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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.

1873.

WITH INDEX.

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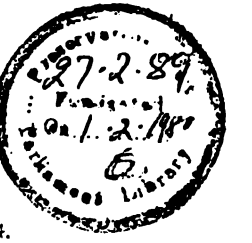

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING.

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 4th March 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 E. C. Bayley.
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 Mahárájá of Vizianagram, K.C.S.I.
The Hon'ble J. F. D. Inglis.
The Hon'ble R. A. Dalyell.
The Hon'ble Rájá Ramánáth Thákur.

PANJÁB APPEALS BILL.

The adjourned debate on the motion to amend section 4 of the Bill to prolong the law relating to Appeals and Reviews of Judgment in the Panjáb was resumed.

The Hon'ble SIR RICHARD TEMPLE moved that the papers circulated to members of Council be taken into consideration.

His Excellency THE PRESIDENT said the original motion was 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 twenty-sixth day of September, 1866."

Since which a motion had been made that the papers which had been circulated be taken into consideration.

His Honour the LIEUTENANT-GOVERNOR said it would be in the recollection of the Council that the hon'ble member who had placed the amendment before the Council had, with some warmth of manner, protested against HIS HONOUR'S action in asking for information. He said, if HIS HONOUR remembered rightly, that it was for HIS HONOUR to find out the effect of the matter which was before the Council and to move an amendment if he thought it necessary. Now, he was not prepared to accept that view of the hon'ble member, even supposing that it was a matter which had been laid before the Council in the usual manner, after a Bill had been prepared in the usual form and had been discussed and digested by the Committee in the usual way. But putting that aside, the hon'ble member seemed entirely to have forgotten that, in this case, it was not HIS HONOUR who had suggested an amendment, but it was the hon'ble member himself who had proposed an amendment, and had proposed it at the very last stage of the Bill. The Bill had been considered in the regular course ; had been discussed in Committee and reported upon. The Bill was, in fact, on a former occasion, on the very point of passing, when it was abruptly stopped, and at the very last stage—at the last minute of the eleventh hour—the hon'ble member put before the Council an amendment which certainly did not explain itself. HIS HONOUR did say that he was justified in protesting against the protest of the hon'ble member. He said that when, under these unusual circumstances, at the last moment, the hon'ble member placed before the Council an amendment which he would presently show to be of great importance, it was his duty to explain the nature of the amendment. It was impossible for HIS HONOUR, with the means at the disposal of the members, to have found out the nature of the amendment. The papers were not before the Council, and he had only guessed the nature and importance of the amendment. Well, then, the hon'ble member having put before them this amendment without explanation, and having protested against HIS HONOUR'S action in asking for an explanation of the nature of the amendment, a certain explanation was given by the Hon'ble Mr. Egerton, who seemed to know more about the matter than the hon'ble member in charge of the Bill. That explanation amounted to a very satisfactory sort of justification by faith. He did not explain the exact nature of the amendment, but showed that it was supported by very good authority. The papers had now, however, been laid before the Council ; and, on looking at that authority, HIS HONOUR found that it was not exactly the case that the Panjáb Government had assented to the conditions of this amendment. The Lieutenant-Governor of the Panjáb was, he believed, at the time in camp ; and we might judge by the terms of the telegram that the Panjáb Government did not quite understand the nature of the amendment. They did not unconditionally assent to the amend-

ment, but signified their consent in these terms:—"The Lieutenant-Governor had no objection to omission of reference to notification of 1866, if the rules sanctioned by that notification have ceased to have the force of law under Panjáb Laws Act or Panjáb Appeals Act." The consent of the Panjáb Government was put with an "if." His HONOUR now found that, in fact and in truth, the amendment was of most extreme importance: it altered radically the whole appellate law of the Panjáb. It substituted one law for another law contained in the notification of the 26th September 1866 in full detail. That notification was a somewhat long one, as hon'ble members might see for themselves. Nine-tenths of the notification was devoted to the subject of appeals, and the effect of the amendment which the hon'ble member had placed before the Council was to substitute another appellate law for that which otherwise would be law as the Bill at present stood. The amendment did vary entirely the law of appeal in the Panjáb. Besides other important variations, he found that, under the notification of 1866, while there was power summarily to reject appeals, there was given to the Appellate Courts the widest power to revise decisions without appeal by the parties. He would say that this amendment was a most important amendment, altering the whole character and system of appeals, and going to the very bottom of the appellate system of the Panjáb. That was so. But, on the other hand, the true justification of the amendment was that which was suggested by his hon'ble friend Mr. Egerton, namely, that the real mistake in the matter was the inserting of these words which it is now proposed to omit. Mr. Egerton had told the Council fairly and very correctly that, in truth, it was a mistake to insert these words, as they had the effect of reviving the law of 1866, which provided an entirely different system of appellate procedure in the Panjáb. That was our situation. The Bill was drawn in one form and altered into another form, and it was now proposed again to go back to the first form. He would say that, if this amendment was right, then on a former occasion we must have been wrong. On the former occasion we were on the very point of doing what was wrong. There was the greatest risk in making these hasty amendments. We knew by practice that, when a communication was received from a High Court or a Chief Court, it did not necessarily follow that that communication had been considered by all the judges as a body. In this case it seemed extremely improbable that this communication had been considered by the judges of the Chief Court as a body. He could hardly imagine that, if they had deliberately considered it, they would have come to diametrically opposite conclusions on two occasions within a few days of one another. He spoke under correction, but he believed this Bill had, on a former occasion, been put down to be

passed, and that it was stopped at the very last moment in consequence of the receipt of a communication from the Chief Court of the Panjáb; but whether that communication had been considered by one or more of the judges of the Chief Court the Council were not informed. He thought it extremely improbable that this matter had been considered by the judges of the Chief Court as a body when they caused the insertion of words which they now sought to withdraw. So we were in this position, that, on a communication from the Chief Court of the Panjáb, we inserted these most important words, and now, on another communication from the same Court, we were asked to omit them without explanations in either case. He must say that he protested against legislation in that manner, which he could not but call a sort of haphazard legislation. For himself, personally, he should prefer the old rules of 1866, but that law being indirectly superseded by the law of 1868, he had satisfied himself that the effect of the amendment would be to restore the law of 1868. Inasmuch as that law was established by this Council, and as the Government and the Chief Court of the Panjáb were in its favour, he did not propose to oppose the amendment now that he understood it. But he hoped the hon'ble member in charge of the Legislative Department would thank him for having saved the Council from somewhat precipitate legislation on an important matter which they had not before understood.

The Hon'ble MR. HOBHOUSE said, "MY LORD,—As His Honour the Lieutenant-Governor has appealed to me to thank him for saving the Council from precipitate legislation, I must tell him frankly that no thanks are due to him from any quarter or on any account whatever. From what has he saved the Council? Why he is now supporting the self-same thing that I proposed last week, and on the self-same grounds which I then assigned for it. At this moment His Honour has no reason to give the Council for accepting the amendment before it, except the reason which I gave you last week: namely, that the local authorities of the Panjáb thought it was the proper course to take.

"Neither have I any other reason to give. The reason I gave last week I give this week. The matter relates to minute details in procedure, as to which I confess myself unable to form an independent opinion which of two arrangements is best adapted for the Courts of the Panjáb. The reason I assigned to the Council for supporting the amendment was, that there was no dispute upon the subject among those who were able to form an opinion, and who agreed that it was better for the Panjáb to have the provisions of the Civil

Procedure Code without the modifications made in 1866 than with them. I say the same now, neither more nor less.

"In all business, public or private, we come to a point at which we rest on the opinion of others; unless indeed we pretend to omniscience. In each piece of business it is a question when that point has been reached, and different minds will judge differently on that question. But no one will deny that it is reached at some time. It will hardly be denied that persons who are not familiar with local details reach it when they come to deal with such matters. They must then depend upon others who possess the requisite familiarity with the subject. The question therefore in this case was, whether the Council had before it matters of such a local and detailed character as made it right for them to trust to local authorities.

"I will show to the Council what sort of a matter this is. The notification of 1866 is, as His Honour has said, a long one; and nineteen-twentieths of it relate to details of procedure connected with appeals. It is not the fact, as the Lieutenant-Governor has stated, that the general system of appeals is regulated by this notification. That is otherwise provided for. The notification relates to small matters of practical detail. For that purpose it displaces forty-five sections of the Code of Civil Procedure, and substitutes for them twenty-five rules of its own. I told you before, and say again, that I cannot explain the effect of the notification without reading it through. I ought to have added that I could not do so without also reading through the forty-five displaced sections of the Civil Procedure Code, or without comparing the two documents point by point to exhibit the differences between them. I will, however, give the Council a fair specimen of what the notification does. I will not pick out any exceptional rule from it, but will take as specimens the first rule and the last.

"The first alteration of the Code was made by Rule II, which runs thus:—

"'II. The application for the admission of an appeal to any Appellate Court, except the Chief Court, shall be made within two months from the date of the order appealed against; and such application to the Chief Court shall be made within three months from such date. The time shall be reckoned from, and exclusive of, the day of the date of the judgment, and also exclusive of such time as may be requisite for obtaining the copies of orders prescribed in Rule III; Provided that appeals may be admitted after the expiration of the prescribed time on sufficient cause being shown, by special order of the Court.'

"That rule corresponds to section 333 of the Civil Procedure Code and to the provisions of the Limitation Act; and it is, indeed, precisely the same,

except that the latter Acts prescribe limits of thirty days for appeal to a District Judge and ninety days for appeal to the High Court. Now, I will ask any member of the Council to weigh these two things together, and to say whether he can decide which of these two arrangements, differing minutely as they do, is the best for the Panjáb Courts, and whether he would not prefer to leave it to the Panjáb Courts themselves to say which is best for them.

"I will now skip to the last rule, rule 26 of the notification, which is as follows:—

"'XXVI. The Appellate Court may, for "sufficient" cause shown, order that execution of decree be stayed. If application for execution be made before the time allowed for appeal has expired, and the Lower Court has not received intimation of an appeal having been preferred, the Lower Court may, if sufficient cause be shown, stay the execution. Before making an order to stay execution, the Court making the order shall require security to be given by the party against whom the decree was passed for the due performance of the decree or order of the Appellate Court.'

"That rule corresponds with section 338 of the Civil Procedure Code. It is in substance the same. I am not sure that there is even a verbal difference. Why the provisions of the Code were displaced, and this rule substituted, I do not know. There is probably some good explanation of it known to those who are familiar with the Panjáb Courts. Equally unable am I to say whether it is now better for the Panjáb Courts to apply to them rule 26 of the notification or section 338 of the Code. But I am quite willing to follow the guidance of the authorities of those Courts.

"Now, on going through the notification, it will be found that the whole relates to questions of this kind. They are not all of the same magnitude, but they are all of the same kind. The difference, then, between the Code and the notification does not relate to the main lines of the system of appeals, it relates to the details of the procedure. The Committee saw this, and, having seen it, were satisfied that the local authorities were the best judges of the matter.

"If, indeed, there had been any dispute among those authorities, a different case would have arisen. If a man finds those on whom he leans for matters of detail disputing among themselves, he must decide the matter as best he may. But if there is no dispute or doubt among the authorities about a matter which properly falls within their office, then it is incumbent on a sane and rational man to trust to them. I cannot carry the case further than that, nor do I know how else to conduct business.

"Now, I was perfectly candid with the Council. I did not pretend that anything had been done which had not been done. I told them, as I intend to tell them on every occasion, precisely what had been done and what had not, and what was the only reason which induced me to propose the amendment. I can do no more now. If you think that reason a good one, and adopt it, you will pass the amendment; if not, you will reject the amendment, and recommit the Bill, or take some other course. But I beg the Council not to reject the amendment on account of a general allegation made by a single member of Council, that the matter may be more important than it seems, and that there is, or may be, some great alteration effected by the amendment in the system of appeals. These are allegations not supported by a tittle of evidence, not founded on any examination of a single particular in the notification or in the Civil Procedure Code, but which His Honour calls upon the Council to believe on his *ipse dixit*. I trust that, if any member thinks it right to oppose the amendment, he will do so, not on random surmises, but on the rational ground that, having compared the two alternative arrangements, he finds a substantial difference between them, and thinks that the notification contains the best arrangement for the Panjáb.

"I must now advert to one or two other points mentioned by the Lieutenant-Governor. First, he said there was very short notice of this amendment. It so happens that the notice was unusually long. It was in the notice-paper before the postponement took place, and, when it appeared the second time, it was in the same form as at first. His Honour had, therefore, an exceptionally long period for preparing his plans.

"Then he says that there were papers—the notification for instance—not placed before the Council. Then why in the world did he not move for them? Is it not the business of every member of the Council to ask for such information as he thinks necessary? There is a special rule which provides that any member may ask for papers connected with any measure before the Council. The Lieutenant-Governor had ample notice that the Council were to be asked to decide and vote on a subject which, as he asserts, was improperly laid before them. It was, then, his clear duty to move for the more perfect information, and not to come down with verbal assertions as to the nature of the case, and so take the Council by surprise. There is another course not uncommon in an assembly of gentlemen, which is to ask for a private explanation of any seeming difficulty. It now turns out that a question put to myself, or my friend Mr. Egerton, would at once have shown that there was no difficulty. His Honour, however, had not thought fit to follow that course.

Not a single thing did he do to inform himself about the validity of the objection he was going to raise. No: he prefers to come down to Council, and raise an objection which nobody knew of, and the means of meeting which were not at hand.

"The Lieutenant-Governor has thought fit to offer me some advice as to the proper mode of conducting my business. His advice is not good, and I cannot accept it. Instead of doing so, I will advise him to take the trouble to inform himself a little more about the business to be brought before the Council, instead of interfering in a way which simply impedes business and wastes the public time.

"Let me call the attention of the Council to the ludicrous result, or non-result, of the action taken by the Lieutenant-Governor. We have seen the parturition of mountains and the birth of a mouse. We have had to circulate these papers. We had some time consumed in discussion last week, and more to-day. And, after all, we stand precisely at the point from which we started. Not a word has been said to prove that there is anything in the amendment beyond the substitution of one set of small details for another. No reason has been given for rejecting the amendment. No reason has been given for supporting it, except that the local authorities are the best judges; that we are not in a position to form an independent opinion for ourselves; and that it is only because they so tell us that we believe one set of rules to be better for the Panjáb than the other."

The Hon'ble SIR RICHARD TEMPLE said, as he had made the motion upon which the discussion had arisen, he believed he might withdraw it now; for there appeared to be no farther any reason for continuing the debate. After all, the real point was this, that for some years a set of peculiarly local rules regarding the details of procedure in appeals had been established in the Panjáb, that some five years ago these rules had been superseded by Act VII of 1868, and that it was now considered by the persons most competent to judge that the revival of those peculiarities was not desirable. But the Lieutenant-Governor considered that further time should be allowed, firstly, to satisfy himself by a perusal of the papers on the subject; and, secondly, that the Legislative Department should have an opportunity of giving a full explanation of the matter to the Council. He believed that the Council would consider that both those objects had been satisfactorily attained. We had had the advantage of the clear explanation given by the Hon'ble Mr. Egerton, who, in some sense, might be said to represent the Government of the Panjáb, and we had now had the satisfactory declaration from the Lieutenant-Governor that on the whole he had no

objection to the amendment. And, lastly, we had the clear explanation given by the hon'ble member in charge of the Legislative Department of the reasons that dictated the amendment, and which suggested the adoption of the mode of procedure prescribed in the Bill. SIR RICHARD TEMPLE thought the result of this discussion would be entirely satisfactory.

The Hon'ble SIR RICHARD TEMPLE'S motion was, by leave, withdrawn.

The Hon'ble MR. HOBHOUSE'S amendment was agreed to.

The Hon'ble MR. HOBHOUSE moved that the Bill as amended be passed. He said it would be necessary to suspend one of the Rules for the Conduct of Business. He did not know that there was any great necessity to pass the Bill on this day. But in point of fact, the present law would expire on the thirtieth of April next; and as the matter had been so much discussed, perhaps it would be convenient that the Council should pass the Bill at the present meeting. He would therefore apply to the President to suspend the Rules for the Conduct of Business.

His Excellency THE PRESIDENT declared the Rules suspended.

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

His Honour THE LIEUTENANT-GOVERNOR did not propose to continue this debate. The papers were before hon'ble members, and they could judge whether the changes made in the Bill were, as he asserted, most radical and important, or as the Hon'ble Mr. Hobhouse said minute and unimportant. He only wished to explain that the Hon'ble Mr. Hobhouse was mistaken if he thought he (THE LIEUTENANT-GOVERNOR) had sprung a mine upon him when he objected to this amendment. When the notice was given in so innocent a form, it did not attract his observation, but the hon'ble member having given a very unsatisfactory explanation, HIS HONOUR stated his objections. He had no objection now to the passing of the Bill.

The Motion was put and agreed to.

BURMA TIMBER DUTIES BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to amend the law relating to timber floated down the rivers of British Burma, and moved that it be referred to a Select Committee with instructions to report in three weeks. When he had obtained leave to introduce this Bill, he had given an explanation of the reasons for making some alteration in the existing law. It now only remained, in introducing it, to explain to the Council what the effect of the Bill was. The fact was that the law at present was governed by certain rules made under the Forest Act, which imposed duties on timber by the cubic

measurement of the logs. Some difficulty was felt two or three years ago about the validity of those rules, and Act VII of 1869 was passed to give them the force of law. In that Act was given no power to alter the rules from time to time. It had been found more convenient and more just to the owners of timber to take an *ad valorem* duty than a duty assessed upon each log. In point of fact that course had been taken because it was found that the mode of assessment *ad valorem* was in favour of the tax-payer, so that they had assented willingly to that mode of valuation. It was better however to give the authority of law to all such arrangements, and therefore it was proposed that the Government should have power to levy a duty on all timber floated down the rivers either per log or *ad valorem*. A maximum was fixed to each method of levying the duty. At present the legal maximum was two rupees and twelve annas per log five feet in girth and upwards, and one rupee and six annas per log less than five feet in girth. That was the maximum fixed by the Bill. Then it was provided that, if the duty was levied *ad valorem*, it should not exceed eight rupees per cent. That was a round sum which nearly represented the average value of the duty levied. The exact amount was rupees 7·85. The Bill also re-enacted the power to make rules, and provided an indemnity-clause in case there possibly should have been any illegality in the mode now adopted of levying the duty. That was the substance of the Bill.

The Hon'ble MR. DALYELL said, if he was not out of order in making the application at the present stage of the Bill, he should like to ask that the correspondence with the Chief Commissioner of British Burma should be laid before the Council. As far as he could understand the present state of the law, certain rates of duty were leviable on timber floated down certain rivers; whereas the present Bill seemed to provide for the levy of duty on timber floating down all rivers in British Burma, and the maximum rate seemed also to be lower than the maximum under the present law. No doubt there were very good reasons for a change in the law, but before the Council was asked to alter the law he would suggest that those reasons should be laid before the Council.

His Excellency THE PRESIDENT observed that all the papers on the subject would be laid before the Council.

The Motion was put and agreed to.

The Hon'ble MR. HOBHOUSE moved that the Bill be published in English and in Burmese in the *British Burma Gazette*.

The Motion was put and agreed to.

REGULATION AND ACTS LOCAL EXTENT BILL.

The Hon'ble MR. HOBHOUSE also presented the further report of the Select Committee on the Bill to consolidate and amend the law relating to the local extent of the general Regulations and Acts, and to the local limits of the jurisdiction of the High Courts and the Chief Controlling Revenue Authorities. It would be convenient, in presenting this report, to mention what stage the Bill had arrived at, because it was a long time since the Bill was introduced, and there had been some change in the law since that time. It was now rather more than three years since Mr. Cockerell first launched this measure. The immediate object of it was this. It was found that doubts existed, as to some districts in India, whether they had come within the pale of the general Regulations or not. The particular district which suggested this measure was Dehra Dun, which, since its annexation to the British Empire, had undergone several changes of law; and from the year 1827 onwards it was considered that it fell within the general Regulations, and for about forty years it was administered on that hypothesis. Then a case occurred in which a question was raised before the High Court, whether the general Regulations did or did not apply to the district; and after argument it was held that they did not. So this Council passed an Act for the purpose of declaring the law under which the district was. That Act did not deal with the whole district. It specified a portion, called Jaunsár Bawar, which was excepted from the general law, and as to the rest of the district it was declared subjected to the general law. The occurrence of that case drew attention to other cases in which the same sort of doubt might occur; and it was thought better to provide for the difficulty by a general enactment to enable the local Governments to ascertain and declare what was the law in force in each of those outlying districts as to which doubts existed, and to provide, in express terms, that, except as to those districts, the general Regulations should be held to apply to the whole of India. That was the Bill as introduced by Mr. Cockerell. In the same year 1870, an Act of Parliament was passed for the purpose of dealing with the outlying districts of India. It was well known to this Council that, from time to time, the general Regulations had been extended to various districts found not to be suited for them, and the local authorities applied to this Council for Acts which were to remove those districts beyond the pale of the law, and which were called by the somewhat long name of deregulationizing Acts. It was doubted by some legal authorities whether it was competent to this Council to pass such Acts. MR. HOBHOUSE could not say that he participated in those doubts; but doubts were felt by competent persons, and it was thought advisable to invoke the aid of Parlia-

ment. This led to the passing of the Statute 33 Vic., Cap. 3, which established a process for deregulationizing a district. It provided, first, for a declaration by the Secretary of State that the Act applied to the district in question. In the second place, the Local Government must submit a Regulation to the Government of India for the government of the particular outlawed district. That Regulation must be approved by the Government of India, and then it was subject to the same disallowances first, by the Governor General, and afterwards by the Crown, as if it was a Bill passed through this Council. To a certain extent that Act affected the same subject-matter as the Bill with which we were at present dealing, because it provide for taking a district out of the pale of the Regulations, and a machinery for passing Regulations for that district. It was necessary to explain to the Council that this Bill did not provide any machinery for taking away law from any district whatever. But it did provide a machinery for ascertaining what law now applied to a district. It provided a machinery for fixing the boundaries of a district, and also a machinery for extending the general law to a district. In that respect only it trenched upon the same ground as the Act of 1870, and, as to that, he conceived there would be no doubt that it was right to have an easy mode of extending to a particular district a law found good for the rest of India. We all knew that, in particular Acts, it was of frequent occurrence to give the Executive Government power to extend the Act to places other than those to which it applied. This would be a general Act for the same purpose. The Committee had thought it necessary to explain that matter very fully in their Report, and he thought it necessary to draw the attention of the Council to that explanation, because an idea prevailed in some quarters that, when this Act was passed, a district might be removed from the pale of the general Regulations by means of a notification. He wished to explain that such was not the fact; and it was now proposed that the Bill should be sent to the local Governments calling their attention to the state of the law, and begging them to take care that the schedule of excepted districts should be very carefully expressed with reference to that condition of the law.

CALCUTTA CARGO-BOATS LICENSING BILL.

The Hon'ble MR. HOBHOUSE also moved for leave to introduce a Bill to amend the law relating to the grant of licenses to cargo-boats plying for hire within the Port of Calcutta. The reason for introducing the Bill was this. The existing law required that cargo-boats should be registered by the Collector of Customs, whereas at present they were registered by the Commissioner of Police. It was desired by the Government of Bengal to combine

the establishments employed on those duties, and for that purpose it was necessary to take away that function from the Collector of Customs. The Bill could not be passed by the Local Legislature as it proposed to modify Act VI of 1863.

The Motion was put and agreed to.

VILLAGE POLICE (N.-W. P.) BILL.

The Hon'ble MR. INGLIS moved for leave to introduce a Bill to consolidate and amend the law relating to Village Police in the North-Western Provinces. The present law relating to village-watchmen was contained in Regulation XX of 1817 and Act III of 1869. Regulation XX of 1817 prescribed the duties performed by these watchmen, but was defective, inasmuch as it provided no punishment for misconduct or neglect of duty by a chaukídár save dismissal. Act III of 1869 made a chaukídár guilty of misconduct liable to the same punishment as the regular police enrolled under Act V of 1861. But that Act applied only to the chaukídárs appointed under it. It was therefore proposed to consolidate the two laws into one enactment which should be applicable to all village police of the North-Western Provinces; and to provide, as in section 10 of the amended Bill, that a village-watchman guilty of neglect of duty, or of certain specified offences, should be liable, on conviction before a Magistrate, to a small fine or imprisonment.

His Highness THE MAHÁRÁJÁ of VIZIANAGRAM quite approved of the principle of the Bill that it was expedient to take advantage of the improvement in the mode of remunerating the village chaukídárs, to more strictly define their duties and liabilities. Hitherto, it had too often been the case that the village chaukídár, who ought to be the most useful instrument in the detection and suppression of crime in the rural districts, had, in the hands of unscrupulous persons, been the means of enabling crime to remain unpunished, and justice to be perverted. Any step tending to raise the position and consequent responsibility of the force was always very desirable; and, did the circumstances of the country allow it, he (THE MAHÁRÁJÁ) should gladly see it provided in this Bill that a plain knowledge of reading and writing should be an indispensable qualification for the appointment of village chaukídár. In the present state of general education it was, however, useless to propose such a standard.

Probably this was not the occasion to consider this Bill in detail, but he might be permitted to suggest that it would be well to declare the duty of the

chaukídár with reference to stolen property, found by him either on the thief or elsewhere, and that, amongst the things of which he should be required to give information, ought to be stated the keeping of arms without license.

The Motion was put and agreed to.

The following Select Committee was named :—

On the Bill to amend the law relating to timber floated down the rivers of British Burma—The Hon'ble Messrs. Ellis, Stewart, Bullen Smith and Dalyell and the Mover.

The Council then adjourned to Tuesday, the 11th March, 1873.

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

CALCUTTA;
The 4th March, 1873.

Government of India Central Printing Office.—No. 194 (1) L. D.—4-3-73.—100.—E. H.