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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 & 25 Vic., cap. 67.

The Council met at Government House on Tuesday, the 23rd December 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 Sir H. W. Norman, K. C. B.

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

The Hon'ble E. C. Bayley, C. S. I.

The Hon'ble J. F. D. Inglis, C. S. I.

The Hon'ble Rájá Ramánáth Tagore.

The Hon'ble R. A. Dalvell.

The Hon'ble H. H. Sutherland.

PRINCE OF ARCOT'S PRIVILEGES BILL.

The Hon'ble Mr. HOBHOUSE moved that the report of the Select Committee on the Bill to continue certain privileges and immunities now enjoyed by Prince Azím Jah Bahádur, as Prince of Arcot, to his sons on succeeding to the title be taken into consideration. He said that the report itself was very simple, as it recommended only one small alteration in the Bill. The alteration proposed was a mere matter of form. But in order that the Council might know what had been left undone as well as what had been done, he would just recall to memory the principal features of the case which he had mentioned more fully on a previous occasion. The Council would remember that the late Nawáb of the Carnatic died in 1857. Up to the time of his death, his family had enjoyed special privileges under an Act of Council passed in the year 1844. Under that law, the Nawáb himself and the whole of his family were exempted entirely from civil and criminal process. When he died, that law came to an end; and shortly after his death, in 1858, another Act was passed, founded on a different principle. That Act kept alive the privileges of the family so far as regarded anything done previously to its passing. But, for the future, it exempted from process only the

then Prince of Arcot, Azím Jah, and certain ladies of the family. Therefore, ever since the passing of that Act, the sons of Azím Jah, the whole family, except himself and the ladies mentioned in the Act, had been subject to all kinds of process, civil and criminal. Prince Azím Jah was now stricken in years, and it was necessary to consider the position of his successors. It was proposed that they should not be exempted from criminal process, but that as each succeeded to the title, they should be exempted from any civil process unless with the consent of the Government; and also that they should be unable to enter into contracts which would expose them to civil processes. The Council were aware that the persons who were named as successors were the Prince's four sons in succession, and beyond them nobody was named. The Bill was introduced for the above purpose, and the only alteration made in it by the Select Committee was the formal one of putting into the Bill, and thus giving notice to everybody of, the names of the four sons who were to succeed. The present Prince of Arcot, however, had sent a letter to the Madras Government, in which he desired that other alterations should be made in the Bill. MR. HOBHOUSE would mention what the Prince desired. The Prince said:—

“It is with extreme pain and regret I have perused the Bill, as, instead of adding to the honours enjoyed by my family, it simply diminishes them. When my sons were only ‘children of a Prince,’ by virtue of their birth they enjoyed exemption both from the Civil and Criminal Jurisdiction of the Courts, but when they are to be raised to the dignity of the ‘Prince of Arcot’ their privileges are to be diminished; for, by the exemption from the Criminal Jurisdiction of the Courts being taken away from them, any common person who may be ill-disposed towards them will be able to compel the Prince of Arcot and my other sons to be present before a Magistrate, and thus insult their dignity.

“Why exemption from Criminal Jurisdiction is not provided for by the Bill in question cannot be understood. The Bill reserves to the Government the power to remove the exemption from the Civil Jurisdiction of the Courts, and, if this be also done in reference to Criminal Jurisdiction, no inconvenience or difficulty can be experienced if such exemption be conferred on my sons.

“It will be further observed that the Bill restricts the privilege of exemption from the Civil Jurisdiction of the Courts to my sons as each accedes to the title, and that during the period they are not in enjoyment of the title they are to be deprived of the privileges which were conferred on them by Act I of 1844. This, I respectfully submit, is not at all suitable to, or compatible with, their position as the recognized successors to my title, and whose names are also mentioned in the Letters Patent.”

Now, MR. HOBHOUSE would observe that, when the Prince said that the Bill, instead of adding to the honours enjoyed by his family, simply diminished them, he was labouring under a mistake. Of course, he meant that exemption

from process, was the honour of which they would have less than before. But, in point of fact, his sons were not now exempt at all. The Bill repealed nothing ; it took away nothing which they now enjoyed ; and it did add something to their privileges : for under it when they succeeded to the title they could not be sued at all without the consent of Government.

There was indeed a sense in which a Bill of this nature might be taken to diminish the honour of this family, or the honour of any family which came under similar circumstances. If these gentlemen were only to set up a natural and true standard of honour instead of an artificial and false one ; if they found their honour in obeying the law and not in being above it ; if they would see that a man's true honour and dignity consisted in not rendering himself obnoxious to the criminal law, and in being ready to answer any demand that might be brought against him in a Civil Court, then no doubt such a Bill would in their eyes tend to diminish the honour of any family. That, however, was not the meaning of Prince Azim Jah, for he said :—

“ In order that they may be worthy successors, every possible care should be taken to protect their dignity and honour, and nothing, I respectfully submit, can realize this more effectually than exemption from both the Civil and Criminal Jurisdiction of the Courts.”

All Mr. HOBHOUSE could say was that, with regard to the sons of our own Queen, we did not think it necessary to protect them from the jurisdiction of the Civil and Criminal Courts ; and it would be a happy day for this Carnatic family and for all like families, when they passed from childhood to manhood, when they were able to enter the ranks of society on the healthy and honourable terms of equality before the law, and found it no dishonour to be liable to exactly the same consequences of their actions as every other subject of Her Majesty was.

For these reasons the Select Committee had not thought fit to propose any alteration in the Bill in this respect.

The Hon'ble MR. DALYELL said it was with considerable hesitation that he ventured to propose an amendment to a Bill which had had the advantage of being prepared by his hon'ble and learned friend Mr. Hobhouse, the more so as, on a recent occasion, he had stated that the section which MR. DALYELL desired to see struck out formed the necessary sequel of the privilege section, which was in fact the very essence of the Bill. This section declared that the Prince of Arcot for the time being should be incapable of entering into any contract which might result in a pecuniary liability. To his (MR. DALYELL'S) mind with this clause the Bill ceased to be a Bill for maintaining the dignity and honour of the Prince, and became a Bill of the opposite character, which would

involve the family in very serious civil disabilities. He ventured to think that, although the provision might be the logical sequel of the privilege clause, it was by no means a necessary or usual one. And although, in somewhat similar cases, such a provision might be desirable and necessary, the circumstances of the present case differed from the circumstances of those cases.

The Members of the Council were aware that the ancestors of the aged nobleman whose name stood at the head of the Bill for many years ruled a large portion of Southern India as Lieutenants of the Subahdár of the Deccan. It was unnecessary that he should detail the circumstances under which their sovereignty passed to the British Government. It would be sufficient to indicate that it was not by force of arms. In 1801, by treaty with the member of the Carnatic family who had been recognised as Nawáb, it was agreed that this Prince should be established in all the rights, dignity and honour of his ancestors, and should be given a certain share in the revenues of the Carnatic, with a proviso that the entire civil and military administration should vest in the East India Company. Under that treaty, his family and retinue were exempted from arrest and criminal process of all descriptions. But the Supreme Court of Madras held that that treaty had no authority to exempt from civil and criminal process unless it was interpreted by a legislative enactment, and therefore, in the following year, Act I of 1844 was passed at the instance of the Madras Government, and that Act was entitled "An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, his family and retinue." On the death of the Nawáb in 1855, the late Court of Directors decided that the estate and dignity of the Nawábship had lapsed to the East India Company, and that all the advantages attached to that dignity under the Treaty had ceased and determined. The title having thus become extinct, the Act became inoperative, and it then became necessary to pass the Act under which the family now possessed their privileges. That Act Mr. Hobhouse had already alluded to. It was Act XXXVII of 1858, in the title of which it was declared to be "An Act to continue certain privileges and immunities to the family and retainers of His late Highness the Nabob of the Carnatic." The name of Prince Azím Jah was included in the schedule of the Act, but as the names of his four sons were not included, it had become necessary to provide for the contingency of their succession. When the late Court of Directors decided that the present members of the family were not to succeed to the Nawábship, Prince Azím Jah and the other relatives of the late Nawáb protested in the strongest manner against the decision, and continued their agitation of the question in England up to a comparatively recent date. The British

Government, without in any way acknowledging the justice of these protests, and actuated solely by the liberal spirit which had, as a rule, governed their policy in dealing with the fallen houses of India, determined to treat the Carnatic family with the greatest consideration. In 1866, Her Majesty was pleased to create Azim Jah "Prince of Arcot," a dignity never hitherto conferred on any family not connected with Royalty.

If the Council had been able to follow MR. DALYELL'S statement of the case, they would perceive that it had all along been the policy of the British Government to treat this family with the greatest consideration. The treaty of 1801 expressed this in no measured terms: the Act of 1844 continued the privileges which then existed and gave them legal sanction. The Act of 1858 continued those privileges to Prince Azim Jah and other members of the family, and this policy had in fact been continued up to the present day. The question of the privileges to be conferred on the sons of Azim Jah was deferred when the title of Prince of Arcot was first conferred by the Crown. But at the time when the title was given to the Prince, certain correspondence took place, which showed that, then, at any rate, it was quite the intention that the same policy should be pursued which always had been followed with reference to the family. Amongst the correspondence which took place between the Government of Madras and the Government of India, a letter was printed in the papers relating to the Bill, which fully expressed this. The Government of India wrote:—

"Whatever exemption Prince Azim Jah at present enjoys should be continued for his life. But His Excellency the Governor General in Council would not continue any such privilege, as far as respects the Criminal Courts, to his successors. Exemption from the action of the Civil Courts stands on a different footing. If the dignity of the family and the objects which Her Majesty's Government has proposed to itself in the perpetuation of so large a pension are to be secured, then the head of the house must be exempt from civil process, otherwise the Government of India see nothing but ruin and disgrace in prospect at some period in the future for the Prince and his successors."

Then, as recently as February last, the Madras Government expressed their view that the same policy should be followed, and that the proposal to exempt the successors of the Prince from civil process was in accordance with the intention of Her Majesty's Government in conferring a special title upon the family. The policy was no new one, but was simply the result of the action of the previous Governments, as was clearly expressed in the minute of His Excellency the Governor of Madras. Lord Hobart wrote:—

"As regards the civil Courts, the case is different. Here, also, the great principle that all who are in the position of subjects should, both in the interest of the community and in their

own, be equal before the law, is one which there must be strong grounds for setting aside. I think, however, that, in the present instance, such grounds may be shown to exist. Considered in reference both to justice and to expediency, there is much to be said both for and against the whole course of the British Government in its treatment of the Nawáb of the Carnatic and his descendants ; and one objection to it is that, while placing the head of the Carnatic family in the position of a subject, privileges were given to him which, as a general rule, no subject ought to enjoy. But there is now no question of altering that policy ; it must be accepted as a fact. And I apprehend that one principal object of that policy was to maintain the representative of the Carnatic family, so long as it should be represented, in a position of dignity and independence. Although, therefore, this question was left in 1853 for ' future decision,' it appears to me that it cannot consistently, so far as civil jurisdiction is concerned, be answered in the negative."

Such then was the position of the question when it was forwarded by the Madras Government to the Government of India in the Foreign Department, and was transferred by the Foreign Department to the Legislative Department, with an expression of opinion that, possibly, a Bill somewhat in the tenor of the King of Oudh's Act would be more suitable to the circumstances of the case than the draft received from the Madras Government.

The present Bill was then prepared in the Legislative Department ; and it appeared to MR. DALYELL that this third clause had had a most undesirable effect on the measure, for it must entirely alter the policy which had been followed hitherto in dealing with the Carnatic family ; to declare that a man, immediately on succeeding to a title conferred for the purpose of exalting his dignity, was to be put in the position of an infant or a lunatic, and was to be subjected to the most serious disabilities, was certainly a most unusual and extraordinary mode of showing him special consideration : and that such would be the effect of the clause he desired to see struck out of the Bill, he thought he would be able to show.

Prince Azím Jah, the present Prince of Arcot, was, under the present Act, exempt from all civil and criminal process ; consequently, the Bill before the Council would apply only to his four sons : but immediately on one of them succeeding to the title, he would become liable to the most serious disabilities. He could make no purchase of any kind except for cash. He would be unable to hire a house for his own use, or for the use of his family, or his dependants or retinuc. He would be unable to lease a house belonging to him, as any other person could, in the ordinary way, for he would be precluded from entering into a contract to have it kept in repair. Similarly, if he wished to build a house he would have to proceed in a round-about way, instead of adopting the usual course of having it built by contract. He would have a similar difficulty

in regard to the ordinary repairs of his palace, and it would absolutely be contrary to law for him to engage the services of a domestic by the month. Further he would actually be precluded from going through the ceremony of marriage, inasmuch as, the main source of his income being the pension received from the Government, he would be unable to pay down any sum as dower, and this objectionable clause would prevent him from making himself liable for any monthly or annual payment.

MR. DALYELL would ask the Council, what did his hon'ble and learned friend know, or what did any member of this Council know, of the character of the four Noblemen to whom the Act, if passed, would apply that would render it necessary to place each one of them, as they succeeded to the title in turn, in the very inconvenient position to which MR. DALYELL had referred. In the case of the King of Oudh, His Majesty was known to be in debt to the amount of forty lákhs of rupees, and that might have been a good reason for rendering him incapable of incurring further liabilities. Again, in the case of the Nawáb Názim of Bengal, it was the same story, as the hon'ble member in charge of the Bill had explained in the following remarks regarding the income and expenditure of the Nawáb :—

“Such being his means, I am sorry to say that the Nawáb Názim has, at least for some years past, pursued a career of most lamentable extravagance; his great income has proved quite unequal to his personal expenditure; he has borrowed recklessly, and often at the most exorbitant rates of interest; and has, in short, shown such weakness, such a want of self restraint, that we may fairly pronounce him unfit to manage the affairs of the Nizámat.”

Under such circumstances, it was no doubt proper to declare that the Nawáb Názim should be incapable of incurring further debt. It must also be remembered that, in these two cases, large sums of money were taken from the public treasury to pay the liabilities of the persons who were incapacitated; whereas, in the present case, no such demand was now made, and, so far as we know, was never likely to be made, nor was there anything before the Council to show that any of these Noblemen had so conducted their private affairs as to justify the Council in making them liable to these very serious disabilities. The only possible reason for retaining this clause was that it was supposed that it would have the effect of restricting the borrowing powers of the head of the family. MR. DALYELL very much questioned whether it would have that effect to the extent supposed. It seemed to him that, if people were found to lend money which they knew they could not recover at law, they would be equally willing to advance funds to persons incapacitated by law from borrowing; and, virtually, the section would become a dead letter. In regard to this part of the question he believed that the Government of Madras had

made it generally known that, under no circumstances would they hold themselves liable for any further debts that might be contracted, and he questioned whether, in future, any member of the family would be able to raise money, whether the objectionable clause was retained or not.

In conclusion, he would ask the Council to support his amendment on the ground that the clause would virtually reverse the policy which had been followed in dealing with the Carnatic family for a period of seventy years; that it had not been shown to be necessary as regards the conduct hitherto of the Noblemen to whom the Bill would apply; that it would have little or no practical effect in restricting the power of borrowing; and that it would in a great measure reverse the policy of Her Majesty's Government in granting special British title for the purpose of maintaining the dignity of the family.

MR. DALYELL might add that he had received an intimation from the Government of Madras that they had the strongest objection to this incapacitating clause, and as the Bill applied solely to the Madras Presidency, he thought that the opinion of the Madras Government was entitled to special consideration at the hands of the Council.

HIS HONOUR THE LIEUTENANT GOVERNOR had listened with a perfectly unbiassed mind to the observations of the hon'ble mover of the amendment, but he was unable to accept the view the hon'ble member had placed before the Council. It seemed to His Honour that the arguments used would have been very sound arguments if they were directed to the point that the sons of the Prince of Arcot should be placed under the ordinary law. It was inconsistent to allow a man to make contracts and at the same time to exempt him from liability to civil process. One was the correlative of the other; and HIS HONOUR was, therefore, unable to accept the amendment now proposed. It seemed to him that the hon'ble member somewhat erroneously used the term "sovereignty." The Nawáb was never anything but the Deputy of the Governor: he was the Deputy Governor of the Carnatic; he was in no sense a sovereign, and his descendants were not entitled to the honour or dignity that pertained to a sovereign.

HIS HONOUR must express his entire concurrence with the Hon'ble Mr. Hobhouse, that the sooner we divested these families of the false position now maintained by them, and the sooner we brought to an end their extraordinary privileges, the better. The Nawáb of the Carnatic was well known to have been a soldier of fortune belonging to a village in Oudh, who, after wandering about for a considerable time and passing through many vicissitudes of fortune,

rose to the position of Deputy Governor of the Carnatic. HIS HONOUR did not think it desirable that we should uphold longer than was necessary the extraordinary privileges now possessed by the members of this family.

The Hon'ble Rájá RAMÁNÁTH TAGORE perfectly agreed with the wisdom and sound policy of the Government in introducing this Bill, the object of which was to uphold the dignity of the Nawáb of the Carnatic. Speaking politically and socially, a better measure could not have been introduced by the Government. It would prove to the Natives of the country, as well as to the whole world, that our Government would always show confidence and good feeling towards the Native chiefs of this country, provided they were loyal and faithful.

Now, with regard to section 3. As far as his common sense went, the section appeared to him to be inconsistent; because, if there was any necessity for this Bill, then there was every reason that section 3 should be expunged. Section 3 only limited the dignity and power of the Prince of Arcot and his family. As far as the papers which were now before the Council went, there was nothing to show that the Prince of Arcot or his family were in any way inclined to abuse the privileges they now enjoyed, and that such a precautionary measure on the part of the Government was necessary. Nothing of the kind had been shown to us. If the Government thought proper to adopt such a precautionary measure in regard to the Nawáb Názim, the case was quite different; and the Government was quite justified in introducing such a prohibitory clause in that Bill. But with regard to the Prince of Arcot, the case was different; and, therefore, why should the Council punish one who had committed no fault at all? On these grounds, he would support the Hon'ble Mr. Dalzell's amendment.

The Hon'ble MR. HOVHOUSE said his hon'ble friend, Mr. Dalzell, had said all that ingenuity and skill could suggest in favour of his amendment, and it was now MR. HOVHOUSE'S duty to follow him through the various points he had raised, and to give his reasons for thinking that the amendment should be negatived:

First, his hon'ble friend objected to the clause in question because it altered, as he said, the whole character of the previous proposal. That objection, however, was best answered by his hon'ble friend himself, who in the next breath told them that the clause might be the logical sequence of the original proposal. Now that which was the logical sequence of a proposal could not alter its whole character: on the contrary, it must be something which was in harmony with the proposal and tended to make it more complete than before.

Then, if this was the logical result, and MR. HOBHOUSE had on a former occasion given his reasons for considering that it was so, he would ask, what would be the practical consequences of the alternative? They would be these. You left a man at liberty to enter into a legal contract; you invited persons, or at least you legally permitted them, to advance their money or to part with their goods, and to have legal claims on that account; and then you interfered by the Government standing between those creditors and their legal rights. That was a false position for all parties. That was a position which the Government could not maintain, and which experience had shown they had not been able to maintain. The creditor said—"why, if I am not to get the consequences of my contracts, did you allow me to make them: will you now stand between me and the fruits of my contracts?" MR. HOBHOUSE could not see why we should allow him to enter into contracts, and then forbid him to reap the fruits. If the creditors sowed the seed and watered it, they should also reap the fruits thereof.

Next, MR. HOBHOUSE wanted to know by whom the objection was taken. Prince Azim Jah had spoken for himself and for his whole family. MR. HOBHOUSE had read to the Council the principal part of what his letter contained. The Prince had not shown himself insensible to the honour of his family: he had shown himself anxious to get as much honour and dignity, legal and social, as he could get; and yet from the beginning to the end of his letter, he never once objected to being placed under a disability to enter into contracts. If therefore he, who should know his own feelings best, did not object, why should anybody object for him on the score of dignity?

MR. HOBHOUSE did not wonder that we found no objection from Prince Azim Jah. He should like to know which was the more dignified position. Was it more dignified to have your creditors dunning you and all the members of your family and your dependants and retainers, and importuning the Government to allow them to follow out their rights in a Court of law when the Government had only to say the word to let the creditors loose upon the debtors and enable them to enforce their rights? Or was it more dignified to be freed from liabilities *in toto*, and to be compelled to deal with persons for cash? MR. HOBHOUSE had no doubt that the latter was the more dignified position, and if any protection was necessary, it was better to give protection at a time and in a mode which would make it complete.

Then it was supposed that this disability would subject a man to very great practical inconveniences. He would like his hon'ble friend to take a boat and go down to Garden Reach, and he would then see with his own eyes

whether a person subjected to such disabilities could hire a house, live in it, and have the comforts, not to say the luxuries and adornments, of life about him. He might then study the case of a person who was under this very disability. And he would find that all the terrible imagery which he had conjured up to frighten us, how such a person could not be sure of a roof over his head, how he could not marry, and so forth, was of a visionary kind, and, when confronted with facts, vanished away into thin air.

Indeed this amendment raised the whole question, on what principle were we to legislate? Did we intend to give these families large incomes which they might spend on themselves, and allow them besides to get into debt, and make ourselves answerable for their extravagances from time to time? We should have to do that under the system proposed by his hon'ble friend. In fact, the Government had been put into that position with regard to this very family only six or seven years ago; and he felt certain that under the same circumstances the same thing would happen again and again. If you allowed a man to enter into contracts, the enforcement of which depended on the chance whether the Government would or would not allow his creditors to press him, he would infallibly, and as sure as the sun would rise to-morrow, run into debt if he could. And there would always be people to accommodate him, trusting to chance and to their power of importuning the Government for payment. But our principle was quite a different one, be it sound or unsound, right or wrong. We intended to prevent these families falling into utter poverty and such straits as might shock the public mind; and for that purpose we provided them with an ample income. In the case of these Princes, they would have half a lakh a year in hard cash, besides other advantages, and they could provide themselves with every thing which any reasonable man could wish for. But we did not intend, in addition to that, to let them indulge themselves in all kinds of extravagance for which this country had to pay.

His hon'ble friend had asked, what was there in the character of these four gentlemen to justify the introduction of this clause? Mr. HOBHOUSE answered that he knew nothing of the character of these gentlemen except from what he had been told, and from that it appeared that the circumstances which operated upon other Native families in like positions seemed to operate upon this family as well. He would read to the Council an extract from a document before him, namely, a note sent by the Government of Madras about this family. It was there written—

“They have been brought up in habits of improvidence, and are, I understand, in embarrassed circumstances. If protection be withheld, the dignity with which it is desired to invest the new creation will be imperilled.”

That was their character. Their character had been formed by the exceptional circumstances in which the family had been placed. Let us, then, give them such protection as seemed to be necessary; but let us do what would make that protection complete, and not make it a half protection only.

The Hon'ble SIR RICHARD TEMPLE thought, as he was instrumental some years ago in enforcing the same policy in reference to the King of Oudh, he might say a few words in corroboration of what his hon'ble friend Mr. Hobhouse had said. It was quite true, as Mr. Hobhouse had observed, that the King of Oudh and his family had not felt and did not feel, and were not likely to feel, the slightest practical inconvenience from the disability imposed upon them—the disability being exactly the same as that imposed by clause 3 of this Bill. He also desired to say, having had some experience in the Political Department, that it was perfectly true that, in these kinds of cases, one of two things must happen, either there would be a degree of indebtedness which was very inconvenient politically, and likely to be somewhat scandalous socially—that was to say, politically inconvenient as regarded the British Government, and scandalously inconvenient as regarded the character of the Native chiefs—or else an undue financial obligation must be imposed on the treasury. He said that the character of the Native chiefs and their non-liability for debt was of great consequence to the stability of the Government. If this scandal was to be avoided, it could only be avoided in two ways, either by creating a disability of this kind, or by paying their debts from the general treasury. To pay their debts from the general treasury was not fair to the public at large for whom the British Government was the trustee. There remained only the remedy provided by clause 3. If the Madras Government did not like that clause, then, he submitted, they were not entitled to have this Bill at all. If the Council rejected the amendment or declined to pass this Bill to-day, it would be for the Madras Government to judge whether they would have the Bill with that clause. His belief was that they would not be able to go on without it, and that they must sooner or later be compelled to adopt it.

His Excellency THE PRESIDENT said :—“ While the Government of India is anxious to maintain the dignity and consult the interests of the representatives of those Princes of India to whom the British Government has succeeded, it is also our duty to have a due regard for the public interests.

“ If we exempt the Princes of Arcot from the jurisdiction of the civil courts, it seems to me that the third clause of the Bill is necessary, in order that people with whom His Highness may deal shall be fully aware of his legal position, as well as to protect the public, as far as possible, from claims which,

I am sorry to say, have not unfrequently been made upon the revenues of India, in consequence of the facility with which debts have been incurred by those who have been placed under similar circumstances."

The Hon'ble MR. DALYELL would merely make a few remarks with reference to the observations which had fallen from the different members. His Honour the Lieutenant-Governor alluded to the position of the ancestors of the family and had stated that they could not be described as sovereigns. If His Honour had followed MR. DALYELL, he would have found that he had described them as being Lieutenants of the Subáhdar of the Deccan; but virtually they did exercise sovereign powers, and although nominally, they were dependants of the Nizám and of the Moghul at Delhi, they were to a great extent independent.

Then, his honourable friend, Mr. Hobhouse, had remarked on MR. DALYELL'S admission that the section was the logical sequel of the privilege clause. That, MR. DALYELL was prepared to admit. But he had also said that the provision contained in the section was not usual or necessary. He thought he had shown pretty clearly that no such provision was found in any previous enactment conferring privileges on the Carnatic family; nor, on examining the Bill which conferred similar privileges on the family of the Nawáb of Surát, did he find any provision of the kind. Nor did he believe there was any such provision in the first Act relating to the King of Oudh. Nor was he (MR. DALYELL) aware that the privilege of exemption from personal appearance in Court had any corresponding disability attached to it. So far as he was informed, too, the Ambassador of a foreign Prince in England incurred no incapacity from the privilege he enjoyed of freedom from personal arrest. And when the same privilege was possessed by Members of Parliament, he had always understood that they were held to be as capable of entering into contracts as other people.

His hon'ble friend had said that there was nothing degrading in the position in which the head of this family would be placed. MR. DALYELL would submit that if this was his hon'ble friend's present opinion, he must have very considerably changed his views since addressing the Council in regard to the Nawáb Názim's Bill. He then said as regarded the advantage which the public would obtain:—

"And they (the public) will be protected from the risk of future encroachments by the disability under which the Nawáb Názim will labour of incurring fresh debts, a disability which I admit is *dishonourable* to him, but which has become necessary for the public welfare."

After that admission of his hon'ble friend, MR. DALYELL thought the Council must agree that the effect of this clause would be dishonourable to the distinguished family to which it related. That being so, he was still of opinion that clause 3 should be omitted from the Bill.

Then, his hon'ble friend had quoted the position of the King of Oudh as contradicting MR. DALYELL'S assertion that the civil disabilities which were involved in this section would be very inconvenient. MR. DALYELL, however, ventured to think that the position which Mr. Hobhouse described as being occupied by the King of Oudh was a complete confirmation of his belief that the section, although calculated to humiliate the members of this family, would have no practical effect in preventing them from incurring liabilities.

Then, his hon'ble friend had also quoted from a letter of the Government of Madras, in which they stated that these Noblemen had been brought up to extravagant habits, and thought that it was therefore necessary to retain section 3. Well, it was possible that these gentlemen might be somewhat extravagant in their habits, as it was natural for persons in their position to be; but still nothing had been shown to the Council regarding their general management of their private affairs which would justify their being placed in the degrading position involved in the third clause of the Bill.

As the amendment had been seconded by the Hon'ble Rájá Ramánáth Tagore, MR. DALYELL would ask His Lordship the President to put it to the vote.

The motion that section 3 be omitted from the Bill was then put and negatived.

The Hon'ble MR. HOBHOUSE'S motion was then put and agreed to.

FOREIGN ENLISTMENT BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to prohibit recruiting in British India for the service of Foreign States, and moved that it be referred to a Select Committee with instructions to report in a month. He said that, when he had moved for leave to introduce this Bill, he had explained to the Council the circumstances which called for the intervention of the Government, when it was found that they had not the power of preventing a person from hunting up recruits in India for the service of Foreign States. The case which had occurred had caused some embarrassment, and he introduced this short Bill now for the purpose of placing such power in the hands of the Government. The whole pith of the Bill was contained in three or four

sections. By section three, we proposed to confer the power to prohibit any particular person from hunting up recruits for Foreign States; and, by the fourth section, a similar power was given to prohibit such recruiting generally, or to impose conditions upon it.

There were penalties fixed for disobedience to prohibitions of recruiting and for violations of the conditions subject to which permission to recruit might have been given. It was not proposed to make recruiting of itself a penal offence; it might be in some cases a perfectly lawful act.

The Bill only applied to recruiting for the service of foreign nations, with regard to whom the Government should have in their hands the power conferred by the Bill. The points of detail would be proper for the consideration of the Committee.

HIS HONOUR THE LIEUTENANT GOVERNOR said it had been his duty to suggest the necessity for legislation of this kind, and all that he had seen had since convinced him that it was most necessary. All that the Bill said was to call such recruiting contrary to the orders of the Government unlawful; but, as the hon'ble Mr. Hobhouse had said, questions as to the details of the Bill would be open to the consideration of the Committee.

The Motion was put and agreed to.

BURMA LABOUR CONTRACTS BILL.

The Hon'ble MR. HOBHOUSE also moved that the Bill to regulate the transport of Native labourers to British Burma, and their employment therein, be referred to a Select Committee with instructions to report in two months. He was afraid that the Select Committee could not get to work immediately, because the Government of India was still without any communication from the various Governments interested in the subject, and we had only just been informed that we might expect a communication from the Lieutenant Governor of Bengal very shortly. We had not yet had any communication from British Burma, and we had been informed by the Government of Madras that they had a great deal to say on the subject. We were anxious to get on with the matter, but it could not be done very quickly. The Bill was an important one, and we must give full consideration to the suggestions which, no doubt, would come from the various Governments concerned.

HIS HONOUR THE LIEUTENANT GOVERNOR only wished to say that it did seem to him extremely desirable that, if any measure of this kind was undertaken, it should be carried out with the least possible delay. The country was

suffering from scarcity, and it was probable that emigration would take place to a considerable extent if the circumstances were such as to promote emigration. His Honour thought it very desirable that this Bill should be proceeded with with all possible speed. The communication from the Bengal Government had been sent in, and was already in one of the Secretariats of the Government of India; he would therefore suggest that one month should be substituted for two months, and if it were found necessary the time might hereafter be extended.

The Motion was put and agreed to, "one month" being substituted for "two months."

NATIVE PASSENGER SHIPS AND COASTING STEAMERS AND
BURMA MUNICIPAL BILLS.

The Hon'ble Mr. HOBHOUSE also moved that the Hon'ble Mr. Sutherland be added to the Select Committee on the following Bills :—

To consolidate and amend the law relating to Native Passenger Ships and Coasting Steamers.

To provide for the appointment of Municipal Committees in towns in British Burma, and for other purposes.

The Motion was put and agreed to.

The following Select Committees were named :—

On the Bill to prohibit recruiting in British India for the service of Foreign States—Major General the Hon'ble Sir H. W. Norman and the Hon'ble Messrs. Inglis and Dalyell and the Mover.

On the Bill to regulate the transport of Native labourers to British Burma, and their employment therein—The Hon'ble Mr. Ellis, Rájá Ramánáth Tagore, and the Hon'ble Messrs. Dalyell and Sutherland and the Mover.

The Council adjourned to Tuesday, the 30th December 1873.

CALCUTTA,
The 23rd December 1873. }

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