

*Friday,
20th July, 1900*

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

LAWS AND REGULATIONS

Vol. XXXIX

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OF
THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA:
ASSEMBLED FOR THE PURPOSE OF MAKING
LAWS AND REGULATIONS

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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., c. 67, and 55 & 56 Vict., c. 14).

The Council met at the Viceregal Lodge, Simla, on Friday, the 20th July, 1900.

P R E S E N T :

His Excellency Baron Curzon of Kedleston, P.C., G.M.S.I., G.M.I.E., Viceroy and Governor General of India, *presiding*.

The Hon'ble Major-General Sir E. H. H. Collen, K.C.I.E., C.B.

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

The Hon'ble Mr. C. M. Rivaz, C.S.I.

The Hon'ble Mr. T. Raleigh.

The Hon'ble Sir E. F.G. Law, K.C.M.G.

The Hon'ble Kunwar Sir Harnam Singh Ahluwalia, K.C.I.E., of Kapurthala.

The Hon'ble Mr. C. L. Tupper, C.S.I.

The Hon'ble Mr. H. C. Fanshawe, C.S.I.

The Hon'ble Nawab Muhammad Hayat Khan, C.S.I.

N E W M E M B E R . .

The Hon'ble NAWAB MUHAMMAD HAYAT KHAN took his seat as an Additional Member of Council.

P U N J A B A L I E N A T I O N O F L A N D B I L L .

The Hon'ble MR. RIVAZ moved that the Hon'ble Nawab Muhammad Hayat Khan be added to the Select Committee on the Bill to amend the law relating to agricultural land in the Punjab.

The motion was put and agreed to.

I N D I A N C E N S U S B I L L .

The Hon'ble MR. RIVAZ moved that the Bill to provide for certain matters in connection with the taking of the Census be referred to a Select Committee consisting of the Hon'ble Mr. Raleigh, the Hon'ble Sir Harnam Singh and the mover, with instructions to report within one month.

The motion was put and agreed to.

[*Mr. Rivas; Mr. Raleigh.*]

[20TH JULY, 1900.]

INDIAN LIMITATION AMENDMENT BILL.

The Hon'ble MR. RIVAZ moved for leave to introduce a Bill further to amend the Indian Limitation Act, 1877. He said :—"The object of this short Bill is to provide a special term of limitation in connection with encroachments on public roads and streets which are under the charge of District Boards, Municipal Committees or other local authorities. Encroachments on public highways which are under the management of a department or officer of Government can be contested by a suit brought by, or on behalf of, the Secretary of State for India in Council within sixty years from the time of the encroachment; but the Madras High Court has ruled that, when the Crown cedes its custodianship of any public street or road to a local body, this extended period of limitation does not apply, and the local authority can only sue in respect of an encroachment within the ordinary period of twelve years which applies to a private individual who may be dispossessed of immoveable property. The Government of India consider that in the public interest a longer period than twelve years should be allowed to a local body to contest encroachments on public roads or streets which have been made over to their custody, as such encroachments are usually gradual and insidious, and difficult to detect. At the same time, so long a period as sixty years which is allowed to the Crown is not considered necessary in the case of local bodies, and thirty years is proposed as a suitable term."

The motion was put and agreed to.

The Hon'ble MR. RIVAZ introduced the Bill.

The Hon'ble MR. RIVAZ 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.

BANKERS' BOOKS EVIDENCE BILL.

The Hon'ble MR. RALEIGH moved for leave to introduce a Bill to amend the Law of Evidence with respect to Bankers' Books. He said :—"It is some time since the Imperial Parliament recognised the great inconvenience which is caused to bankers from their being required to produce their books in Courts of

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[Mr. Raleigh]

Justice. In the first place, these books are usually of great size and weight, and, in the second place, they are required for entering the daily transactions of the bank. Facilities were provided for proving the contents of bankers' books by means of certified copies, and in the year 1891 an Act was passed for British India upon the same lines. Unfortunately the definition of a company adopted in that Act was too narrow. It failed to provide for banking companies carrying on business in this country but registered or incorporated in the United Kingdom, and in a criminal case which was recently tried in Calcutta it was discovered that the entries in the books of the Delhi and London Bank could not be proved by copies. My learned friend the Advocate General immediately called attention to this defect in the law and suggested the draft of a Bill for removing it. I now beg leave to introduce a Bill widening the definition of company adopted in the Act of 1891.

"I may say that the Bengal Chamber of Commerce has asked us to consider the question of extending the definition so as to include all foreign banks in India; but, after carefully considering the question, the Government of India came to the conclusion that it would be better to leave these foreign banks to be admitted in particular cases one by one under the power of notification given by section 3 of the Act of 1891."

The motion was put and agreed to.

The Hon'ble MR. RALEIGH introduced the Bill.

The Hon'ble MR. RALEIGH moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India and in the local official Gazettes in English.

The motion was put and agreed to.

The Council adjourned to Friday, the 10th August, 1900.

SIMLA;
The 20th July, 1900. }

J. M. MACPHERSON,
Secretary to the Government of India,
Legislative Department.