

*Friday,  
24th August, 1900*

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

**Vol. XXXIX**

**Jan.-Dec., 1900**

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

1900

VOLUME XXXIX



Published by Authority of the Governor General.



CALCUTTA  
PRINTED BY THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA,  
1901

*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 24th August, 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*.

His Honour Sir W. Mackworth Young, K.C.S.I., Lieutenant-Governor of the Punjab.

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 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.

QUESTION AND ANSWER.

The Hon'ble UNWAR SIR HARNAM SINGH asked :— "With reference to the answer given by the Hon'ble Mr. Ibbetson to the question put by the Hon'ble Rai Bahadur Ananda Charlu at the meeting of the Legislative Council on the 21st of March last, regarding the succession-duties levied on Native Christians under the Court-fees Act, will the Government of India be pleased to state whether the replies of the Local Governments and Administrations have been received, and, if they have been received, what action the Government propose to take in the matter."

The Hon'ble MR. RIVAZ replied :— "The replies of the Local Governments and Administrations upon the various questions referred to by the Hon'ble Mr. Ibbetson on the 21st March last have been received and are under consideration. The Government of India hope to be able to formulate their conclusions thereon at an early date."

[*Mr. Rivaz.*]

[24TH AUGUST, 1900.]

### INDIAN CENSUS BILL.

The Hon'ble MR. RIVAZ moved that the Report of the Select Committee on the Bill to provide for certain matters in connection with the taking of the Census be taken into consideration. He said :—"The only point in this Bill which I need notice is as regards the power which is given to Local Governments by clause 14 to direct that the whole or any part of the expenses which may be incurred in connection with the taking of the coming census in any local area may be charged to municipal, local or village funds, as the case may be. This provision has been criticized in some quarters on two grounds, first, that rural and village funds are for the most part too poor to be able to meet such expenses, and, secondly, that the matter is one which ought to be left to the option of municipal and other local bodies. As regards the first of these objections, I need only remark that the power thus given to Local Governments is a purely discretionary one, and will of course only be exercised when circumstances permit. As regards the second objection, there is every reason to hope that, in the case of the more important local bodies, the question of what they should contribute towards the cost of the census will be amicably arranged by them with the Local Government. Still, as the census is a national undertaking, which will be of advantage to the whole country and all its component parts, both rural and urban, it is desirable to entrust Local Governments with the proposed power, and, should the necessity arise in any case for directing a local body to make a proper contribution towards the cost of its census, the Local Government may be trusted to exercise the power which is being given to it with discretion and moderation. The Select Committee have therefore proposed no alteration in this provision of the Bill."

The motion was put and agreed to.

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

The motion was put and agreed to.

### INDIAN LIMITATION AMENDMENT BILL.

The Hon'ble MR. RIVAZ moved that the Bill further to amend the Indian Limitation Act, 1877, be taken into consideration. He said :—"The Bill provides, as I mentioned when introducing it, a special term of limitation—thirty years—in connection with suits for contesting encroachments on public roads and streets which have been made over to the care of a local body or authority. The

[24TH AUGUST, 1900.] [Mr. Rivas; Mr. Raleigh.]

legislation thus proposed has been necessitated by a ruling of the Madras High Court that the period of sixty years which is allowed to the Crown does not apply when the custodianship of a public highway has been ceded to a local body."

The motion was put and agreed to.

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

The motion was put and agreed to.

### BANKERS' BOOKS EVIDENCE BILL.

The Hon'ble MR. RALEIGH moved that the Bill to amend the Law of Evidence with respect to Bankers' Books be taken into consideration. He said:—  
"The object of the principal Act is to enable bankers to prove entries in their books in Courts of Justice by means of certified copies. It was discovered in a case tried at Calcutta that the definition of 'company' was so narrow as to exclude certain banking companies carrying on business in India, and the object of this Bill is to widen the definition accordingly. The Bengal Chamber of Commerce has addressed a representation to the Government of India in regard to the case of agents of foreign banks, and a further representation on that subject only reached my hands this morning, when it was too late to consider it as carefully as it perhaps deserved. We were, and are still, under the impression that the agent of a foreign bank can obtain the benefit of the principal Act by a notification issued by the Local Government under section 3. Whether we were right in that impression or not, there can be no doubt that this Bill, which was and is in the form suggested by the Hon'ble and learned Advocate General, does effect an improvement in the law, and, after reading as carefully as time would permit the second letter of the Bengal Chamber of Commerce, I will take the responsibility of asking the Council to take this Bill into consideration now."

The motion was put and agreed to.

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

The motion was put and agreed to.

The Council adjourned to Friday, the 5th October, 1900.

SIMLA;  
The 24th August, 1900.

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