

*Thursday,
6th February, 1896*

ABSTRACT OF THE PROCEEDINGS
OF THE
Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXXV

Jan.-Dec., 1896

ABSTRACT OF THE PROCEEDINGS
OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA,
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS,

1896

VOLUME XXXV



Published by Authority of the Governor General.



CALCUTTA
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,
1896

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 6th February, 1896.

PRESENT :

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

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

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

The Hon'ble Lieutenant-General Sir H. Brackenbury, K.C.B., K.C.S.I., 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 J. Woodburn, C.S.I.

The Hon'ble Mohiny Mohun Roy.

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

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

The Hon'ble M. R. Ry. P. Ananda Charlu, Rai Bahádur.

The Hon'ble Alan Cadell, C.S.I.

The Hon'ble J. D. Rees, C.I.E.

The Hon'ble G. P. Glendinning.

The Hon'ble Nawab Amir-ud-Din Ahmad Khan, C.I.E., Bahádur, Fakharuddoulah, Chief of Loharu.

The Hon'ble Rao Sahib Balwant Rao Bhuskate.

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

QUESTIONS AND ANSWERS.

The Hon'ble RAO SAHIB BALWANT RAO BHUSKATE asked :—

“ (1) Whether the attention of the Government of India has been directed to the surmises contained in some of the daily papers in regard to the suicide committed by Ram Chandra Singh Deo, the late Raja of Patna, in the Central Provinces ?

“ (2) If so, has any enquiry been made in regard to that matter ? ”

The Hon'ble MR. WOODBURN replied :—“ The Government of India have had their attention called to this case, but they do not think it necessary to make any further inquiry into the circumstances.

[*Mr. Woodburn.*]

[6TH FEBRUARY, 1896.]

"A very full enquiry was made at the time by the Administration of the Central Provinces. The result of that enquiry was reported to the Government of India in the following terms :—

'I am directed to report, for the information of the Government of India, the death, by suicide, of the Maharaja of Patna on the 8th of June. The Maharaja shot his wife dead, and then shot himself. The Political Agent for the Chhattisgarh Feudatories at once proceeded to Bolangir, the Maharaja's head-quarters, and made a detailed enquiry of which the official report has just reached the Chief Commissioner.

"At the time of the murder and suicide the Maharaja was undoubtedly insane. Suspicion of this had before been occasionally hinted. His mother is of unsound mind. The Maharaja himself had, especially since his accession from time to time displayed eccentricities of conduct and outbursts of temper, only too easily to be accounted for in the light of the present tragedy, but regarded at the time as not unnatural in a hot headed and self-willed young Chief, new to power impatient of restraint and forming, in his distant and isolated capital, exaggerated ideas of his own power and importance. For such outbreaks the Chief Commissioner has himself had to take the Maharaja to task. To reproof and counsel he showed himself readily amenable. And his bearing and conversation were so uniformly frank, courteous and amiable as to rebut all suspicion of his character or intellect being seriously warped. The terrible ending came suddenly when after an outbreak of unfounded fear and suspicion of his wife his servants and his surroundings, he had in a visit to the Political Agent and Commissioner of the Division become apparently calm and reasonable. The Maharani was a sister of the Raja of Kalandi, a neighbouring Chief, and was a lady held in the highest esteem by all who knew her. There was one child of the marriage, a daughter, who sustained no injury.'

"It may be added that the Political Agent reported that he had reason to believe that the immediate cause which led the Maharaja to shoot his wife was her refusal to give him a sum of Rs. 20,000 from her private purse for the purpose of a trip to England, which he contemplated, and the Government of India have no information which would lead them to doubt the correctness of this report.

"Restrictions were imposed on the powers of the Maharaja, which were not imposed on the two other young Chiefs who were installed along with him in January, 1894. Under these restrictions he chafed, but they were unfortunately necessary, and were imposed, not at the instance of the Political Agent, but by myself as Chief Commissioner. The Political Agent, in his relations with the Chiefs in Chhattisgarh, amply justified the expectations in which I appointed him to the post.

"The Dewan was an officer of the Maharaja's own selection."

6TH FEBRUARY, 1896.] [Babu Mohiny Mohun Roy; Mr. Woodburn; Sir
Alexander Miller.]

The Hon'ble BABU MOHINI MOHUN ROY asked :—

- “(1) Is Government aware that there is now considerable alarm and agitation in the Chittagong Division arising from an apprehension that the said Division will be transferred from the Province of Bengal to that of Assam ?
- “(2) Will Government be pleased to state whether such a proposal is now under its consideration ?
- “(3) If so, will Government be pleased to publish all papers and correspondence relating thereto so as to allow the people of the Chittagong Division an opportunity of submitting representations and reasons against the proposed transfer ?”

The Hon'ble MR. WOODBURN replied :—“The Government of India have received representations which show that the idea of the transfer of the Chittagong Division to Assam is regarded with dissatisfaction by some people of the Division.

“The Government of India decided in 1892 that the Chittagong District should be transferred to Assam as soon as settlement operations were concluded in it. It was at the same time decided that the expediency of transferring the whole of the Chittagong Division should be considered by the Lieutenant-Governor of Bengal and the Chief Commissioner of Assam. That question is now under the consideration of those authorities and will be eventually submitted for the decision of the Government of India.

“The Government of India will give attentive consideration to any representations against the proposed transfer which the people of the Chittagong Division may submit through the Government of Bengal; but they do not think it necessary to publish at present any papers relating to the matter.”

LEGAL PRACTITIONERS ACT, 1879, AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER moved that the Hon'ble Raj P. Ananda Charlu Bahádur be added to the Select Committee on the Bill to amend the Legal Practitioners Act, 1879. He said :—“The Select Committee originally included the name of the Hon'ble Mr. Mehta, who has since, I regret to say, ceased to be a member of this Council and therefore I

[*Sir Alexander Miller.*] [6TH FEBRUARY, 1896.]

desire to fill up the place on the Committee which he has vacated. And I should like to take this opportunity of saying, speaking for myself alone, that I regret exceedingly the absence of the Hon'ble Member, whose extreme fairness and great attention to all the business I have had to transact with him in the Select Committee have, in my opinion, made Mr. Mehta one of the most useful members that I have met at this table. I have indeed more than once been obliged to differ from him in opinion on public matters, but with that I have nothing to do at present, nor did such differences detract in the least from my sense of his legal acumen and judicial fairness on general questions : I think he would have been of very great assistance to us in the settlement of the difficult questions arising out of this Bill, and I desire that this expression of my personal regret at his having ceased to be a member of this Council should be made as public as possible.

The motion was put and agreed to.

NEGOTIABLE INSTRUMENTS ACT, 1881, AMENDMENT BILL.

The Hon'ble SIR ALEXANDER MILLER moved for leave to introduce a Bill to amend the Negotiable Instruments Act, 1881. He said:—"By a known principle of commercial law, or of the common law of negotiable instruments if a negotiable instrument was not presented within a reasonable time after it became due, the drawer and acceptor were released from liability upon the instrument of their condition had been injuriously changed by the delay. The theory of the law is that, if the document is old, the holder should take all risks in connection with it. That was incorporated, when the attempt was made to codify the common law of such instruments in 1881, in section 84 of Act XXVI of 1881, which provided that when a cheque was not presented 'for payment within a reasonable time, and the drawer thereof sustains loss or damage from such failure, the holder should have no claim against the drawer, and the drawer was absolutely discharged. When, however, the identical same principle of law came to be codified somewhat later in England, they limited the amount of the discharge of the drawer not to the total amount of the cheque, the presentation of which had been unreasonably delayed, but only to the amount which the drawer had lost in consequence of the delay, which was not always by any means the same amount ; and it appears to the Government of India, first that it is desirable that in a matter of this kind the law regarding these instruments should be the same in India as in England, and secondly, that the English Act has more accurately expressed the principle of the common law than the Indian

Act does : and therefore I propose to alter the Indian Act not exactly according to the wording of the English Act, which would not altogether fit into the rest of the Act here, but so as practically to produce the same result as is produced in England by the form of the Act there—45 & 46 Vict., cap. 61.

“ It is scarcely necessary for me to go through the provision of the Bill. The practical effect is that when a cheque is not presented within a reasonable time, and when in consequence of its non-presentation the drawer has suffered any damage he is to be discharged from liability on the cheque to the extent of the damage, he has suffered, but no further ; and the same principle is of course properly applied to intermediate indorsers when they also have suffered damage ; as, for instance, to give an illustration, when a man has received a cheque in payment of a debt and has passed it on to a third party in payment of a debt to him, and then by reason of improper delay in presentation the cheque is dishonoured or only paid in part, it is provided that the holder or indorsee, whether intermediate or ultimate, of the cheque is not to be entitled to fall back upon his indorser in respect of the debt which would have been paid if the cheque had been presented at the proper time. It seems, I think, necessary to extend the protection to intermediate indorsers in that way, and that is proposed to be provided in the alteration we are now making in the Bill. That is the entire effect of the proposal.

The motion was put and agreed to.

The Hon'ble SIR ALEXANDER MILLER introduced the Bill.

The Hon'ble SIR ALEXANDER MILLER moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

The Council adjourned to Thursday, the 13th February, 1896.

	S. HARVEY JAMES,
CALCUTTA ;	<i>Secretary to the Government of India,</i>
The 7th February, 1896. }	<i>Legislative Department.</i>