

Wednesday, April 27, 1859

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penalties only for neglect of any duty which landholders were required by any law or Regulation to perform, whereas this Bill prescribed a new duty which was not imposed by any law at present in force.

The law relating to duties of landholders in cases of this kind was scattered over several Regulations. Regulation VI. 1810 imposed upon landholders the duty of reporting to the Police the resort within their estates of dacoits, cozauks, thugs, or budhecks, or of any other description of professional robbers. Regulation I. 1811 declared landholders accountable for the early communication of information to the Magistrate respecting the residence of notorious receivers or vendors of stolen property within their estates, and the penalty for not giving such information was contained in another Regulation which had been rescinded. So that, as the law stood, there was a prohibition without a penalty. Then in Regulation III. 1812 the same duty was imposed upon them with regard to the resort of criminals and the commission of robberies and burglaries; the same in Regulation VIII. 1814 with regard to other offences, such as murder, arson, and theft; and the same in Regulation III. 1821, regarding the resort to or passage through their villages of bodies of strangers subject to Foreign States. He thought it desirable that the whole should be considered and reviewed, and that whatever duties were imposed upon landholders in matters of this nature should be included in a single enactment. The Honorable Member for the North-Western Provinces had concurred in this view, and had promised to bring in a new Bill.

With this understanding, he proposed to discharge the Select Committee on this Bill instead of proposing to add other Members to it; he therefore moved that the Committee be discharged.

MR. HARRINGTON said that he concurred with the Honorable Member for Bengal that it was not advisable to proceed with the present Bill, but that it would be better to bring in a new Bill, and to consolidate therein all the existing Laws and Regulations relating to the responsibilities of landholders in connection with Police matters, with such modifications and additions as

Mr. Currie

might be deemed necessary. He proposed to bring in a Bill of this nature on an early date.

The Motion was carried.

PUNISHMENT OF CHOWKEYDARS.

MR. CURRIE said, there was in the list of Select Committees another Bill brought in by the late Member for the North-Western Provinces, in which only his name appeared, namely, the Bill "for the punishment of Chowkeydars for neglect of duty," which had also lain over, under the impression that it would be provided for by the Penal Code. It appeared, however, that that was not the case, for he had understood that the provision on the subject, which was contained in the Code, had been omitted. At the suggestion of the Honorable Member for the North-Western Provinces, he would now move that Mr. Ricketts and Mr. Harrington be added to the Select Committee on that Bill.

Agreed to.

APPEALS.

MR. CURRIE gave notice that he would, on Saturday next, move the first reading of a Bill to provide for the more speedy disposal of Appeals.

The Council adjourned at 1 o'clock, on the Motion of Sir James Outram, till Wednesday, the 27th Instant.

Wednesday, April 27, 1859.

PRESENT:

The Honorable J. P. Grant, Senior Member of the Council of the Govr.-Genl., Presiding.

Hon. Lieut.-Genl. Sir	E. Currie, Esq.,
J. Outram,	H. B. Harrington, Esq.,
Hon. H. Ricketts,	and
Hon. B. Peacock,	H. Forbes, Esq.
P. W. LeGeyt, Esq.,	

RECOVERY OF RENT (BENGAL).

MR. CURRIE AND MR. GRANT severally delivered to the Clerk of the Council, for the purpose of being recorded, their assents and their reasons of assent to the Bill "to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal."

THE CLERK reported to the Council, that Mr. Ricketts and Mr. Harington had affixed their signatures to Mr. Currie's assent, stating that they assented for all the reasons specified therein.

THE VICE-PRESIDENT said that, as both the Honorable Members had signed the assent without having given due notice of their intention so to do, he apprehended that the additional signatures could not be recorded without a suspension of the Standing Orders.

MR. CURRIE said, his impression was that, when an assent was recorded after notice given, no notice was necessary to enable other Honorable Members to affix their signatures thereto. But he would submit for decision the point of order.

THE VICE-PRESIDENT said that the same rule was applicable to both cases, and that, under the Standing Orders, the assents of the Honorable Members could not be recorded. He would move, however, that the Standing Orders be suspended in order that the assents might be recorded.

MR. PEACOCK seconded the Motion, which was carried.

MR. CURRIE'S assent was then read by the Clerk, as follows:—

Bill to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal.

I assent to the Bill and think that it ought to pass into law.

1st.—Because the Bill defines and settles several important questions connected with the relative rights of landholders and tenants, which have remained undefined and unsettled from the commencement of legislation in this Presidency, and of which a definition and settlement have been long considered to be eminently desirable and necessary.

2nd.—Because, instead of two classes of Courts deciding cases of the same description under different forms of procedure, and for one of which no rules of procedure have ever been prescribed by law, the Bill gives the original jurisdiction to one class of Courts, and provides for the guidance of those Courts a complete and simple Code of Procedure suitable to the cases to be tried by them.

3rd.—Because the class of Courts to which exclusive original jurisdiction is thus given is not only the best qualified to try cases between landlord and tenant, but is also that in which four-fifths or five-sixths of the cases which, under the existing law, might be brought indifferently in either class of Courts, are now actually instituted and disposed of.

4th.—Because, although it is true that under the general law the said Courts (namely, the Collectors' and Deputy Collectors') have not jurisdiction in some of the several descriptions of cases enumerated in Section XXIII, yet it is in the power of the Executive Government to give them special jurisdiction in all those cases, and such jurisdiction has in fact been given to, and is now exercised by, the said Courts in all the Districts of the North-Western Provinces.

5th.—Because there is no reason to suppose that the Collectors and Deputy Collectors who have heretofore had the trial of rent suits, as stated under the third head of these reasons, will not be able to dispose of all cases brought before them under the provisions of this Bill.

6th.—Because, when the principle involved in the new Section, which was introduced by the Council into the Bill, is carried out (as it may be without any further legislation), and Officers exercising police functions are divested of all judicial powers, it will still be necessary that, in the large Districts of the Lower Provinces, there should be sub-divisions in charge of Deputy Magistrates for the trial of criminal cases, which was indeed the main object for which sub-divisions were first constituted; and if such Deputy Magistrates are also Deputy Collectors, as they are at present, the local Courts, which in those Provinces are undoubtedly necessary to give the people the full benefit of the provisions of this Bill, will be supplied without additional expense; some portion of the Officers already authorized being made Deputy Superintendents of Police, and the remainder being invested with the charge of sub-divisions.

7th.—Because the persons appointed to the Office of Deputy Collector, or Deputy Magistrate and Deputy Collector, are carefully selected, are required to pass the examinations prescribed for Junior Civil Servants, and are never placed in charge of sub-divisions until reported qualified by the Commissioner; and there is, therefore, every reason to believe that the said Officers are and will be sufficiently qualified to discharge the duties entrusted to them by this Bill.

8th.—Because that, in so far as this Bill affects the revenue derived from Stamps, the principle of allowing suits connected with demands and exactions of rent to be instituted on more favorable terms than other suits has already been recognized, and is a part of the existing law; and whatever extension of the principle is authorized by this Bill, applies principally to those descriptions of suits which may be instituted by the tenant to obtain redress for acts of oppression committed by the landlord.

9th.—Because I believe that the loss of stamp duty, which has been brought forward as an objection to the passing of this Bill, has been very greatly over-rated, probably (although there are no certain data on which to institute a calculation) in the proportion of two or perhaps three to one; and because any such argument would apply equally to many other measures for reforming

the administration of justice and especially to any measure for restricting the liberty of appeal.

10th.—Because the Bill greatly restricts, and at the same time imposes more effective checks on the power of distraint vested in landholders—a power which has been most grievously abused, and in respect of which remedial measures have been long and loudly called for.

11th and lastly.—Because the Bill collects into one comprehensive enactment, with large additions and extensive alterations, the whole of the existing law connected with the rent and occupancy of land—a law which is scattered through some twenty-five different enactments, extending over a period of more than sixty years.

E. CURRIE.

I assent for all the foregoing reasons.

H. B. HARRINGTON.

I assent for all the foregoing reasons.

H. RICKETTS.

MR. GRANT'S assent was also read by the Clerk as follows :—

Bill to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal.

I assent—

Because, although I am of opinion that the provision in this Bill, whereby the original jurisdiction of the Civil Courts in cases between landlord and tenant is wholly taken away, is bad for many of the reasons which have been assigned in the dissents recorded, nevertheless I am convinced that the Bill, taken as a whole, is an excellent work and, if it becomes law, will be an inestimable benefit to the agricultural community; and I would not reject an extensive and great and unquestioned improvement in an entire department of the law, only because upon one point, regarding which a great difference of opinion exists, a principle is adopted which seems to my judgment unsound. Practically, the great majority of cases to which this principle applies will not be affected by the change of law now introduced; and if in the minority of cases the change is found by experience to produce important bad consequences, the provision I object to can always be easily altered by a very short enactment. Allowing full weight to the objection, so far as it is a practical objection, the advantages of this measure appear to me decidedly preponderating.

I might have come to a different conclusion, if I agreed in all the practical objections to the provision I disapprove of, which have been recorded, founded upon the convenience of parties and the requirements of public economy. But to these objections, so far as the convenience of parties is concerned, I do not think great weight is to be attached; and so far as public economy is concerned, I think no weight is to be attached.

Mr. Currie

On the worst possible supposition, namely, the incapacitation of all Deputy Magistrates, being also Deputy Collectors, for the trial of rent suits by reason of their being all vested with functions of Executive Police, still even in this case the great majority of the parties to such suits will have the very same Officers stationed at the very same places to resort to, after this Bill becomes law, that they do in fact now resort to. And effectively, it is not to be doubted that they will have many more, because it cannot be presumed that a district properly apportioned into sub-divisions, and adequately supplied over its whole extent with Deputy Magistrates, will require all or nearly all those Deputy Magistrates to be employed in the department of Executive Police. The true use of the greater number will be in the department of criminal justice, acting in which their presence throughout the district will remove the great opprobrium of the old system, which is the want, not of local Police Officers, but of local Judges. The employment of these sub-divisional Criminal Judges, in their capacity of Deputy Collectors, also in the trial of the classes of civil suits to which this Bill relates, will be entirely proper in itself, and entirely consistent with the objects of their appointment. And though I wish that the Moonsiffs' Courts also had been left open to this class of suitors, yet, as in fact the Moonsiffs' Courts try now only a small minority of these cases, I cannot deny that, when the arrangements in prospect are completed, the practical effect of this Bill will be to bring the trials nearer than they are at present to the doors of most of the parties and most of the witnesses concerned.

Nor will the reservation of some Deputy Magistrates for the peculiar functions of Executive Police, to be exercised over the Police Darogahs and under the Magistrates, involve the necessity of employing more of them on the whole than would otherwise be required, because in any way all will have full employment in one sort of business or another. Where the business of all sorts to be done remains the same, no increase of workmen is required, by reason of a division of labor, arranged upon sound principles, and giving full occupation to every workman engaged.

J. P. GRANT.

SALE OF LANDS FOR ARREARS OF REVENUE (BENGAL).

MR. GRANT moved that the Council resolve itself into a Committee on the Bill "to improve the law relating to sales of land for arrears of revenue in the Bengal Presidency;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

Sections I to IX were passed as they stood.

Sections X and XI were passed after verbal amendments.

Section XII was passed after a trifling amendment.

Section XIII provided for the sale of separate shares.

MR. CURRIE said that Section III, which was one of the Sections taken from the old law, spoke of "the Collector or other Officer duly authorized to hold sales under this Act;" and in all the other old Sections, whenever the Collector was mentioned as holding sales, the expression used was "the Collector or other Officer as aforesaid." In the new Sections, the latter words appeared to have been inadvertently omitted. He now begged to move the insertion of those words in line 6 of this Section.

The Motion was carried, and the Section passed after a further verbal amendment.

Section XIV was passed after amendments.

Sections XV and XVI were passed as they stood.

Sections XVII to XX were passed after verbal amendments.

Section XXI was passed as it stood.

Section XXII was passed after a verbal amendment.

Section XXIII provided for full payment of purchase money, &c.

MR. CURRIE said that this Section, which was taken from the old law, was incorrect, inasmuch as it provided that, in case of repeated default, the difference between the sum bid by each defaulting bidder and the actual sale price should be levied and credited to the former proprietor, whereas all that he was entitled to was the difference between the highest bid and the actual sale price. This had been pointed out before, when a Bill brought in by him for the sale of Under-tenures was before a Committee of the whole Council. He now begged to move amendments similar to those which it had been proposed to make in that Bill, namely, that the words "then and afterwards as often as such default shall occur" be omitted in line 11, and that all the last part of the Section, commencing with the words "it shall be so levied" in line 24 be also omitted, and the following

words and new Section substituted for them:—

"Such difference shall be taken and considered to be a part of the purchase money, and shall be dealt with in the manner hereinafter prescribed for the disposal thereof.

"When default is made in the payment of purchase money, a notification of the intended re-sale shall be published for the period and in the manner prescribed in Section VI of this Act; but such notification shall not be published until the expiration of three clear days after the day on which the default shall have occurred; and if payment or tender of payment of the arrear on account of which the estate or share was first sold, and of any arrear which may have subsequently become due, shall be made by or on behalf of the proprietor of the estate or share before sunset of the third day, the issue of the notification of re-sale shall be stayed. The rules contained in the last preceding Section shall be applicable to every such re-sale. Provided that, if default of payment of purchase money shall occur more than once, the amount to be recovered from the defaulting bidders shall be the difference between the highest bid and the proceeds of the sale eventually consummated, which amount may be levied in manner aforesaid from any of the defaulting bidders to the extent of the amount by which his bid exceeds the amount realized."

The Motions were agreed to.

Section XXIV was passed after a verbal amendment.

Section XXV was passed as it stood.

Sections XXVI to XXVIII were passed after verbal amendments.

Section XXXI was ordered to be transposed, so as to stand after Section XXVIII as part of the Bill.

Section XXIX was passed after a verbal amendment.

Sections XXX to XXXIX were passed as they stood.

Section XL prescribed the procedure to be followed on application for common registry.

MR. CURRIE, in accordance with a suggestion of the Board of Revenue, Lower Provinces, moved the insertion of the words "or the authorized agent of such proprietor or proprietors" after the word "situated" in line 5.

Agreed to.

MR. CURRIE then moved the amendments of which he had given notice. He said that the object of the proposed amendments was to prevent registry being defeated by spite or enmity, when there was no real cause of objection.

The Motions were severally carried, and the Section as amended then passed.

Section XLI was passed after similar amendments to those last made in the preceding Section.

Section XLII was passed as it stood.

Section XLIII was passed after amendments.

Section XLIV was passed as it stood.

Sections XLV and XLVI were passed after verbal amendments.

Section XLVII was passed as it stood.

Section XLVIII related to the proceedings of Revenue Authorities under the Act.

After a verbal amendment on the Motion of Mr. Currie—

MR. RICKETTS said, he had an amendment to propose in this Section. One of the objects of the Bill was to give capitalists holding Talooks encouragement to lay out their money and improve their estates. Under this Section, however, a party who had succeeded in obtaining special registry of a tenure would be unable with any confidence to lay out capital upon it for at least ten years, for the Section said—

“The order of a Commissioner for the special registry of a tenure under the provisions of this Act shall be open at any time within ten years from the date of registry to revision by the Board of Revenue and the local Government, on the ground of the Government Revenue not having been sufficiently secured, or of the invalidity of the tenure, as the case may be.”

He knew it to be very unlikely that either the Board of Revenue or the Government would interfere without very good cause having been shown. But still the provision above quoted was calculated to make capitalists uneasy, while the object was to give them confidence. It had been suggested to him to limit the period to three years, but one year appeared to him quite sufficient. If a very great fraud were committed, a special Act could easily be brought in for the purpose of remedying it. Even that would be better than to keep all improvers in a state of suspense for the long period of ten years. He should therefore move the substitution of the words “one year” for the words “ten years.”

MR. GRANT said, he entirely agreed in what had fallen from the Honorable

Member who had just spoken. He thought it would be readily admitted that one year was a quite sufficient period within which the order of a Commissioner for the special registry of a tenure should be open to revision. The next Section provided for the case of frauds. If it could be proved that Government had been defrauded at any time up to sixty years, the order of registry could, under the latter Section, be set aside by a decree of a Civil Court pronouncing the registration to have been obtained by fraud. But the present Section provided for cases in which fraud could not be proved before a Civil Court, and he thought that one year was quite sufficient for the revision of orders in such cases.

MR. CURRIE said, he did not rise to oppose the amendment, but he thought they should be very careful not to imperil the Government revenue. It appeared to him that the privilege of special registration must to some extent put the Government revenue in peril, and that very great care would be required on the part of Collectors and Commissioners to guard against fraud. The provision under consideration was intended as a remedy in cases of concealed fraud, and he doubted whether the power of revision reserved to the Board, if limited to the short period of one year from the date of registry, would be of much value. The provision objected to was taken from the Butwarrah Law, which allowed the Board to set aside a Butwarrah, if it were discovered within a period of ten years that the apportionment of the revenue upon the several shares had been improperly made. This was considered necessary for the protection of the revenue, and for similar reasons the period of ten years was here introduced. For his own part, he preferred the Section as it stood; but as the amendment seemed to find favor with the Council, he would not oppose it.

The Motion was carried, and the Section as amended then passed.

Section XLIX provided as follows:—

“Entry in the special register shall be an effectual protection of the tenure or farm so registered, unless within sixty years from the date of registry a decree be passed at the suit of Government by a Civil Court, pronouncing the registration to have been obtained by

fraud, to the injury of the Government revenue."

After some discussion as to the effect of allowing a period of sixty years, during which Government might obtain a decree for fraudulent registration—

Mr. GRANT moved the substitution of the following words for the words "within sixty years from the date of registry":—

"In a suit instituted by Government in a Civil Court within the period allowed for suits for the recovery of the public revenue a decree be passed."

Agreed to.

Mr. PEACOCK moved the addition of the following proviso to the Section:—

"Provided that a tenure or farm in the hands of a *bonâ fide* purchaser for value shall not be avoided by reason of such fraud. But the tenure or farm shall be liable to such amount of rent as would have been fair and equitable at the time of the special registry thereof: such amount to be fixed by the Collector."

The Motion was carried, and the Section as amended then passed.

Section L was passed after a verbal amendment.

Section LI was a misprint.

Section LII was passed after a verbal amendment.

Sections LIII to LV were passed as they stood.

Section LVI was passed after verbal amendments.

Section LVII was passed as it stood.

Sections LVIII to LX were passed after verbal amendments.

Section LXI was passed as it stood.

Section LXII provided for the application and commencement of the Act.

Mr. CURRIE said, he had referred to the Board of Revenue as to the time when the operation of the Act should commence, and they were of opinion that it might take effect at once. No preparations at all were required for the purpose, as with regard to the sale provisions the Act scarcely did more than re-enact the old law, and it would be some time before applications for separation of shares and registration of

tenures began to come in. He thought it objectionable that this Act should take effect from the same date (1st August 1859) as the Rents Act, since both would require careful consideration and study by the Officers who would have to work them. He would therefore move to omit the words at the end of the Section "and this Act shall commence to have effect on the 1st of August 1859." The effect of the amendment would be that the operation of the Act would commence immediately.

Mr. RICKETTS could not approve the proposed amendment; he considered that on such occasions it was very desirable to give Revenue Officers a little time to study the new enactment.

Mr. HARRINGTON said, he saw no necessity for postponing the date from which the Bill should take effect, simply in order that the Officers upon whom would devolve the duty of administering the law should have time to make themselves acquainted with its provisions. Few Officers would sit down merely to study the law. It was in the actual working of the Bill that its details would be mastered. The part of the Bill which related to the sale of land for arrears of Government revenue did not differ very materially from the law now in force, and nothing could be done under the other portions of the Bill without a written application, on the receipt of which the Collector would of course refer to the Bill to ascertain how he was to proceed, and he would act accordingly.

The Motion was carried, and the Section as amended then passed.

Schedule A was passed as it stood.

Schedule B was passed after verbal amendments.

The Preamble and Title were passed as they stood; and the Council having resumed its sitting, the Bill was reported with amendments.

MUNICIPAL ASSESSMENT (BOMBAY).

Mr. LEGEYT moved that a communication received by him from the Bombay Government be laid upon the table and referred to the Select Committee on the Bill "to amend Act XXV of 1858 (for appointing Municipal Commissioners and for raising a Fund

for Municipal purposes in the Town of Bombay).”

Agreed to.

NATIVE PASSENGER VESSELS (BAY OF BENGAL).

MR. FORBES said, in November of last year, a Select Committee was appointed to take into consideration an extract from proceedings in the Foreign Department, respecting the evasion of the provisions of Act I of 1857 (to prevent the over-crowding of vessels carrying native passengers in the Bay of Bengal), by vessels clearing out from Foreign Ports within the Coast limits of the Madras Presidency and from Ports in other Presidencies. The Act provided that a fine should be levied from the owners and commanders of vessels who took more passengers than in the proportion of one to every four tons of burden from the Coast to places on the Eastern side of the Bay of Bengal. But it did not provide for the over-crowding of vessels coming from Foreign Ports, and the consequence was that several ships had arrived from the French Indian Ports with a larger proportion of passengers than was allowed by the law referred to; and as disease was very likely to break out in these over-crowded ships, there was great danger of its being introduced into the British Settlements in which the passengers might be landed. The question was referred by him to the Government of Madras, who had informed him that “His Excellency the Governor of the French Settlements in India, on a reference made to him on the subject of over-crowded vessels clearing out from French Indian Ports, has shown that the matter had already received his attention, and has assured the Government that he will take measures for the prevention of the practice.”

The Act itself would expire with the present year, and if it should be considered necessary to re-enact it, opportunity might then be taken to consider whether provision should be made for including vessels clearing from Foreign Ports and arriving at Ports within the British Territories, among those to which its provisions should

apply. In the meantime, however, the Council might suspend legislation in the matter, resting satisfied with the assurance of His Excellency the Governor of the French Settlements that measures would be adopted for the prevention of the evil that had been complained of. He should therefore move that the Select Committee be discharged.

Agreed to.

RECOVERY OF RENTS (BENGAL).

MR. CURRIE moved that Mr. Ricketts be requested to take the Bill “to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal” to the Governor-General for his assent.

Agreed to.

POLICE ACT (PRESIDENCY TOWNS AND STRAITS SETTLEMENT).

MR. CURRIE said, he had received a communication from the Bengal Government, enclosing a letter from Mr. Wray, relative to a supposed defect in the Police Act XIII of 1856, which provided no punishment for the sale of female children for immoral purposes by parents or others having charge of them. Section XLIV of the Act made it a penal act for any person to take, entice, or detain a female child under fourteen out of the possession, custody, or protection, and against the will of the husband, parent, or other person having lawful charge of the child for the purpose of prostitution; but it seemed doubtful whether the Act would reach a person taking such child with the will of the husband, parent, or guardian, and it certainly did not apply to the parent or guardian or other person in lawful charge who sold the child or consented to the unlawful taking. He begged to move that the above communication be laid upon the table and referred to the Select Committee on the Bill “to amend Act XIII of 1856 (for regulating the Police of the towns of Calcutta, Madras, and Bombay and the several Stations of the Settlement of Prince of Wales’ Island, Singapore, and Malacca)”

Agreed to.

SALE OF LANDS FOR ARREARS OF REVENUE (BENGAL).

MR. GRANT gave notice that he would, on Saturday next, move the third reading of the Bill "to improve the law relating to sales of land for arrears of Revenue in the Bengal Presidency." The Council adjourned.

Saturday, April 30, 1859.

PRESENT :

The Hon'ble J. P. Grant, Senior Member of the Council of the Govr.-Genl., Presiding.

Hon. Lieut.-Genl. Sir James Outram,	H. B. Harington, Esq.,
Hon. H. Ricketts,	H. Forbes, Esq.,
Hon. B. Peacock,	and
P. W. LeGeyt, Esq.,	Hon. Sir C. R. M. Jackson.
E. Currie, Esq.,	

BRITISH SUBJECTS.

THE CLERK reported to the Council that he had received from the Home Department a copy of a Despatch from the Secretary of State for India, relative to the rights of British subjects not in the service of Her Majesty to enter the territories under her dominion and those under the rule of the Native Princes of India.

MR. GRANT moved that this communication be printed.

Agreed to.

LAND CUSTOMS (MADRAS AND BOMBAY).

MR. PEACOCK presented the Report of the Select Committee on the Bill "to alter the rates of Duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively."

ADJUDICATION OF FORFEITURES.

MR. HARINGTON presented the Report of the Select Committee on the Bill "to provide for the adjudication of claims to property seized as forfeited."

MR. HARINGTON then moved that the Council resolve itself into a Committee on the Bill, and that the

Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee without any amendment, and, the Council having resumed its sitting, was reported.

MR. HARINGTON moved that the Bill be read a third time and passed.

The Motion was carried, and the Bill read a third time.

MR. HARINGTON moved that Sir James Outram be requested to take the Bill to the Governor-General for his assent.

Agreed to.

CRIMINAL PROCEDURE.

MR. CURRIE presented a joint Report from the Select Committees on the Bills for extending the jurisdiction of the Courts of Criminal Judicature, for simplifying the Procedure thereof, and for investing other Courts with Criminal jurisdiction.

MR. LEGEYT said, he had signed the Report because he assented to the general principle of the alterations in the Bill proposed by the Select Committee. But there were some points on which he differed in opinion with the majority of the Committee, and he therefore reserved to himself the right of proposing amendments in the Bill when it should come before a Committee of the whole Council.

NABOB OF SURAT.

MR. LEGEYT presented the Report of the Select Committee on the Bill "to amend Act XVIII of 1848 (for the Administration of the Estate of the late Nabob of Surat, and to continue privileges to his family)."

MALABAR OUTRAGES.

MR. FORBES moved the first reading of a Bill "for the suppression of Outrages in the District of Malabar, in the Presidency of Fort Saint George." He said, although the Bill, of which he was about to move the first reading, was mainly only to continue laws already in force, he should, in introducing it, trespass for a short time on the attention of the Council, partly because some Honorable Gentlemen now present were not Members of