

Friday, January 26, 1866

**COUNCIL OF THE GOVERNOR GENERAL
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*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 and 25 Vic., cap. 67.*

The Council met at Government House on Friday, the 26th January 1866.

P R E S E N T :

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honour the Lieutenant-Governor of Bengal.

His Excellency the Commander-in-Chief.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble G. Noble Taylor.

The Right Hon'ble W. N. Massey.

The Hon'ble Colonel H. M. Durand, C. B.

The Hon'ble Mahárájá Vijayaráma Gajapati Ráj Bahádur of Vizianagram.

The Hon'ble Rájá Sáhib Dyál Bahádur.

The Hon'ble W. Muir.

The Hon'ble D. Cowie.

The Hon'ble Stewart St. John Gordon.

REGISTRATION ACT AMENDMENT BILL.

The Hon'ble MR. GORDON introduced the Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances), and moved that it be referred to a Select Committee, with instructions to report in six weeks. He said that the Bill which he had the honour to lay before the Council did not propose to make any very important alterations in the existing law. The causes which had led to the revision of the Act now in force were the doubts which had been entertained regarding the meaning of some of the most important provisions of the Act, and the difficulties which had been experienced in working the machinery of registration.

In the form of the Act some changes were proposed, but only with a view to render the law more intelligible to the public. All the information which a man about to register a document would be likely to require, was collected under separate headings, thus;—

What documents are registrable; and of these—when the registration is compulsory and when only optional:

The place where documents must be registered :

The time within which they must be presented :

The persons by whom they may be presented :

How the attendance of persons whose presence is essential to registration could be enforced :

The effect of registration :

And, in case of refusal to register, the remedy for such refusal.

At present much of this information could only be gathered after close study of the whole of the Sections of the Act.

The most important alteration of all, and that which had caused the necessity for the revision of the law, had regard to the presentation of documents for registration. The framers of the original law had made use of the word party, sometimes in its legal and technical sense, and sometimes in its colloquial sense, until it was difficult to understand what the effect of the law really was. After a good deal of hesitation, the established interpretation was that the persons who executed the document could alone present it for registration. In some respects this course possessed an advantage. If the man who executed the document appeared before the Registering Officer and said, "Register this document. I executed it. I have borrowed the money. I have rented this house"—then the Registering Officer could proceed to register at once, for no better evidence could be procured. But it was obvious, that the person who executed a document was the last person who would take trouble or incur expense in order to cause it to be registered; and, moreover, he never had possession of the document. Then it might be said, that it was in the power of the person who lent the money to say to the person who came to borrow.—"Execute the bond now—then go and get it registered—and when you come back with the bond duly registered, then you shall have the money." This was in fact what was now taking place. But the evil of it was that it created the necessity for two transactions instead of one. There must be the execution of the document—then there must be a separate transaction for the payment of the consideration money. The practice in the Mofussil was generally this. The man who wanted to buy a field, say, went to the seller: he took two friends with him: the terms of the bargain were discussed and settled; then the scribe of the village was sent for, and the whole was reduced to writing, and the witnesses who attested the signature of the executing person were witnesses also of the payment of the consideration money. One of the commonest pleas in Civil suits in the country was this: the execution of the document was admitted, but the payment of the consideration was denied. But under the practice which had hitherto obtained, the same witnesses who

proved the document proved also the payment of the consideration money, If however the law had the effect of dividing the transaction into two separate parts, the difficulty of arriving at a correct decision would be greatly increased. The Bill proposed that documents might be presented either by the persons who executed them, or by the persons who claimed under them, but registration could not take place unless the persons who executed them admitted that they had done so.

The next point to which he would refer was an entirely new provision. It was this. When through unavoidable accident a document had not been presented within the two or four months prescribed by the law, then the Registrar might accept it up to six months on the payment of a penalty. The Bill proposed to vest this discretion in the Registrar, who was generally the Collector or Judge, or always an officer of considerable experience. The law was very stringent as it now stood. However genuine the document might be, and however anxious all the parties to it might be to have it registered, still it could not be registered if the time for registration had expired. This was frequently the cause of great hardship. The effect of non-registration was very much the same as the effect of writing a document on unstamped paper. In both cases, the effect was to render it not receivable in evidence in the Civil Courts. This of itself was an evil of considerable magnitude, and if proper precautions were taken that none but *bond fide* documents were registered, the more that could be done to facilitate registration, the better. The proposal was in fact to adopt the procedure enacted for the same purpose in the Stamp Law. From enquiries which he had made in the Presidency towns, it seemed as if the hindrances to registration must be considerable; for in Calcutta only 2,292 documents had been registered during the past year, and in Bombay only 2,644. The details of the registration in Calcutta showed that, of the whole number registered, 1,686 were documents the registration of which was compulsory, and 606 optional; rather more than one-half were in English.

The Bill proposed to alter the law as to the remedy for refusal to register. At present the law laid down that the Registering Officer should not be a party to the suit to compel registration: the result of this was that the parties to the document, other than the plaintiff, were sued. But it often happened that they had no objection to registration taking place. The fact often was that registration was refused by the Registering Officer because the requirements of the law had not been complied with. But there was no one whose interest it was to press this on the notice of the Court, and the result was that in some cases orders had been issued by the Courts compelling registration when the provisions of the law had not been obeyed. The Bill proposed to remedy this by permitting the Registrar to be made a party to the suit. He would thus have an

opportunity of defonding his acts. Another Section proposed to protect him from damages and loss when his acts were shown to have been done *bona fide*.

The position of the Registrar of the District was somewhat altered by the Bill. As the law now stood the Registrar was compelled to register all documents which referred to property situated partly in one District and partly in another. Now in a great part of India the Registrar of the District was the Collector, and his duties required him to travel about a great deal. This enabled him to exercise a useful supervision over his subordinate Sub-Registrars, but it made the actual work of registration very inconvenient. The Bill proposed to relieve him of all original registration except in the case of Wills and authorities to adopt, which were not numerous.

The object in view in the alteration in the mechanical part of the Bill was to get rid of the present system of making copies of copies. According to one Section of the present law, it was possible that a document might be produced in Court which was the fifth in descent from the original. Each copy was not unlikely to contain clerical errors, which would again be perpetuated and multiplied in each fresh series of copies. Moreover, the present system rendered it necessary to maintain larger establishments than were absolutely necessary.

As the law now stood, the seal and signature of the Registering Officer were *prima facie* proof that the document had been duly registered. This was all that could be reasonably expected, but it left an opening for the opposite party to prove that the Registrar had not been duly appointed, or that his procedure had been illegal. It was hard that people should suffer for faults which they had not committed, and the Bill contained a proviso that no registration should be set aside in consequence of any such technical defects.

One of the great difficulties which was experienced in the administration of this country was the great number of vernacular languages. In Bombay there were no less than six; and in Madras he believed there were as many. The law said that when a document was presented to the Registrar, written in a language which he did not understand, he should refer it to his superior. Now the chances were that the superior did not know more languages than the subordinate; it was hard that the law should make a man travel about, and thus lose more time than was necessary. The Bill accordingly proposed that when a document was presented in a language not understood by the Registrar, it should be accompanied by a translation and a copy; and that the copy should be filed, and the translation should, for the purpose of making the other copies and the abstracts required by the Bill, be treated as if it were the original. A further provision laid down that the Local Government should decide what languages were to be recognized.

There was one subject not dealt with in the Bill, regarding which he thought a few words ought to be said. Certain gentlemen connected with the cultivation of Indigo in the District of Jounpore in the North-West Provinces had represented that the Act bore hardly on them. Enquiries had been made in the Lower Provinces, and it appeared that the same system of cultivation prevailed in the District of Shahabad, and partly also in the District of Sarun. That system was this. The Planter took of land, field by field, from individual cultivators. The conditions were that he should gather two crops, but the last crop could not be gathered in within twelve months: therefore the least was, though nominally for one year, in reality for about fifteen months. The Act made registration compulsory in these cases, and the Bill did not propose to alter the law in this respect. These gentlemen in stating their case laid great stress on the expense of registration and on the difficulty of inducing the cultivators to take the trouble of attending at the Registration Office. And they pointed out that they themselves were not authorized to present the lease for registration. The Bill proposed to authorize the person claiming under a document to present it for registration. And it also provided a procedure for compelling the attendance of the persons whose presence was necessary to registration. As to the question of expense, the fee on the registration of leases could be altered by the Executive Government, and he thought it had been reduced.

But if any alteration were about to be proposed in the main features of the existing law—if the list of documents, the registration of which was now optional or compulsory, was to be revised—he thought that alteration ought to take place in quite a different direction from that desired by these gentlemen. When alteration of this nature took place, he hoped it would be to make the registration of all documents relating to immovable property compulsory, rather than to increase the number of those the registration of which was now optional.

There was no doubt that the line drawn by the present law was very arbitrary. It was quite possible for a man to evade the law altogether by dividing his estate into small lots of less than Rs. 100 in value each, and then the public would lose the advantage of being able to inspect the register of titles. So again the registration of a deed of sale of a piece of land valued at less than Rs. 100 was optional, but a lease of the same piece of land for thirteen months must be registered.

The Bill had been framed after communication with the Registrars General of Madras and Bombay and of the North-West Provinces, and he (Mr. GORDON) desired to express the great obligation which he was under to Mr. Hecley, the able and energetic Registrar General of Bengal.

Most of the alterations to be found in the Bill now before the Council had been suggested by difficulties which had occurred in the practical working of the present Act.

The Hon'ble the MAHÁRÁJÁ OF VIZIANAGRAM thought that there was one portion of the Bill which would probably not be well received by the Mahomedan community of Bengal. He referred to Section 21, which provided that "If any document tendered for registration be in a language which the Registering Officer does not understand, and which is not commonly used in the District, he shall refuse to register the document, unless it be accompanied by a copy and a translation into a language commonly used in the District; and such translation shall be registered and such copy shall be filed in his Office." Now there were very many instruments of importance, such as deeds of marriage settlement, dower, religious endowments, &c., which were drawn up, amongst the Mahomedans of Bengal, in the Persian language, of which a translation into the language commonly used in the District —*viz.*, Bengáli, might fail to convey the precise meaning of the conditions, &c., of the instruments in question. It would be obvious to his Hon'ble Colleagues, that such a measure would be productive of considerable inconvenience to parties, by leaving open a door to litigation, and of which advantage might be taken by interested individuals. He would therefore beg that the question be referred to the Select Committee for consideration, and for making such alterations in that Section, as might appear to them likely to obviate the evil pointed out.

The Hon'ble MR. MAINE said that with regard to presentation of a document in a language unknown to the Registering Officer, the provision contained in the Bill was in case of the person presenting the document. As the law now stood, he was put to considerable trouble in taking the document to another Registering Officer; but the Bill provided that if he tendered a copy and translation, the copy should be filed and the translation registered. The provision was therefore obviously in his favour.

The Hon'ble COLONEL DURAND said that great weight should be given to the remark of the Mahárájá of Vizianagram, because in all these languages it was often exceedingly difficult to give correct equivalents. The Mahárájá had specially drawn attention to Mahomedan documents; to these his remark did apply particularly. There were many obscurities and peculiarities connected with the various social matters to which such documents often referred, and it would be exceedingly difficult really to produce equivalents in any of the vernacular languages of India for the terms relating to such matters. He (COLONEL DURAND) would therefore recommend careful attention to what had fallen from the Mahárájá.

If he understood the mover aright, the Bill provided that the translation was to have the same force and the same validity as the original. If so, the provision required very serious consideration.

The Hon'ble MR. GORDON said that the Bill proposed that the copy should be filed and the translation registered. Therefore any body who could understand the language would find from the copy exactly what he required. It was only for the purpose of making the copies and abstracts required by the other parts of the Bill that the translation would be treated as if it were the original.

The Hon'ble COLONEL DURAND said that he might have misunderstood the Hon'ble Member. He understood him to say that copies might be taken in the original or in one of the vernacular languages, and that a copy taken in the vernacular would be of equal value with the original.

The Hon'ble MR. MAINE explained that what was filed was a copy of the document in the language in which it was drawn up, but the person filing it, at the same time, tendered a translation, which amounted in fact to putting his own construction on the copy.

The Motion was put and agreed to.

BURMESE RECORDERS' COURTS ACT AMENDMENT BILL.

The Hon'ble MR. MAINE moved that the Report of the Select Committee on the Bill to amend Act No. XXI of 1863 (to constitute Recorders' Courts for the Towns of Akyab, Rangoon, and Moulmein in British Burmah, and to establish Courts of Small Causes in the said Towns), be taken into consideration. He said that, as regarded so much of the Bill as he had explained and described when he asked the Council to refer it to the Select Committee, no amendment whatsoever was proposed, but since the Bill had been before the Committee, they had had the advantage of consulting Mr. J. Pitt Kennedy, the Recorder of Rangoon and Moulmein, and he had suggested the addition of three Sections, the desirability of which was so obvious that he believed the Council could not refuse to pass them.

Section 12 (the first of the new Sections) provided that the Registrar's powers as a Small Cause Court Judge should be exercisable by the Recorder. Under the Act the Registrar had, up to a certain amount, the powers of a Small Cause Court Judge. It might well happen that the Registrar's file would be overfull, while the file of the Recorder was not full enough. It was clear therefore that, under such circumstances, the superior Judge should have power to take a case off the file of his subordinate Judge and try it himself.

Section 13 merely corresponded with a Section in the unamended Bill, which provided for the appointment of an Acting Recorder in the absence of the permanent Recorder. Section 13 made similar provision in regard to an Officiating Registrar, and empowered the Recorder, or, in his absence, the Commissioner of the Division, to appoint an Officiating Registrar, who might hold at the same time any other office under Government.

Section 14 empowered the Recorder to make rules of practice and prescribe forms. Such rules and forms must be published in the official Gazette, must be consistent with the Code of Civil Procedure, and must receive the sanction of the Chief Commissioner. The Section closely resembled one in the Punjab Chief Court Act.

The Motion was put and agreed to.

The Hon'ble MR. MAINE also moved that the Bill as amended be passed.

The Motion was put and agreed to.

ARMS' ACT CONTINUANCE BILL.

The Hon'ble MR. MAINE, in moving for leave to introduce a Bill to continue Act No. XXXI of 1860 (relating to the manufacture, importation, and sale of arms and ammunition, and for regulating the right to keep and use the same, and to give power of disarming in certain cases) and for other purposes, said that the Act which he proposed to continue—Act XXXI of 1860, commonly known as the Arms' Act—was limited by its last Section to a duration of five years. As the expiration of that period approached, although His Excellency in Council, as Mr. Maine believed, had little or no doubt of the expediency, or indeed the absolute necessity, of continuing the measure, nevertheless, in deference to the hesitation implied in the restriction imposed by the former Legislative Council, the Government had thought fit to institute an enquiry, throughout India as to the operation of the Act, and, pending that enquiry, the Act had been continued for a single year which would end next October. The branches of the enquiry—this would be found in a letter from the Home Secretary addressed to all Governments and Administrations, which would shortly be circulated—were three. First, it was asked generally whether the Act had worked well and ought to be continued. Next,—and this question was suggested by the uneasiness known to prevail when the measure was originally under discussion—it was enquired what had been the working of the Act with regard to European British subjects. Thirdly, in consequence of reports which had recently reached the Government, it was asked whether the disarming of the country had encouraged the multiplication of wild animals. To take the second question first: there was a unanimity of testimony that no

European and no Native of approved loyalty had been disarmed under the Act. The rule of exemption, which, he supposed, might be regarded as typical of the rules in force throughout India, ran thus in the Central Provinces :

Every European or East Indian or Parsee or Soldier or Officer of any Department in the service of Her Majesty is exempted from the operation of Rule IX. Natives of rank with their retainers, and Natives of eminent loyalty and respectability may be similarly exempted by special order of the Chief Commissioner.

In reply to the first enquiry, there was also no variation in the answers from a statement that the Act had worked excellently ; and, indeed, in some of the answers there might be traced a feeling of surprise that the question was asked whether it should be continued. Some of the papers bearing on the point were highly interesting. Most people would admit that the habitual carrying of arms, except for the purposes of sport, was a mark of barbarism. But it could scarcely have been predicted that so much softening of manners, and consequent advance in civilization, would be produced by the mere prohibition to carry arms. It was not too much to say that this measure had altered and mitigated the character of crime over a great part of India. He would read some passages from the papers in his hand.

The Commissioner of the Nagpore Division reported that the Act appears to have worked well in his Division. Considers that the powers which the Arms' Act confers are of great use in checking crimes of violence, and tend much to keep the people of the country quiet.

The Commissioner of the Nerbudda Division also stated, that the Arms' Act appears to have worked well enough in his Division. Few arms are carried without license. The provisions of the Act are believed to have a good tendency, in making those who might at times use arms for bad purposes in affrays, &c., forget their use. Is of opinion that the power to disarm is useful, and should probably be retained.

The Secretary to the North-West Government wrote as follows :—

It will be observed that the Officers consulted are unanimous in the opinion that the Act has worked well. The Inspector General of Police and other Officers report that its operation has been beneficial in checking aggravated affrays and such like outrages, and all approve of its continuance.

And one of the Commissioners of the same Provinces added—

“Some of the Magistrates have expatiated on the almost total cessation of the aggravations which used to accompany, and of the acts of violence which used to be the crimes of former days, before the people were disarmed ; and there is no doubt that the change has been most marked and a most desirable one ; and some of the Magistrates assert that it is fully appreciated by all the well-disposed.”

The Commissioner of the Allahabad Division made some striking remarks—

The Native population have, I think, quite fallen into the way of thinking that lethal weapons are not necessarily essential accompaniments in the daily avocations of life: and I am quite convinced that their absence has led to a diminution of the more heinous modes of personal attack. Independent, therefore, of the object with which the Act emanated, I am of opinion that its promulgation has indirectly tended to much benefit in the removal of the means by which outrages were committed either in the heat of quarrel or in more deliberate revenge; and, under this impression, I would earnestly advocate a continuance of the Act.

The following passage was from the report of the Magistrate of Humeerpore :—

In this respect the habits of the people have undergone a marked change; they pursue their ordinary avocations and frequent places of public resort, and also journey from village to village without preferring requests for permission to carry arms; in fact, for the most part they acknowledge that the necessity for such action does not now exist.

From Jhansi the Deputy Commissioner wrote :—

With reference to Circular No. 8A of 1865, dated the 27th ultimo, calling for report on the general working of Act XXXI of 1860, I beg to remark that I consider the Act has worked well towards the repression of crime, in bringing about a general disarming of the population, thereby causing more settled and peaceful habits among the inhabitants, who now feel that a strong Government is a better protection for person and property than any amount of weapons carried by the individual.

Lastly, Mr. Maine would quote a passage from the Commissioner of Patna :—

“Some months ago, however, it was brought to my notice that a number of cases of wounding with lethal weapons had occurred in Patna, and this led me to make more stringent use of the provisions of the Act. There are a large number of *budmashes* in Patna, who have no regular means of livelihood, but simply attach themselves as servants of gambling-house-keepers or women of the town. These men are in the habit of wearing arms, and, on the occasion of quarrels arising (an event of by no means rare occurrence), of using them without hesitation. As there is not the slightest reason for these men wearing arms, and as their carrying them renders breaches of the peace not unfrequent, I have directed the Police to enforce the provisions of the Act, requiring a license for wearing such arms more stringently. The effect has been beneficial, and I would strongly recommend the Sections of the Act by which judicious interference is allowed, being continued in force; such interference is useful as a most wholesome check on needless carrying of arms, and I have seen or heard of no instance in which the interference has been prejudicial or unwarranted.”

It was useless to multiply further authorities for the proposition that the effects of the measure had been most wholesome and ought not to be arrested.

On the last point submitted to the Local Governments the evidence was less uniform. The local Officers were not absolutely agreed whether wild animals had or had not increased in consequence of the Act.

From the Central Provinces, it was distinctly reported that—

Wild beasts have not increased on account of the prohibition against carrying arms. People in danger from wild animals are sufficiently provided to protect themselves.

So also in the papers from the North-West, Mr. Maine found the following statements :—

The Superintendent of the Dhoon states that he sees no reason to believe that wild animals have increased. The Magistrate of Seharunpore states they have decreased. Being a good deal in the jungles in those Districts, I have good opportunities of judging, and I believe these opinions are correct.

The Magistrate of Moozuffernuggur thinks the number of wild animals has increased. I fancy Mr. Martin must refer to wild pigs principally, though he mentions pigs and deer. I see no increase of the latter; the extension of swamp and jungle in the Ganges valley has doubtless led to an increase of pigs, but the remedy for that—reduction of the swamps—is being applied.

And again in a report from Humeerpore, it was stated—

The ravages of wild animals have not, so far as this District is concerned, increased in consequence of the operation of Act XXXI of 1860. On the other hand, the destruction of such animals and consequent payment of rewards have rather progressed since its promulgation.

The opposite view was, however, very strongly taken by certain Officers. The following passage occurred in a letter from the Government of Oude :—

With reference to the statement of persons licensed to carry fire-arms for the destruction of wild animals, submitted for the Districts of your Division in compliance with my Circular No. 40-1390, dated 18th June last, I am directed to observe that it appears to the Chief Commissioner that, except in the Districts of Mohumdee, Barutch, Gondah, and Hurdui, very few licenses to carry arms for the destruction of wild animals have been given. The Chief Commissioner has been much struck during his present tour in the Oonao District with the great increase of deer and neelgae, and has heard loud complaints of the injury done by them to the crops, which his own observation has shown to be well founded. He is convinced that in some parts near the Ganges, the reclamation of waste lands is retarded by reason of the ravages of these animals, especially the neelgae, which swarm along the banks of that river. The Chief Commissioner has also received complaints of the injury done by wild pigs, which harbour in jungles of the Sooltanpore District; and there are probably few Districts which do not in some parts suffer from the ravages of wild animals.

In the North-West, the Commissioner of the Agra Division reported very emphatically :—

I myself think that in the Doab portion of the Muttra District, and also in Etah and Mynpoorie, the antelopes have largely increased, or at all events have become more troublesome

since the general disarming of the people ; but a judicious distribution of licenses for fire-arms (*not swords*) by the several Magistrates will in time mitigate this evil. Mr. Hume, of Etawah, ought to know his own District ; but from my own observation there, the immense herds of antelopes appear in some parts to be almost tame and to dispute possession of the country with the human inhabitants. Perhaps, this, however, is no new state of things. In regard to the general question, it is my hope and desire that the rising generation of towns-people and peasants shall grow up unaccustomed to the use of arms.

From Bombay also, the Government was informed to the following effect :—

“ A belief that hog, antelope, and neelgae have increased considerably in parts of this Collectorate since the disarming is prevalent, and I think there is some foundation for it. There can be no doubt that the damage done to valuable crops by these animals, by the hog in particular, which are very destructive, and which swarm in some of the Districts bordering on the Mhyee, Saburmutti, and other rivers, is very great, and I imagine that some steps will have to be taken before long to reduce their number. The cultivators do not, however, complain to me or to any Assistants of their not being able to protect their crops against the ravages of these animals in consequence of the number of arms that were allowed for each village being insufficient for the purpose.”

And the Governor General in Council put on record his opinion in this form—

RESOLUTION.—It appears clear that wild animals, especially antelope, neelgae, and hog, have increased in number in several Districts of the Presidency in consequence of the disarming measures carried into effect under the provisions of Act XXXI of 1860. Beasts of prey have increased in number in some places, but not to such a degree as the animals named above. There can be no doubt that in some villages the crops must be liable to be injured if the villagers are not allowed a freer use of arms than hitherto, and the Hon'ble the Governor in Council concurs, therefore, in the suggestions made by the two Revenue and Police Commissioners.

MR. MAINE might add that he had recently observed a statement in the transactions of an English scientific society, to the effect that certain wild beasts, supposed to be extinct in particular parts of India, had recently re-appeared there. Among these was the Indian lion, which had been supposed to be expelled to wild countries like Kattiawár. MR. MAINE would, however, observe that any objection derived from the multiplication of wild animals, was an objection which applied to the administrative working out of the measure, and not to the measure itself. The only inference was that licenses had not been granted in sufficient abundance. MR. MAINE thought that perhaps the Legislature might be slightly in fault, for on reading Act XXXI of 1860, he perceived that while licenses to manufacture arms and ammunition might be made subject to a condition, and were forfeited when a breach of the condition occurred, there was no distinct power given to modify by conditions a license to carry arms. A very slight alteration in the Act would enable the local officers to make the license depend on some such condition as that which was described in the following passage, and which was very generally recommended :—

Mr. Forbes has noticed a very judicious condition which he has annexed to the privilege of carrying arms, *viz.*, that five black buck antelopes shall be given in at the nearest Tahsil for each license annually. I think this principle should be adopted everywhere. I would allow only wild elephants to be driven off, and for this purpose each village, where elephants come to destroy the crops, should have a gun unconditionally. But with this exception every man licensed to keep a gun should show that he kept it for a proper object and used it for the purpose. Where prevalence of tigers is the excuse, the licensee should be bound to bring one tiger a year. If a man really keeps a gun to kill tigers, there would be no difficulty or danger in fulfilling the condition; such a man can always find out a tiger's habits and post himself in a tree or some line which the animal frequents, or he can take advantage of a bullock or cow being killed and take up a position and kill the tiger. Where the injury committed by wild pigs is the excuse, the man should be bound to bring in four of these wild animals. I should add four does to the four buck antelopes the licensee is bound to give in where this class of deer abound. If a man really carries a gun to get rid of these animals, he could with ease kill one a month.

With the exception of the slight change he had just described, MR. MAINE'S Bill would simply continue the existing Act. MR. MAINE did not purpose absolutely to perpetuate it. A time might come when the Government of India would be able to dispense with these stringent powers. But that time was so remote that it was not worth while attempting to fix it conjecturally. The Bill would therefore continue the Act until the Governor-General of India in Council should otherwise order.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to amend Act No. XVI of 1864 (to provide for the Registration of Assurances)—His Honour the Lieutenant-Governor, the Hon'ble Messrs. Maine and Taylor, the Hon'ble the Maharájá of Vizianagram, and the Hon'ble Messrs. Muir and Cowie and the Mover.

The Council adjourned till the 2nd February.

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

CALCUTTA, }
The 26th January 1866. }