

Tuesday, February 11, 1873

**COUNCIL OF THE GOVERNOR GENERAL
OF INDIA**

VOL. 12

JAN. - MARCH

BOOK NO 1

1873

P. L.

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS.

1873.

WITH INDEX.

VOL. XII.

Chamber Furnished on 6. 11. 73.



Published by the Authority of the Governor General.

Gazettes & Debates Sect.
Parliament Library Building
Room No. FB-025
Block 'G'

CALCUTTA :

OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.

1874.



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 Tuesday, the 11th February 1873.

PRESENT :

His Excellency the Viceroy and Governor General of India, G.M.S.I.
presiding.

His Honour the Lieutenant-Governor of Bengal.

The Hon'ble Sir Richard Temple, K.C.S.I.

The Hon'ble B. H. Ellis.

Major General the Hon'ble H. W. Norman, C.B.

The Hon'ble A. Hobhouse, Q.C.

The Hon'ble F. S. Chapman.

The Hon'ble R. Stewart.

The Hon'ble J. R. Bullen Smith.

The Hon'ble R. E. Egerton.

His Highness the Maharájá of Vizianagram, K.C.S.I.

The Hon'ble J. F. D. Inglis.

The Hon'ble R. A. Dalzell.

The Hon'ble Rájá Ramánáth Thákur.

The Hon'ble MR. DALYELL took the oath of allegiance, and the oath that he would faithfully discharge the duties of his office.

RULES FOR THE CONDUCT OF BUSINESS.

The Hon'ble MR. HOBHOUSE moved that the report of the Select Committee on the Rules for the Conduct of Business be taken into consideration. When he moved for that Committee he had explained that the reason for doing so was, not on account of there being any great defects in the Rules, but that, in some small particulars, it was found that the practice of the Council habitually differed from that laid down by the Rules. The Rules, in fact, were made not very long after the Indian Councils' Act was passed, and very good Rules they were. But the practical experience of ten years had thrown some light on them, and in some particulars it seemed that they might be advantageously altered. Hence the Committee. The Committee had sat on the question, and had made some alterations, all of a rather minute character.

He would just explain what were the principles upon which the amendments were made. The first was a mere re-arrangement. There were some

Rules laid down for us by Statute which we could not alter, and there were others which were within our own competency to make, and which we could alter from time to time. These were, to some extent, mixed up in the former Rules. We had now separated them; and, for the convenience of the members, we had given, by way of introduction, the sections of the Act of Parliament which bore on the business of the Council. We then proceeded with those Rules which we could ourselves make and alter. Then the principal points in which the practice of the Council was found to vary from the Rules were thus dealt with. In some places the existing Rules laid down fixed times for the performance of various operations, and in other places they ordered fixed acts to be done, such as the publication of Bills and so forth. It was found that very often the fixed times and fixed acts were not observed. And therefore the Committee had framed the new Rules upon a somewhat different principle. He would take Rule 19 as an example. The new Rule 19 answered to the existing Rule 16. Rule 16 said that no Bill should be introduced until seven days after a copy of the Bill and Statement of Objects and Reasons had been furnished to each Member. Now that limit of time very often was not observed. And there were many Bills of a very simple character, in regard to which it was by no means necessary to observe that Rule. Take, for instance, the Bill which he had next on the List of Business. Half-an-hour would enable any person to go through that Bill and its Statement of Objects and Reasons, and to make up his mind whether he required further time for consideration or not. Therefore, the Committee had altered the principle on which that Rule went, and what they had provided was this—that before any motion about a Bill was made, the Statement of Objects and Reasons and a copy of the Bill should be furnished to each Member. Then they said that any member might object to the motion unless such copies had been furnished to him seven days previously, and such objection should prevail, unless the President, in exercise of his power to suspend any of these Rules, allowed the motion to be made. So that they did not lay down any positive Rule that a certain time should elapse between the day on which a copy of the Bill was furnished and the day on which the Bill was introduced or the motion was made. But if any particular injustice or inconvenience was likely to result from too little time being allowed, it was competent to any member to object to the motion, and that objection was to prevail, unless the Rules were entirely suspended; an operation which would not be performed by the President against the objection of any Member unless there was some very strong and substantial reason for doing so.

They had altered several other Rules in the same way. The new Rules 26, 28 and 31, which all related to time, were framed on the same principle. And with regard to publication, they had also relaxed the Rule which existed before. The new Rule 21, put it to the Council to make an order which was to prescribe the particular Gazettes in which publication was to be made, and the particular vernacular languages in which it was suitable for each Bill to be published. It was obvious that a Bill might affect different parts of the country, and it might be proper to translate it into one or two or more languages. But it would be a mere waste of time to translate it into all the other languages of the country.

Then there were some alterations made in respect to Select Committees, in regard to which the existing Rules were somewhat silent. They provided that the Law Member should always be *ex officio* a member of every Committee, and that he should also be *ex officio* chairman of the Committee and should have a casting vote. They also provided that the Select Committee should always, in their Report, state whether the Bill had been so altered as to require re-publication, and also whether the publication ordered by the Rules or by the Council had taken place. The Rule was put in that form because the publication of Bills was not very infrequently neglected, and such neglect was not brought to the notice of the Council. It was proposed that it should always appear in the Report of the Select Committee what had been done in respect of the publication of Bills. And then it would be for the Council to judge, with regard to the nature and character of a Bill, whether they would proceed with the Bill or give further time for its publication.

There were several other small alterations made with the view of bringing the form of the Rules in accordance with that practice which experience had shown to be most convenient. He need not detain the Council further with any explanation of what had been done.

His Honour THE LIEUTENANT-GOVERNOR felt himself precluded from moving any formal amendment, because he had not directly taken advantage of the opportunity that was afforded him of sitting as a member of the Select Committee. He did not sit on that Committee having said, as the Hon'ble Member in charge of the Legislative Department had mentioned, that he should not be able regularly to attend the meetings of the Committee. But if he had known that the proceedings of the Committee would have been so short, he would not have objected to serve. He had, however, offered to give the Committee any information they desired as to the working of the Rules of the Bengal Council, which were somewhat differently framed from those of this

Council. The Committee did not think it necessary to call upon him to fulfil his promise; and as the matter was disposed of by the Committee, he was not prepared formally to propose any alteration. But there was one somewhat radical question which went beyond the Rules embodied in the Report; and if it should happen that any hon'ble members should think that there was anything in what he said, possibly, His Excellency the President might consent to adjourn the debate; with a view to the consideration of this matter. What he had to say was with regard to one important point only. The hon'ble member had told the Council that they had neglected, in some minor points, the Rules hitherto prescribed. His HONOUR was about to suggest that, in one radical point, the spirit of something more than the Rules—the law—in regard to the constitution of the Legislative Council had been, he thought, to some extent, neglected in the practice which had grown up during the last year or two. He alluded to the practice of legislating with regard to the general interests of the empire, at places and under circumstances in which a large portion of the Council had not an opportunity of expressing their views, when the Council was almost exclusively confined to Members of the Executive Government, and when the members, who were called Additional Members, had not the opportunity to attend. It seemed to His HONOUR that the spirit of the Act of Parliament on the subject did require that, when great laws affecting the empire in general were discussed and passed, an opportunity to attend on such occasions should be given to the Additional Members of the Council. His HONOUR was himself of opinion that, in this country, very large powers, he might say in some sense despotic powers, should be exercised by the Executive Government. But the British Parliament, for very good reasons no doubt, prescribed that the power of legislation should not be exercised in that way; that it should be exercised in a more deliberate manner and by a larger body; that there should be added to the Executive Council of his Excellency a certain number of members, called Additional Members taken from various classes of society. These classes might be briefly summed to consist of, first, Government servants of standing and experience from various parts of the empire; secondly, of independent European gentlemen engaged in the business of commerce and other pursuits, who lent the aid of their practical experience and advice; thirdly, of Native gentlemen who loyally gave their gratuitous services sitting in this Council. It seemed to His HONOUR that when the Council met on the Himalayas, under circumstances which did not admit of these gentlemen attending the Council, the Council was incomplete. He wished to suggest for consideration whether, if it be possible, it might not be desirable that some Rule should be made by which great laws affecting the empire in general

should not be passed under circumstances when the Council was cut down to one-half of its members and those all of one class. In order to meet emergent cases, power was given to the Viceroy to pass laws for a period of six months upon his own authority and responsibility. But laws of a more lasting character passed by the Council should be passed by the Council at large, and not by only a portion of that Council at places where the Additional Members, although summoned to meet at Simla, practically had not the opportunity to attend. Although summonses might be issued to the servants of the Government to attend, and although, perhaps, they would be glad to go there, in practice, the opportunity was not given to them, and they did not go. The Council were aware that the mercantile members, who had their own occupations and engagements, could not possibly go, and did not meet at Simla. It also happened that some of the Native members had not given their presence at Simla. One very valuable Native member was a resident of Calcutta, and whether he might or might not attend His Honour was not aware, although another hon'ble Native member might, probably, give his very valuable services there. Notwithstanding, he thought that, in the course of the last two years, some important Bills, affecting the empire in general, and affecting Bengal, a long way off from the place of meeting, had been passed when the Additional Members had not an opportunity of attending. It seemed to His Honour that this Council had two-fold functions to perform. In his opinion, by a very unfortunate misconstruction of the Act of Parliament, it had been supposed that, in the various outlying provinces of the empire, nothing could be done without a law. His own opinion was different. When we succeeded to the Government of those provinces, we succeeded, as he thought, to the despotic powers of the Governments before, and those powers were exercised by the Executive Government till they were limited by law, and so far as they were not limited. But another opinion had prevailed, namely, that, in *all* the provinces, since the passing of the Indian Councils' Act, nothing could be done without a law. The consequence was that, in regard to all those provinces which had not Legislative Councils of their own, it was necessary that all matters requiring legislation should be disposed of by this Council. Therefore, this Council had two-fold duties; one of making laws for the whole of the empire in general, which were beyond the competence and scope of the local legislatures; and the second was the passing of those particular measures required for the outlying provinces which had no legislatures of their own. As a matter of expedience and practice, the legislation necessary for such outlying provinces as the Panjáb, the North-Western Provinces, British Burma, and other provinces, might very fairly and properly be conduct-

ed by the Council shorn of many of its members. But, on the other hand, legislation of a general character, which affected the whole empire, which affected those provinces which had legislatures of their own, should not be passed, he would not say by an emasculated Council, but by a Council cut of one-half of its members. General laws should be passed by a Council which really represented the whole of the elements of which the Council was composed. And therefore, if the remarks which HIS HONOUR had made were in any way worthy of consideration, it might be better to adjourn the discussion, in order that the question might be considered whether some Rule might not be passed which should ensure the claim of all sections of the Council to consider laws of general interest and importance. Some such Rule might be possible as a Rule providing that general laws affecting the empire, and laws affecting provinces which had legislatures of their own, should not be passed at places distant from the Presidency, unless at least five Additional Members were present. HIS HONOUR was not prepared to propose a Rule in any definite and formal shape. He submitted the matter in general terms, and hoped that, if the suggestion was thought worthy of consideration, the consideration of the Committee's Report might be adjourned with a view to the consideration of this particular point.

His Excellency THE PRESIDENT :—“ His Honour the Lieutenant-Governor has, as I understand him, put the question to me, whether it is advisable that the Council should be adjourned in view of the propriety of passing some Rule either in respect to the locality in which the Council shall assemble, or to the qualification of the members who constitute a quorum. I have received no notice of these questions, but I will endeavour to answer them to the best of my ability.

“ In respect to the locality, I apprehend it is not competent to the Council to pass such a rule, because the section of the Act of Parliament under which we are now acting is in the following words :—‘ It shall be lawful for the Governor General to make rules for the conduct of business at meetings of the Council,’ and ‘ such rules may be subsequently amended at meetings for the purpose of making laws and regulations.’

“ These words seem to me to limit our power to the framing of rules for the conduct of business *at meetings of the Council*, and therefore, in my opinion, it would not be competent to the Council to pass any rule in respect to the locality in which the Council shall assemble.

“ In regard to the other suggestion of His Honour, namely, that some rule might be passed in respect to the qualification of the Members who are to constitute a quorum, the section of the Act of Parliament is as follows:— ‘ The power of making laws and regulations vested in the Governor General in Council shall be exercised at meetings of the said Council at which such Governor General or President, or some Ordinary Member of Council, and six or more Members of the said Council (including under the term Members of the Council such Additional Members as aforesaid) shall be present.’ ”

“ In accordance with this section, the quorum of the Council consists of seven Members, and I apprehend that it would be contrary to the spirit, if not to the actual letter, of the Act to make any rule under which the general provision respecting the quorum of Members should be limited by any restriction as to the qualification of the Members who should compose the quorum; therefore, if I am to express an opinion on the matter, I should say that it would not be within the competence of the Council to make an alteration in the rules in the manner suggested by His Honour, and, accordingly, I do not think it advisable to entertain the discussion whether it is necessary to adjourn the consideration of the rules for the conduct of business for that purpose.

“ I also wish to say—for as President I consider myself generally responsible for the course of business of the Legislative Council—that I do not consider that the proceedings of the Council of the past year in Simla are justly open to the criticisms which have been advanced by His Honour. I think it will be in the recollection of those Members of the Council who were present at the meetings held at Simla, that no measure of any great importance, touching the whole of India, was there passed. So far from my having any desire to pass measures of importance at Simla, I deliberately deferred the passing of two Bills—one affecting the Panjáb, and the other the North-Western Provinces, the Panjáb and Oudh—namely, the Panjáb Municipalities Bill, and the Bill for the regulation of Irrigation, Navigation and Drainage in Northern India. Although those measures were discussed at considerable length at Simla, I thought it advisable that the Council at Calcutta should have an opportunity of considering them before they became law. I am glad that I took that course, because I think that the consideration of these Bills by the Council at Calcutta has enabled us to introduce some modifications, not of any great importance certainly, but still some modifications which, I believe, will be beneficial. So far, then, as my recollection serves me, the course which was taken by the Legislative Council at Simla in the past session is by no means open to the criticisms which His Honour has made in respect to legis-

lating upon large and important subjects, affecting the whole of India, in a place where we are subject to the inconvenience of not having the presence of some of the Members of the Council whose assistance we are so fortunate as to receive in Calcutta.

“In respect to the Bills passed at Simla, there was one, namely, the Straits Settlements’ Emigration Bill, which mainly affected the Presidency of Madras, but before passing it, the subject had been carefully considered in communication with the Madras Government.

“It will, I think, be obvious to all the Members of Council, that if we were to bind ourselves in respect to legislation by any rules of the nature suggested by His Honour the Lieutenant-Governor in regard to the locality in which the Council should sit, or in respect to the qualification of the Members of Council who constitute the quorum, the Government of India would, before long, find itself involved in much difficulty in the matter of legislation. Cases may undoubtedly occur in which it would be absolutely necessary to legislate at once, and without unnecessary delay; but unnecessary delay would, in my opinion, be incurred if any such rules were introduced, or if there had been in the Act of Parliament any provisions of the nature suggested by His Honour. I look upon the Act of Parliament as ruling this case, and I think the legislature of Great Britain exercised a wise discretion in not binding the Indian Council by any such rules.

“His Honour has alluded to the power which, by the Act of Parliament, is vested in the Governor General of acting without the Legislative Council in cases of emergency, by making and promulgating ordinances. For my own part, having the honour to fill that office, I must distinctly say that I should very much prefer to act with the advice and assistance of the Legislative Council rather than to exercise the extraordinary powers which are entrusted to me by the law; and I think that it would be far preferable that, in all cases, there should be a power to assemble the Legislative Council in any place in which the Government of India may for the time being be placed under the provisions of the present law with respect to the quorum of Members, rather than that obstacles should be placed to such meetings of the Council and any difficulties which might consequently arise be met by the promulgation of ordinances by the Governor General.”

His Honour THE LIEUTENANT-GOVERNOR explained that he entirely concurred with His Excellency the President that it would not be lawful to limit

the place of meeting of the Council by any rule. His observations had reference only to Rule 4 of the Rules now before the Council which was in these words :—

“4. The quorum shall be seven including the President.”

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE also moved that the Rules as amended be passed.

The Motion was put and agreed to.

PANJÁB APPEALS BILL.

The Hon'ble MR. HOBHOUSE asked the permission of His Excellency the President to postpone the next three items in the List of Business, namely—

That the report of the Select Committee on the Bill to prolong the law relating to Appeals and Reviews of Judgment in the Panjáb be taken into consideration :

That, in section 4, the following words be omitted :—

“with the modifications subject to which it was extended to the Panjáb, by notification of Government, dated the twelfth day of September 1866 ; and”

That the Bill as amended be passed.

A communication had been received from the learned Judges of the Chief Court of the Panjáb, which rendered it necessary to refer to the Local Government.

Leave was granted.

BURMA PORT-DUES BILL.

The Hon'ble MR. HOBHOUSE also moved that the report of the Select Committee on the Bill for the levy of Port-dues in British Burma be taken into consideration. He said that the consideration of this Report would not take the Council long, because it only said that the Committee saw no reason to make any alterations in the draft Bill.

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE then moved that the Bill be passed. When he introduced this Bill, he had explained its object, which was very simple. It was merely for the purpose of avoiding the necessity of passing

a separate Act of Council whenever a port in British Burma reached that stage at which it was desirable to bring it within the general Port-dues Act. As that Act was framed, after a port was brought within its compass, no dues could be levied, except such as were specified in that Act or some subsequent Act. British Burma was in that stage of growth that, every now and then, it was found desirable to bring some port within the provisions of the general Act. It was not convenient to pass a special Act in every case. Therefore, it was proposed to give power to the Local Government and the Governor General in Council, acting in conjunction, to fix the rate and conditions for the levy of port-dues by a declaration, which might be the same declaration which brought the port within the compass of the general Act, or a subsequent one. Their power was limited by fixing the maximum of dues and the character of the vessels upon which they might be levied. Those limits were such as had been already provided in two separate Acts passed for Burmese ports, which was thought a proper limit to fix for all the Burmese ports. Since the Bill passed through Committee, they had the advantage of the presence of the Hon'ble Mr. Eden, the Chief Commissioner of British Burma, in Calcutta, and he had gone through the Bill and approved of it.

The Motion was put and agreed to..

NORTHERN INDIA IRRIGATION BILL.

The Hon'ble MR. EGERTON moved that the Bill to regulate Irrigation, Navigation and Drainage in Northern India, as amended, be passed. At the last meeting of the Council, when the Bill was taken into consideration, certain amendments were moved and carried which rendered necessary some verbal alterations in the Bill. These had been made, and the Bill was now complete, as amended after consideration in Council. He had no further remarks to make regarding it.

His Highness THE MAHÁRÁJÁ OF VIZIANAGRAM said that, having estates in the province to which this Bill was particularly intended to apply, it appeared to him proper, not only to give his concurrence to it, but also to express his general approbation of its purpose and the scheme by which it proposed to effect such purpose. It was, THE MAHÁRÁJÁ believed, by its large irrigation-works that the benefits of British government were as intimately brought home to the body of the people as by any other works undertaken by the Government for the advancement of this country. The system was one which had of necessity been practised here for generations; but under no other Government in India had it been organized and

developed in so extensive a way as it had been, and was at present being, under the British Rule. To the mass of the people, and to those living in parts remote from the immediate influence of educated thoughts, the advantage of the other works now so largely undertaken by Government was not so readily apparent; but the most ignorant ryot did not fail to see at once, and appreciate the inestimable benefit of a constant supply of water brought home to his fields. In time, too, as he became aware of the diminution of sickness and the lesser frequency of weak constitutions, he would understand and acknowledge the advantage of such drainage-works as this Bill contemplated, and, in expressing his hearty approval of it, he begged to state that he was also expressing the feeling and opinion of the Native community at large.

Major General the Hon'ble H. W. NORMAN had opposed certain clauses of the Panjáb Irrigation Bill which passed the Council at Simla in 1871. It was therefore satisfactory to him that that Act was never brought into operation. As the present Bill contained no clauses of a similar nature, or which compelled the ryots to take water whether they desired it or not, he was able entirely to support the Bill.

The Hon'ble MR. ELLIS did not propose to refer in any detail to the past history of this Bill, or to trouble the Council with a relation of the past proceedings by which we had arrived at the present stage. But he desired to say a few words, lest a silent vote might be misconstrued, and it might be supposed that he repented of the vote which he gave as a Member of the Council in 1871, when the previous Bill was under discussion. He believed that the provisions of that Bill were not sufficiently understood by the general public, and he was certain that a considerable amount of virtuous indignation had been unnecessarily expended, both inside and outside these walls, in denouncing the clauses of the Bill, as it stood when passed by the Council in 1870-71. He had, indeed, an instance of that in the few words which had fallen from his hon'ble colleague, General Norman, who had told the Council that he rejoiced in the Bill passing in its present form, because it did not compel the owners or occupiers of land to take water against their will. MR ELLIS hoped to make it clear that such a provision formed no part of the Bill of 1871. He believed that the worst that could be reasonably said of that Bill, was stated by those who referred to the clauses as likely to prove inoperative, because water was so valued that every one who could, would use it, and that the clauses were therefore not wanted, or if wanted, they provided a procedure so fettered by conditions, that the Bill would not work. Worse than those objections he did not think any one could fairly and

reasonably urge against the Act. He thought that the reason for the misapprehension was that the original scheme was very different. The promoters of the Bill desired, in the first instance, that a compulsory rating should be levied from the whole district whenever a work of irrigation failed to be remunerative. That provision was not embodied in the Bill as it stood before the Council. But the original scheme was referred to in great detail by those who supported that principle, and also by those who declaimed against it, and the debate consisted mainly of arguments *pro* and *con* on that original principle which was not to be found in the Bill then before Council. He thought his hon'ble colleague, Sir Richard Temple, would bear him out, that the greater portion of the speeches delivered in Council on that occasion were directed to the question whether a compulsory rating on the whole district was desirable or not, although that principle was not embodied in the former Bill. What was there, then, in the Bill which passed the Council, which we did not find in the present Bill? It was simply this. The Bill provided that, if, after a certain term of years, the Government found that a large irrigation scheme was not remunerative, enquiry should be made to ascertain the cause. If the cause was found to be, that the original estimate as to the rates assessable, the cost of construction, or the area irrigable was wrong, or that expenditure had been by negligence or otherwise incurred in excess of the estimate, then the Imperial Government, having, as the representative of the people, made a mistake, the people generally would bear the loss. But if, on the other hand, it was found that, owing to the idleness or ignorance of those who could make use of the water, but failed to do so, the scheme was unremunerative, it was then made lawful to the Government, not as was popularly supposed, to compel the people to take the water, but to levy from those persons a small and fixed rate, the maximum being stated in the Bill, to go towards defraying the interest of the scheme undertaken for their benefit, and which they had not the sense to avail themselves of. The power of the Government was most strictly guarded by the provisions which rendered it necessary to prove that the persons declining to take the water could use it to their benefit. And that was in no sense, therefore, a compulsory rating, such as the original proposal was, and such as his hon'ble friend, General Norman, and Mr. ELLIS with him, objected to before the Bill took the shape in which it passed. He thought the sole effect, therefore, of the Bill was this. It provided that, whenever a project proved unremunerative owing to no fault in the estimate or construction, then the general tax-paying public of India should not be compelled to pay, until those who might avail themselves of the water and failed to do so through ignorance, idleness or other causes had discharged their quota. He thought there was no hardship in that. It was, to quote an expression of His Honour the Lieuten-

ant-Governor, "scrupulously just" that such persons should be called upon to pay, before we burdened the general tax-payer with the obligation to make up any deficiency caused by the ignorance and folly of these people.

For obvious reasons, Mr. ELLIS did not ask now to insert any particular clauses representing the principle which he advocated; but he believed the Bill as now passed, owing to their omission, was less perfect than it would have been. Those clauses seemed to him to have given the Government an insurance against a risk, for which they might reasonably be allowed to provide. The omission of the clauses did not affect his readiness to pass the Bill, but he certainly thought it should affect our readiness to admit schemes for benefiting the people by irrigation, when we had no such insurance to fall back upon. That was, however, rather for discussion in the Executive Council; and he now merely said that the Bill was not so perfect as it would have been with those clauses.

The Hon'ble SIR RICHARD TEMPLE said as his hon'ble friend and colleague had referred to him, he thought it just to his hon'ble friend to afford full corroboration to what he had said. SIR RICHARD TEMPLE certainly thought that the rejected clauses were, if properly understood, perfectly just and expedient. And he feared their rejection would somewhat retard the progress of canal-irrigation. But as he had, at the time, said all he could on that behalf and vindicated at great length the course taken, and as that course was rejected by superior authority, it was of no use for him to say anything more, although he adhered to all the opinions he then expressed.

The Motion was put and agreed to.

SUNDRY BILLS.

The Hon'ble Mr. HOUBHOUSE moved that the Hon'ble Mr. Dalyell be added to the Select Committee on the following Bills:

To consolidate and amend the law relating to the local extent of the general Regulations and Acts, and to the local limits of the jurisdictions of the High Courts and the Chief Controlling Revenue Authorities.

To consolidate and amend the law relating to Pleadings, Mukhtárs and Revenue Agents.

To consolidate the law relating to Oaths and Affirmations.

The Motion was put and agreed to.

NORTH-WESTERN PROVINCES RENT BILL.

The Hon'ble MR. INGLIS moved for leave to introduce a Bill to consolidate and amend the law relating to Rent in the North-Western Provinces. Almost ever since Act X of 1859 became law, it had been evident that some of its provisions were unsuitable to the tenures of Upper India, and proposals for amending the law had been for some time past under the consideration of the Local Government. The Bill to consolidate and amend the law relating to land-revenue in the North-Western Provinces, which was now before the Council, dealt with the same questions. Consequently, it was absolutely necessary that the two Bills should be considered together, so that their provisions might be brought into accordance with each other. When he introduced the Bill, he would explain fully the changes proposed in the existing law.

His Honour THE LIEUTENANT-GOVERNOR would only express his satisfaction at the introduction of the Bill at this time. The experience he had had in the Select Committee on the other Bill of the hon'ble member, had thoroughly convinced him and other members of the Committee, that it would be impossible to deal with one Bill without considering the other. The explanations the hon'ble member had given had shown that the provisions of the two Bills were woven together. They involved the most enormously important questions; they involved questions which were not only applicable to the North-Western Provinces, but also to other provinces of the empire. And therefore it would be in every way desirable that they should be considered together, and that a decision should not be precipitated.

The Hon'ble MR. ELLIS merely desired to say that he corroborated all that had fallen from His Honour the Lieutenant-Governor, both as to the desirability of considering this Bill in connection with the Bill relating to land-revenue, and as to the importance of both Bills, and the necessity for not hurrying them through the Council.

The Motion was put and agreed to.

The Council then adjourned to Tuesday, the 18th February 1873.

CALCUTTA; }
The 11th February 1873. }

WHITLEY STOKES,
Secretary to the Government of India,
Legislative Department.