

Monday, December 7, 1863

**COUNCIL OF GOVERNOR GENERAL
OF
INDIA**

VOL . 2

JAN. - DEC.

1863

P . L .

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 Act of Parliament 24 & 25 Vic. cap. 67.

THE Council met at Government House, on Monday, the 7th December, 1868.

PRESENT.

His Excellency the Viceroy and Governor-General of India, *presiding*.
Major-General the Hon'ble Sir R. Napier, K.C.B.
The Hon'ble H. B. Harington.
The Hon'ble H. Sumner Maine.
The Hon'ble Sir C. E. Trevelyan, K.C.B.
The Hon'ble W. Grey.
The Hon'ble R. S. Ellis, C.B.
The Hon'ble A. A. Roberts, C.B.
The Hon'ble H. L. Anderson.
The Hon'ble C. H. Brown.

The Hon'ble Mr. Anderson and the Hon'ble Mr. Brown took the Oath of Allegiance, and the oath that they would faithfully discharge the duties of their office.

OUDH CLAIMS COMMISSIONERS' BILL.

The Hon'ble MR. MAINE introduced the Bill to provide for the appointment of Commissioners to enquire into certain claims against the late Native Government of Oudh, and moved that it be referred to a Select Committee, with instructions to report in three days. He said, that this Bill having already been published in the Gazette by the order of the late Governor-General, it was unnecessary for him to ask for leave to introduce it, and he proposed therefore to introduce the Bill, and move that it be referred at once to a Select Committee. The Bill related to certain claims of very old standing against the former Government of Oudh,—some of the claims dating from the last century. Even before Oudh became part of British India, the Government of the East India Company had frequently been urged to use its influence with the King of Oudh for the purpose of getting these claims satisfied, and on the annexation of that Province, they were pressed directly against the Government of India on the ground that Oudh having become a British possession, the Government was bound to discharge the debts of the late Rulers. The Court of Directors in 1857 directed that a Commission should be appointed to investigate these claims: but at that time the state of the country was such that it was impossible

to carry out those directions literally. Accordingly the claims were sifted, some of them by an eminent lawyer, Sir Barnes Peacock, who was then a Member of Council, and some of them by Mr. E. C. Bayley who was then Extra Judicial Commissioner of Oudh. Both Sir Barnes Peacock and Mr. Bayley recorded opinions unfavorable to all the claimants: but objections were taken to these decisions on the ground that the mode in which the investigations were conducted was inconsistent with the pledge given in Parliament by Lord Stanley in 1858, that these claims should be investigated by a Commission on the spot. Her Majesty's Government in England had recently requested that a Commission should issue to enquire into and dispose finally of these claims. The Government consequently had caused this Bill to be prepared, authorizing the appointment of Commissioners who would have all the powers of Judges, so as to enable them to conduct the proceedings with regularity. The claimants would be permitted to appear before the Commissioners to support their claims. All necessary witnesses might be summoned and examined, and if examined, would speak under the sanction of an oath, and be subject, if they gave false evidence, to the penalties of perjury. The provisions of the Bill were not new, for they were chiefly taken from the Act under which the Bengal Indigo Commission was appointed, although in some particulars, modifications had been necessary to meet the peculiar circumstances of the case. He would move that the Committee be instructed to report in three days. Some despatch in the passing of the Act was necessary, inasmuch as notice had already been given that an enquiry would be held under the Act in Calcutta, which the claimants preferred to Lucknow as the place of sitting, and the time named for holding that enquiry was at hand.

The Motion was put and agreed to.

ALIMENTARY SALT (CENTRAL PROVINCES) BILL.

The Hon'ble MR. HARRINGTON moved for leave to introduce a Bill for regulating the importation and manufacture of alimentary Salt in the territories administered by the Chief Commissioner of the Central Provinces. He said that a communication lately received from the Chief Commissioner of the Central Provinces brought to the notice of the Government of India the very unsatisfactory state of the law in those Provinces in respect to that branch of the public Revenue which was derived from the Duty upon Salt. In the Province of Nagpore an order of the local Government, passed in the month of May 1861, to which the Indian Councils' Act of the same year had given the force of law, imposed a Duty of one rupee eight annas per maund on Salt imported into the Province; but no orders were issued as to the manner in which the Duty was to be levied, or as to the measures by which infringements of the order imposing the Duty were to be prevented and punished. Practically the system in force in the North-Western Provinces under the provisions of Act XIV of 1843, for regulating in those Provinces the levy of Customs Duties and the manufac-

ture of Salt, was stated to have been, more or less, acted upon in the Central Provinces; but it was suggested that this had been done without any legal warrant. Furthermore, it appeared that, as regarded some parts of the Central Provinces, orders had been issued at different times by the Government of the North-Western Provinces, which would seem to be scarcely consistent with so much of Act XIV of 1843 as exempted the Saugor and Nerbudda territories from the operation of that Act. The present Bill was intended to remove the existing doubts as to the state of the law, and to place the Customs Duty on Salt in the Central Provinces, and all matters connected with the levy of the same, on the same footing as in the territories under the North-West Government. This was proposed to be done by extending to the Central Provinces the law of the North-Western Provinces so far as the same was considered suitable thereto. A Section had been added to the Bill, indemnifying the Collectors of Customs and other Officers for acts done before the passing of the Bill, which might lawfully have been done had the Bill been in force at the time, and declaring that no action or proceeding should be maintained against any such Collector or other Officer in respect of any thing so done.

The Motion was put and agreed to.

POORWAH AND KHUDEE BILL.

The Hon'ble MR. HARRINGTON also moved for leave to introduce a Bill to bring the Jagheers of Poorwah and Khuddee, in the District of Banda, under the operation of the general Regulations. He said that the Bill was introduced at the request of the Government of the North-Western Provinces. The two Jagheers to which the Bill related were declared by Regulation XXII of 1812 to have always been, and to be still exempted from the operation of the general Regulations. The Jagheer of Poorwah was resumed in the year 1856, and the Jagheer of Khuddee in the year 1853. From the time of their resumption the two Jagheers had been administered by the Officers of the British Government according to what was known as the Non-Regulation system; but being included in a District (Banda) which was subject to the general Regulations, it was considered desirable that they also should be brought under the operation of those Regulations, in order that the entire District might be administered on one uniform system.

The Motion was put and agreed to.

HINDOO AND MAHOMEDAN LAW OFFIERS' BILL.

The Hon'ble MR. ROBERTS, in moving for leave to introduce a Bill for the abolition of the offices of Hindoo and Mahomedan Law Officer, said the object of the Bill was two-fold; *firstly*, the abolition of the appointments of Hindoo and Mahomedan Law Officers throughout the country; and, *secondly*, the disseverance

of the connection of Government with the offices of Cazi-ul-Cuzat or head Cazis of Provinces, and of City, Town, and Pergunnah Cazis. The Council would remember that, for many years after the introduction of the British rule into India the European Officers of the Government, partly no doubt from the paucity of their number, and partly also from their ignorance alike of the languages and of the laws of the people, did not take any direct part in the administration of Justice which was conducted by native functionaries ; and even when Lord Cornwallis, in the year 1793, constituted Courts of Justice presided over by European Judges in Bengal, and when at a later date similar Courts were established in the Madras and Bombay Presidencies, a Mahomedan and a Hindoo Law Officer was appointed to each Court of Civil Judicature for the purpose of expounding the laws of the Hindoos and of the Mahomedans in causes which might be referable to the determination of those authorities. Although to this day in suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mahomedan Law with respect to Mahomedans, and the Hindoo Law with regard to Hindoos, were still the general rules by which the Courts were to form their decision, yet the assistance of Mahomedan or Hindoo Law Officers was no longer deemed expedient or necessary for the exposition of those Laws. So far back as the year 1773, Mr. Warren Hastings, with his usual discernment and energy, authorized the compilation of a Digest of the Laws of the Hindoos, and it was published the following year. He also recommended the translation of the Hedaya, the most celebrated law treatise of the Sunni School of Mahomedan Law. It was printed in Calcutta in 1794. Since then the labors of Sir William Jones, and of a great many distinguished Oriental scholars, among whom he might mention the names of Messrs. Colebrooke, Halhed, Haughton, Hamilton, Harington, Wynch, Sutherland, Sir Francis Macnaghten, Sir William Macnaghten, Sir Archibald Galloway, Dr. Sprenger, Dr. Roer, Captain Lees, and Messrs. Neil Baillie and Macpherson, and still later, a very learned Native gentleman, now a Member of the Legislative Council of His Honor the Lieutenant-Governor of Bengal, Baboo Prosonno Coomar Tagore, on this side of India—of Sir Thomas Strange and Mr. Ellis on the Madras side—of Sir Erskine Perry and Messrs. Norris, Willoughby and Borradaile at Bombay ; together with many valuable works on both the Civil and Criminal Codes of the Hindoos and Mahomedans which had appeared in France, Germany, Holland, and Russia, and at Constantinople, had given access both to the original laws and to the works of Commentators, and had rendered the Courts independent of the expositions of Hindoo and Mahomedan Law Officers. To the value of Sir William Macnaghten's famous work, entitled the Principles and Precedents of Hindoo and Mahomedan Law, Sir Edward Ryan, formerly Chief Judge of the Supreme Court of Calcutta, had, in the Judicial Committee of the Privy Council, of which he was one of the Judges, borne the highest testimony. He stated that it was all but decisive on any point of Hindoo Law contained in it, and that more respect would be paid to its *dicta* by the Judges of the Calcutta Court than even to the opinions of the Pundits : and the late Horace Hayman Wilson, no mean authority, was of

opinion that a similar character was applicable to the Mahomedan portion. There were, besides, Digests of Decisions and the reported Decisions of the late Supreme and Sudder Courts and of the Zillah Courts of all the Presidencies, which had been published annually for many years past. It was under such circumstances that the Hon'ble and learned Chief Justice of the High Court of Judicature at Calcutta, soon after the formation of that Court, expressed his opinion that neither Hindoo nor Mahomedan Law Officers were any longer required. The Code of Procedure gave the Courts power to take any evidence that they might deem necessary, and they had the means in standard works, and in the rulings of the Courts for a period of seventy years, of ascertaining what the law really was. It was proposed therefore that the Courts should henceforth expound the law themselves without the intervention of Law Officers. The foregoing remarks referred to the Courts of Civil Judicature. As regarded the administration of Criminal Justice, the employment of a Law Officer was not only unnecessary, but was not compatible with the present state of the law. On the introduction of the British rule, the Government, succeeding the Mogul Government, retained the Mahomedan Law as the rule for the administration of Criminal Justice, but reserved to itself the right of introducing such alterations and modifications as reason and humanity might suggest. In the course of time, a mixed Mahomedan and Regulation Criminal Law sprung up, which prevailed for many years, and in the administration of it, the Futwah or opinion of a Mahomedan Law Officer was only occasionally necessary. But this mixed Law was finally superseded, upwards of two years ago by Act XLV of 1860, known as the Indian Penal Code, which was now the Criminal Law throughout the length and breadth of British India. It minutely defined every offence, and prescribed a suitable punishment for every offence. It was followed by Act XXV of 1861, called the Code of Criminal Procedure, which prescribed that if the accused person was acquitted, the Court should record a judgment of acquittal; if the accused person was convicted, the Court should proceed to pass sentence upon him according to law. As regarded therefore the administration of Civil Justice, the retention of the offices of Hindoo and Mahomedan Law Officers was deemed both unnecessary and inexpedient, while, on the introduction of the Penal Code, the employment of Mahomedan Law Officers in the administration of Criminal Justice, had become quite obsolete. The abolition, therefore, of these offices was the first object of the Bill. The present incumbents would of course be put on the same footing as all Officers of Government whose appointments were from time to time abolished. It was further proposed by the Bill to dis sever the connection of Government with the office of Cazi-ul-Cuzat, or chief Cazi of a Province, and also with the offices of City, Town, and Pergunnah Cazis. These Offices did not rest upon, nor were they created by, any legislative enactment of the British Government. They were an institution of Mahomedan Government and of Mahomedan Society. We found Cazis existing in every City, Town, and Pergunnah, and all that our earlier legislators sought to do was to define generally

what the duties of Cazis were, and to provide that persons of character, and duly qualified with respect to legal knowledge, should be appointed to those offices. The letter of the Regulations of the three Presidencies regarding the appointment and removal of Cazis was nearly identical. Indeed, Regulation XI of 1802 of the Madras Code was avowedly framed upon Regulation XXXIX of 1793 of the Bengal Code. These Regulations defined the duties of Cazis to be "the preparing and attesting deeds of transfer and other law papers, celebrating marriages and performing such religious duties or ceremonies prescribed by the Mahomedan law as have been hitherto discharged by them." The Bengal Regulation added: "and also for superintending the sale of distrained property, and paying charitable and other pensions and allowances." Further, in Bengal and Madras the Cazi-ul-Cuzat-or chief Cazi was constituted the Mahomedan Law Officer in the Sudder Courts. On the Bombay side, in addition to the ordinary duties of a Cazi as described above, an important use of the office was stated to be "in furnishing the means of settling questions of inheritance and succession between Mahomedans." He hoped he had succeeded in shewing that Cazis were no longer required as exponents of Mahomedan Law. Then as regarded the duty of preparing and attesting deeds of transfer and other law papers, although Cazis were occasionally employed by the public as Notaries for this purpose, they had been to a great extent superseded by the regular Registrars of Deeds who were appointed under separate enactments for the registry of Deeds. The attestation of a Deed by a Cazi was received, *quantum valeat*, in our Courts: but the same force did not attach to it as to the attestation of a Registrar of Deeds. It now remained for him to explain that they had long ceased to be employed in superintending the sale of distrained property, or in paying pensions and allowances. These duties had been transferred to regularly constituted and salaried servants of the Government, which Cazis had never been. A few Cazis might have received small salaries, and there were believed to be a few endowments in the Madras and Bombay Presidencies: but the majority of Cazis had been remunerated for any services they might have performed for the State by khilats or annual presents in the shape of money or shawls, which were generally bestowed on the Bengal side at the Eed Festival. For their services as public Notaries, or for their attendance at marriages, &c., they were remunerated by the persons who employed them. Nor must it be supposed that the Cazis recognized by Government and appointed under the Regulations were the only Cazis in the country. For one Cazi appointed by Government there were probably ten self-constituted Cazis, who were acceptable to, and recognized and employed by, the Mahomedan community. This circumstance of itself showed that the time had arrived for discontinuing any interference on the part of Government with the appointment of Cazi, and for allowing perfect freedom of action in the matter to the Mahomedan community, subject only to a reference, in case of dispute, to a Court of Justice. Cazis, whether those who had heretofore been appointed by Government, or those who had established themselves as Cazis to the satisfaction of the community to which they belonged, would be free to dis-

charge such duties as had heretofore been performed by them and were prescribed by the Mahomedan law. All that it was proposed to do was to repeal the existing laws in our Statute Book regarding the office of Cazi, and to declare that Government would not henceforth make any fresh appointment to that office. The Bill, whether as regarded the offices of Hindoo and Mahomedan Law Officer, or as regarded the offices of Cazi-ul-Cuzat or of other Cazis, would be a mere repealing enactment, and would erase some twenty-five Regulations and Acts in whole or in part from the Statute Book. The scope of the Bill, for leave to introduce which he now moved, did not appear fully from the title given in the List of Business for the day. The title which he proposed to give to the Bill was, a Bill to repeal the laws relating to the offices of Hindoo and Mahomedan Law Officers, and to the offices of Cazi-ul-Cuzat and of Cazi, and to abolish the former offices.

The Motion was put and agreed to.

RECEIPTS OF PRESIDENCY BANKS IN LIEU OF SUB-TREASURERS' RECEIPTS.

The Hon'ble MR. MAINE moved for leave to introduce a Bill to declare the receipts of the Bank of Bengal, the Bank of Madras, and the Bank of Bombay, to be good and sufficient in lieu of the receipts of the Sub-Treasurers of the Presidencies of Bengal, Madras, and Bombay. He said that the Bill was necessitated by doubts which were felt by certain learned persons as to the sufficiency of receipts granted by the Secretaries of the Banks of the three Presidencies in lieu of the receipts of the Sub-Treasurers of those Presidencies. By the Administrator General's Act (VIII of 1855) it was provided that the proceeds of certain estates in the hands of the Administrator General should, if unclaimed for fifteen years or upwards, be paid to the Sub-Treasurer of the Presidency, and carried to the credit of Government; and the Act declared that the receipts of the Sub-Treasurer and Accountant General should be a full indemnity to the Administrator General for such payments. By a recent arrangement come to between the Government and the Bank of Bengal, the Bank of Madras, and the Bank of Bombay, so much of the business of the Government Treasuries as consisted in paying and receiving money had been transferred to the three Presidency Banks. The question had been raised whether the receipts of the Secretary of one of the Banks in respect of payments made under the provisions of the Administrator General's Act above referred to, met the requirements of the law so as to constitute a full indemnity to the Administrator General. The Advocate General of Bombay and the Officiating Advocate General here expressed an opinion that such receipts were not sufficient. Without discussing the correctness of that opinion, it was sufficient to say that the fact of those two Officers deeming such receipts insufficient was quite enough to make it necessary to remove all question on the subject, for it would be quite intolerable to the public that any doubt should be permitted to exist.

The Motion was put and agreed to.

The Hon'ble MR. MAINE applied to His Excellency the President to suspend the Rules for the conduct of Business, with a view to enable him to move that the Bill be introduced and passed—observing, that he thought it very desirable that the Bill should pass at once, as he did not wish it to be supposed, even for a single day, that the receipts were insufficient.

His Excellency the PRESIDENT declared the rules to be suspended.

The Hon'ble MR. MAINE then introduced the Bill, and moved that it be taken into consideration.

His Excellency the PRESIDENT said that it was by no means clear to him that there was any force in the objections which had been taken to the sufficiency of these receipts; and he rather questioned there being any necessity for passing the Bill at all.

The Hon'ble MR. MAINE said that the doubt should at all events be set at rest; and to this His Excellency the President assented.

The Motion was put and agreed to.

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

The Motion was put and agreed to.

ADMINISTRATION OF JUSTICE AT ADEN

The Hon'ble MR. ANDERSON, in introducing the Bill to provide for the administration of Civil and Criminal Justice at Aden, and in moving that it be referred to a Select Committee with instructions to report in one month, said that, although Aden had been for about a quarter of a century a British possession, no due provision had yet been made for the proper administration of justice in it. The subject had long been under discussion, and some years ago the matter was brought to the attention of the Government of India by the Government of Bombay, with reference to a sentence passed by the Resident at Aden. The Arab Commander of a vessel sailing under British colors had been sentenced to three years' imprisonment for purchasing and receiving on board three slaves, but the Advocate General at Bombay questioned the legality of the sentence, and was of opinion that the Resident had no power to carry it out. Many technical legal difficulties had been found in the attempt to deal with the matter, but these difficulties appeared to him to have been substantially surmounted in the Bill now introduced. Questions had been raised whether the subject ought to be taken up by the local Legislature or by the Imperial Legislature; or whether it should be taken up partly by the one and partly by the other. It appeared to him that the last was in strictness the most correct course to pursue, but it cer-

tainly was also the most inconvenient one; and the Bombay Government had requested the Government of India to legislate for the whole subject in one measure. The Bill now introduced was originally drawn by the late Mr. Ritchie, but it had been revised and improved by Mr. Maine, who had embodied in it certain suggestions recently made by the Chief Justice of the High Court in Bombay. Mr. Anderson then briefly explained the provisions of the proposed Act, and concluded by stating that he considered the Bill to be well calculated to attain the object which the Government had in view, although he thought that one or two points of detail required consideration, which he doubted not they would duly receive from the Select Committee to which the Bill would be referred.

The Hon'ble MR. HARRINGTON said that, in assenting to the introduction of this Bill, he wished it to be understood that he did not bind himself to all the provisions of the Bill. He considered some of these provisions extremely objectionable. He would not occupy the time of the Council by stating his objections in detail at this stage of the Bill, but would bring them forward in Select Committee, where they could be more conveniently considered and discussed in the first instance.

The Motion was put and agreed to.

GAZETTE OF INDIA BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to give effect to the publication of certain orders and other matters in the Gazette of India, said that the Bill had its origin in various representations which had been made to Government as to the inconvenience and costliness of the present mode of giving publicity to the orders and notifications of the Government of India. All orders of the Government of India were published in the Calcutta Gazette. The Calcutta Gazette was also the Gazette of the Government of Bengal, and that Government being concerned with the direct administration of the country, had on an average occasion to publish much more matter than ordinarily emanated from the Government of India. For instance, in the last number of the Gazette, while only five pages were filled with the orders of the Government of India, there were about twenty pages which were filled with orders and other matters proceeding from the Bengal Government. The result was that when the Calcutta Gazette was circulated for the purposes of the Government of India, it was circulated with an immense quantity of matter attached to it which was of no interest beyond Bengal proper. The cost of printing was thus needlessly increased, the expense of transmission was augmented, and after all the Gazette was a less perfect medium of communication than if it were less bulky. The establishment of a new Gazette was rather a matter of Executive concern, but some legislation was needed, because there were various Acts and Regulations in existence in which it was expressly directed that certain orders should be published in the Calcutta Gazette, and it therefore became necessary to provide that, where such publication was not intended to have reference to Bengal alone,

should in future be made in the Gazette of India. It was proposed to give the Governor-General in Council power to make rules discriminating between the orders which were to appear in the Gazette of India and those which were to appear in the local Gazette.

His Excellency the PRESIDENT considered it doubtful whether any new Gazette should be established. Each local Government already had its own Gazette.

The Hon'ble MR. HARRINGTON said that although it was intended that the Gazette of India should be kept quite separate and distinct from the local Gazettes, a copy would be furnished to all controlling authorities throughout the country. Much repetition and reprinting of matter would thus be avoided.

The Hon'ble SIR CHARLES TREVELYAN said that the question had been fully considered by the Executive Council before it was resolved that a new Gazette should be issued. There would be great convenience in the Government of India having a Gazette of its own; at present its orders were mixed up with all the matter contained in the Bengal Gazette, and carried all that matter about with them wherever they circulated.

His Excellency the PRESIDENT said that the position of the Calcutta Gazette appeared to him to be very similar to that of the London Gazette, which contained the orders of Government and an immense mass of other matter besides, such as lists of Bankruptcies and the like. However he had no wish to offer any opposition to the Bill.

The Hon'ble MR. MAINE observed that the suggestion that an Imperial Gazette should be published emanated from gentlemen who were connected with the local Governments and who had been struck by the inconvenience of the present system.

The Hon'ble SIR CHARLES TREVELYAN remarked that there were many conveniences in each Government having a separate organ, if only, for the sake of perspicuity, and for the sake of avoiding an unnecessary expenditure of postage. Moreover, he thought that there was another great advantage which would be derived from the Government of India having a Gazette of its own. He thought that the Supreme Government had hitherto always appeared too much to be mixed up with the Government of Bengal, and that it was very desirable to show that it had in fact no more to do with that Government than with any other of the local Governments.

The Motion was put and agreed to.

The Hon'ble MR. MAINE applied to His Excellency the President to suspend the Rules for the Conduct of Business, to enable him to introduce the Bill and move that it be referred to a Select Committee.

His Excellency the President declared the Rules to be suspended.

The Hon'ble MR. MAINE then introduced the Bill, and moved that it be referred to a Select Committee, with instructions to report in three days.

The Motion was put and agreed to.

REGISTRATION OF ASSURANCES BILL.

The Hon'ble MR. ELLIS moved that the amended Bill to provide for the Registration of Assurances be referred back to a Select Committee, with instructions to consider the reports received from the local Governments and make a further report.

The Motion was put and agreed to.

ACT XX OF 1862, CONTINUANCE BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to continue in force Act XX of 1862 (to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain Sections of Act VIII of 1859 in the said High Court) said, that this was merely a continuing Bill corresponding with a Bill recently passed by the Council. When the High Courts were established, great difficulty was experienced in applying certain Sections of the Civil Procedure Code to the Procedure of the High Courts in the exercise of their original jurisdiction. There was also a difficulty in substituting the system of Stamps, in suits instituted under the original jurisdiction of the Court, for the fees previously levied under the practice of the old Supreme Courts. A Bill was therefore introduced last year to suspend temporarily the operation of certain Sections of the Civil Procedure Code, and also certain Sections of the Stamp Act. It was hoped that arrangements would soon be completed, which would render that suspension no longer necessary; and he was glad to be able to say that he had reason to believe that the difficulties which had been felt were fully disposed of by his Honorable friend Mr. Harington, in the revised Civil Procedure Code which he had recently prepared, and which he hoped would be brought before the Council ere long. He proposed that the Act should remain in force until such date as the Governor-General in Council should order. Of course the Governor-General in Council would issue the requisite order as soon as the new Code should come into force.

The Motion was put and agreed to.

The Hon'ble MR. MAINE applied to His Excellency the President to suspend the Rules for the Conduct of Business, to enable him to introduce the Bill and move that it be referred to a Select Committee.

His Excellency the **PRESIDENT** declared the Rules to be suspended.

The Hon'ble **MR. MAINE** then introduced the Bill, and moved that it be referred to a Select Committee, with instructions to report in three days.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to provide for the appointment of Commissioners to enquire into certain claims against the late Native Government of Oudh—The Hon'ble Messrs. Harington, Ellis, Roberts, and Anderson, and the Mover.

On the Bill to provide for the administration of Civil and Criminal Justice at Aden—The Hon'ble Messrs. Harington, Maine, Ellis, and Roberts, and the Mover.

On the Bill to give effect to the publication of certain orders and other matters in the Gazette of India—The Hon'ble Messrs. Harington, Ellis, Roberts, and Anderson, and the Mover.

On the Bill to provide for the Registration of Assurances—The Hon'ble Messrs. Harington, Maine, Roberts, Anderson, and Brown, and the Mover.

On the Bill to continue in force Act XX of 1862 (to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal, and to suspend the operation of certain Sections of Act VIII of 1859 in the said High Court)—The Hon'ble Messrs. Ellis and Anderson, and the Mover.

The Council adjourned.

A. G. MACPHERSON,

Offg. Depy. Secy. to the Govt. of India, Home Dept.

CALCUTTA,
The 7th December, 1863. }