Shipping Act which follows the Statutes which the Indian Legislature had set up as a model, and which we now set up before us as our model, was prepared and passed only in 1894. It was, therefore, obviously a necessity of the position that the Statute which passed the House of Commons last year should not be framed on exactly the same lines which our proposed Bill follows. It seems to me that the resulting differences in wording and arrangement have caused our proceedings to be looked upon by the shipping interest with a certain amount of distrust; but I venture to say that when the Bill is collated with the Merchant Shipping Act, which I understand that both the Shipping Associations at home and the Chambers of Commerce in this country are doing, they will find that the greater part of the amendments which have been proposed in drafting the Bill are supported by the consolidated Shipping Act passed last year. At the same time I think it extremely desirable for all practical purposes that the Act which we pass in this Council should even in wording and arrangement follow as far as possible the Act of Parliament. It will be used by the same people; it will be used by the captains and officers of vessels, and by shipping agents, and we cannot expect such persons to have a legal adviser at their right hand to instruct them as to the

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[*Sir James Westland ; the Lieutenant-Governor.*]

precise phases of the differences between the two Statutes. Moreover, it is very desirable that judicial interpretations of the law as it stands in England should apply also to the Merchant Shipping Bill as passed in this country. For these reasons I think it desirable that even in wording and arrangement, as far as possible, the present Bill should be altered so as to be in almost exact conformity with the Bill at home. I quite recognize that, if we are to take up questions of amendment at all of a controversial character, we shall be obliged to drop this Bill altogether. On that ground, therefore, I have, after consulting Your Excellency, the pleasure of informing the Hon'ble Mr. Playfair that the Government have fully adopted the principle he has stated, and intend to avoid controversial amendments of which the discussion might lead to the postponement of the Bill. In dealing with interests so important we ought, least of all, to abandon the continual practice of this Council of consulting the Local Governments and all bodies interested regarding any amendments which have been proposed. It is obvious that any kind of amendment which requires a consultation of that description is out of the question in dealing with this Bill at this period of the session. I see, both from the Hon'ble Mr. Playfair's speech and from the communications which have reached the Financial Department, that the principal controversy will rage around section 113. The Hon'ble Mr. Playfair has spoken of the Financial Department recommending a particular alteration in this section. I think, perhaps, he goes a little too far. Communications reached the Government of India proposing amendments in the direction indicated, and the usual course has been taken of referring these to the Legislative Department; but, as to the Government either recommending or urging any particular amendment in the Bill at present, the only suggestion we have made is that the matter is to be submitted to the consideration of the Select Committee. The Select Committee will have ample work to do in the mere matter of consolidation, and I imagine that if in Select Committee we find that there are any really controversial amendments—and I am afraid from what the Hon'ble Mr. Playfair has said that this amendment about space will prove to be an extremely controversial amendment—it will be necessary for the Select Committee to drop them and to proceed with the consolidation, pure and simple. The decision of this question, however, does not rest with me or with the Executive Government; it will have to be submitted in the first place to the Select Committee."

His Honour THE LIEUTENANT-GOVERNOR said:—"I am glad to hear the announcement which the Hon'ble Financial Member has just made, which may be taken as implying that the amendment to which the Hon'ble Mr. Playfair has objected will not be pressed in the Select Committee. I think

[*The Lieutenant-Governor ; Sir James Westland.*] [31ST JANUARY, 1895.]

there are very serious objections to that amendment, the nature of which has already been clearly stated. There is a decided tendency at home to force upon us legislation which has a philanthropic appearance on the outside, but which is practically to the injury of the people of India, in the direction of repressing the growth of industries which are of the highest importance to the country, as offering opportunities of creating that diversity of occupation which is one of the objects of the administration of India to support and spread. A very similar case to that which has been mentioned in this Council came up lately when a proposal was made that it should be forbidden to employ lascars in emigrant ships on the ground of the importance of the safety of so many lives and of the inefficiency of lascars under certain circumstances. The Government of Bengal opposed that proposal on the score that the inefficiency of the lascars had not been proved except in the case of extremely severe conditions of cold, and the time of the sailing of emigrant ships has been so arranged as to avoid as far as possible this severe cold. The effect of legislation of this kind would have been to increase the cost of emigration, whereas it is of the highest importance to the Government of this country to encourage emigration to the Colonies by every reasonable means in their power.

“In the present instance the case is a very similar one, in which, under the appearance of regard for the health of the lascars, a measure might be introduced which would seriously injure the shipping interest and cause considerable increase of expenditure to them ; and I am sure that anything of this kind would be very disastrous to the spread of maritime employment among our population, and that even if any increase of space were necessary in ships going to cold climates, such as was described in the correspondence referred to, no such necessity can be shown to exist in the case of ships in the Home trade which sail to hot climates and which do not sail to Europe. If, therefore, any amendment at all has to be made, I should have suggested that it should be very carefully limited and not made a general one. But I am extremely glad to hear that the proposal will be altogether dropped.”

The Hon'ble SIR JAMES WESTLAND:—“I did not quite say that ; I said that the question of dropping the amendment would depend upon the Select Committee's opinion as to whether it should be taken up as being an extremely controversial question.”

His Honour THE LIEUTENANT-GOVERNOR:—“I should have said that I was glad to hear that the Executive Government would not press it.”

*MERCHANT SHIPPING; REPORTS OF SELECT COMMITTEES; 131
AMENDMENT OF CODE OF CIVIL PROCEDURE AND
PUNJAB LAWS ACT, 1872.*

31ST JANUARY, 1895.] [*Mr. Clogstoun; Sir Alexander Miller.*]

The Hon'ble MR. CLOGSTOUN said:—"I have little to say after what has fallen from the Hon'ble the Financial Member. I can assure the Hon'ble Mr. Playfair, as I have already assured him, that the object of nearly all—I think I may say all—the amendments in the Bill is to bring the Indian law into conformity with the English law. I do not think that, when the English companies realize the nature of the amendments more accurately than they have done hitherto, they will be disposed to still make the objections which they make to the Bill."

The Motion was put and agreed to.

REPORTS OF SELECT COMMITTEES.

The Hon'ble SIR ALEXANDER MILLER said:—"I have to present the following three Reports:—

the Report of the Select Committee on the Bill to amend the Indian Penal Code and Act VI of 1864;

the Report of the Select Committee on the Bill to amend sections 366 and 371 of the Code of Criminal Procedure, 1882; and

the Report of the Select Committee on the Bill to amend the Cantonments Act, 1889.

"At the present stage it is unnecessary that I should make any observations on any of them."

CODE OF CIVIL PROCEDURE AND PUNJAB LAWS ACT, 1872,
AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER said:—"I would like to state to the Council that I do not propose to make the motion which comes next in my name, namely, that the Hon'ble Maharájá Partab Narayan Singh of Ajudhiá be added to the Select Committee on the Bill to amend certain sections of the Code of Civil Procedure and to repeal certain sections of the Punjab Laws Act, 1872. The facts are that the Select Committee on the Bill mentioned in that motion contains the name of

[*Sir Alexander Miller ; Sir Antony MacDonnell.*] [31ST JANUARY, 1895.]

Bábá Khem Singh Bedi, and when he was obliged to leave Calcutta, as I understood, for a month, I thought it was necessary that his place should be taken on the Select Committee by some one else who would represent the interests of Upper India, and accordingly I intended to propose that the Hon'ble Maharájá of Ajudhiá should take the place of Bábá Khem Singh : but I received yesterday a telegram from the Bábá saying that he is returning to Calcutta for the purpose of attending this Select Committee, and under these circumstances I do not think it would be right for me to fill his place by anybody else ; but I will take care that the particular section in which I know he is interested shall not be disposed of in his absence."

BURMA BOUNDARIES ACT, 1880, AMENDMENT BILL.

The Hon'ble SIR ANTONY MACDONNELL moved that the Report of the Select Committee on the Bill to amend the Burma Boundaries Act, 1880, be taken into consideration. He said :—" The Select Committee have found this Bill to be entirely non-contentious, and have reported it for acceptance by the Council without alteration except in one point. The existing Act attaches a small penalty to the breach of any obligations imposed by it : and, as this Bill also imposes obligations, it has been considered desirable to include them with those for which section 30 of the existing Act provides a sanction. This has been done at the request of the Chief Commissioner of Burma though not in precisely the same way as he proposed.

"The Act as altered by this Bill, if it passes into law, will enable survey-officers to carry on their work with equal effectiveness within the external boundaries of a village or local area as on such boundaries ; and, as that is obviously desirable, I trust the Council will now approve of the Bill and pass it into law."

The Motion was put and agreed to.

The Hon'ble SIR ANTONY MACDONNELL also moved that the Bill, as amended, be passed.

The Motion was put and agreed to.

INLAND BONDED WAREHOUSES AND SALT BONDING BILL.

The Hon'ble SIR JAMES WESTLAND also moved for leave to postpone his motion to introduce a Bill to provide for the establishment of bonded warehouses at places other than customs-ports and to afford facilities for the bonding of salt under time-bonds only in such warehouses.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 7th February, 1895.

CALCUTTA; }
The 8th February, 1895.

J. M. MACPHERSON,
Offg. Secy. to the Govt. of India,
Legislative Department.