COUNCIL OF THE GOVERNOR GENERAL OF INDIA

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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 Simla on Thursday, the 28th August 1873.

PRESENT:

His Excellency the Viceroy and Governor General of India, G. M. S. I., *Presiding.*
His Excellency the Commander-Chief, G. C. B., G. C. S. I.
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.

MARRIED WOMEN'S PROPERTY BILL.

The Hon'ble MR. HOBHOUSE introduced the Bill to explain and amend the law relating to certain Married Women, and for other purposes, and moved that it be referred to a Select Committee with instructions to report in three months. He said that he had explained to the Council when he obtained leave to introduce this Bill, that its object was to supplement a principle laid down in the Indian Succession Act of 1865, by certain specific improvements which had been approved by the English Legislature for England, and which might be found equally proper to introduce among the European community in India. He said "European community", because on examination of the Bill it would be found that we were not professing to deal with the delicate subject of the connubial relations which existed among Native societies; and it was important to bear in mind that this Bill covered only a very small area with regard to the persons interested. It was also the fact that it did not introduce any new principle, but merely a few small detailed reforms which had been found useful in England. In order to make that clear, and that there should be no impression that we were dealing with any very large subject, MR. HOBHOUSE would explain to the Council the precise operation of the Indian Succession Act of 1865.

The fourth section of that Act had a much wider scope than the rest of the Act. All the remaining portion of the Act dealt with property which

was taken by way of succession, whether under a will or under intestacy. The fourth section, which was recited in the preamble of the present Bill, provided that no person should by marriage acquire any interest in the property of the person whom he or she married, nor become incapable of doing any act in respect of his or her own property, which he or she could have done if unmarried. The Council would see that in that clause there was no restriction as regards the communities affected by it; and there was no restriction to property taken by way of succession; and that effect of the clause was fully intended. It was foreseen when the Bill was passing, and it was strongly objected to by some Members of Council, who contended that it was not proper to introduce into an Act relative to succession to property a clause which affected the relations of all persons married after the passing of the Act. However, it was deliberately decided to adopt it, and the Council, under the advice of Sir Henry Maine, took the view that, with regard to property taken by way of succession, the provision was a proper one, and that it affected such a number of the property relations of married people that it was more convenient to affirm the broad principle which the Council was prepared to adopt, than to leave one portion of such property to be regulated by one law and another portion by another law. Therefore, that Act contained a clause which went further than the rest of the Act, and to a certain extent mixed up the law which was peculiar to marriage and had nothing to do with succession with the law which was peculiar to succession and had nothing to do with marriage. There were also placed upon the Succession Act two very extensive limitations. The Act, in fact, worked within very narrow bounds. There was a limitation as regards community, and another limitation with regard to time. As regards property taken by way of succession, it was provided by section three hundred and thirty-one that the Act should not extend to Hindús, Muhammadans or Buddhists. As to the subject-matter of section four, it was provided that it should not be extended to persons married prior to the 1st January 1866; and as regards both parts of the Act, it was provided that the Governor General in Council should have power, by order, to exempt from the operation of the Act the members of any race, sect, or tribe to which the Act was considered to be inapplicable. The Council would observe that, so far as regards the peculiar effect of section four, what he might call its excessive effect beyond property taken by way of succession, Hindús and Buddhists were not excluded. They were included in the Act so far as it went. They might be excluded by the order of the Governor General in Council, but no such order had ever been made, and, at all events, as the Act stood, they were included. That, however, was not intended. Those communities had their own marriage-law, and their own succession-law, and it was not intended by that Act to interfere with those large communities which had a defined, an ascertained, or an ascertainable, law on the subject. It was

only intended to amend the law for the European community, or for any who had no such defined law. In fact, it was intended that the excepted communities should be just as free from the operation of section four as they were from the rest of the Act, but that with regard to those persons who were affected by section four, there should be this additional limitation that the Act should not take effect on those who were married prior to the year 1866.

We had, therefore, taken the opportunity, in regard to section four, which dealt with the general subject of marriage, to provide, as we had done by the last clause of the second section of the Bill, that "the fourth section of the said Indian Succession Act shall not apply, and shall be deemed never to have applied, to any marriage, one or both of the parties to which professed at the time of the marriage the Hindú, Muhammadan, Buddhist, Sikh or Jaina religion."

It would be observed that we had added Sikhs and Jainas. The reason was that it had been decided, no doubt quite rightly, that when Hindús were mentioned in such a context, the term meant Hindús by religion, and then the question arose whether Sikhs were Hindús by religion. They were no doubt an offshoot from the Hindús, but an orthodox Hindú would contend that a Sikh was not a Hindú by religion, and the question might be a puzzling one for a Court of Justice to decide. So with the Jainas: he believed that they were an offshoot from the Buddhists, but that an orthodox Buddhist would deny that they held the Buddhist religion. Therefore, it was thought better to mention the Sikhs and Jainas among those whom it was not intended to affect by this law.

That was the way in which we operated on this particular clause in the Indian Succession Act, and we had made the area of this Bill, so far as regards the communities it affected, precisely identical with the area of the Indian Succession Act as it would now be interpreted. In section two of the Bill we had introduced exactly similar provisions to those in the Indian Succession Act, exempting, as he had explained, Hindús, Muhammadans, Buddhists, Sikhs and Jainas, and giving power to the Governor General in Council to exempt the members of any other race, sect or tribe, or part of a race, sect or tribe, to whom the law might be considered to be inapplicable.

Then with regard to the substantive alterations of the law. In the first place section four of the Bill dealt with the subject of wages and earnings. That section applied to marriages at whatever time they might have been celebrated, but only applied to wages and earnings acquired or gained after the passing of the Bill. In that matter we followed exactly the provisions of the

English Statute, and he thought the Council would probably be of opinion that we had followed a good guide, and also that it was a matter of the plainest possible justice. In fact, among the very emphatic differences of opinion and earnest controversies that had taken place regarding the law on this subject, MR. HOBHOUSE believed there was hardly any difference of opinion on this particular point. Even those who contended the most for placing marriage upon a property basis, and who thought the most keenly that its ties depended upon the right of the husband to strip the wife of every farthing she possessed, and that its sanctity would be impaired if that right when encroached on, even those stopped short at that particular point, and were fair to admit that what a woman earned by her personal exertions should not all be taken away from her. MR. HOBHOUSE, therefore, did not anticipate any difference of opinion among the Members of the Council as to this clause.

The next section, section five, related to insurances, and provided that any married woman might effect a policy of insurance upon her own life, or the life of her husband, on her own behalf and independently of him, and that she might enforce the contract just as if she were an unmarried woman. That again applied to marriages made before 1866, and so far extended the principle of section four of the Indian Succession Act. It was true that these very transactions might be performed at the present moment, but it could only be by a somewhat circuitous process. If a married woman had already separate property, and if by means of that separate property she chose to make any arrangement whatsoever, by the law of England that could be enforced, but it must be enforced in the Court of Chancery, and by a suit to which the husband must be a party, a procedure which often resulted in considerable embarrassment. In India, where all the Courts were Courts of Law and Equity, the mode of suing would be less complicated than in England; still the husband must be a party to the suit, and being so, might raise any questions he liked. One of the questions might be whether the premiums were paid out of the property of the wife, and another whether the property was separate property or not. This latter question might depend upon a number of minute circumstances difficult to ascertain and to interpret aright. He had had some experience in these discussions about separate property, and could inform the Council that often they could not be decided without ripping up a great deal of domestic life. What we wanted then was to avoid any such question as to what is separate property, and lay down a broad rule that if the wife contracts with the insurance office, and she provides the money by which the insurance is effected, the insurance office shall ask no questions as to whether the property in question was her separate property or not. That again seemed to MR. HOBHOUSE not only a matter of great convenience, but a matter of plain justice as between husband and wife. We must

remember that a wife's contributions to the family wealth did not usually consist in payments of money. She might bring to her husband no money at all, and yet might be a very treasure to him even if measured by a mere pecuniary standard. If the wife kept the household together, brought up the children, governed his servants, conducted all his petty dealings with tradesmen, and performed other similar domestic duties, the husband might be a far richer man for her services, although he might provide all the actual money that comes into the family. Then, if he chose that his wife should take every year so much out of the common stock, or out of his stock, and spend it in an insurance for herself or her children, why should she not do so? If the husband choose that that should be done with his property from time to time, MR. HOBHOUSE did not see it was a matter for legal question, or that there should be any legal difficulty placed in the way of the wife's enforcing contracts. It might be the most prudent, the most wise, and the most beneficial arrangement for the whole family, the very best mode of making a provision for them, and it also might be, and often was, a matter of absolute justice, as between husband and wife, which he or his creditors ought not to dispute at any future time. MR. HOBHOUSE, therefore, thought that we ought not to import nice legal questions into such transactions; the broad intelligible mode of treating them was that, if the wife contracted independently with the insurance office, and paid the money, the insurance office should ask no questions, but should be liable to the wife and to the wife alone.

Section six provided that—

"A policy of insurance effected by any married man on his own life, and expressed on the face of it to be for the benefit of his wife, or of his wife and children, or any of them, shall enure and be deemed to be a trust for the benefit of his wife, or of his wife and children, or any of them, according to the interest so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband, or to his creditors, or form part of his estate."

MR. HOBHOUSE could not say that he attached a great deal of importance to that section. In the first place such transactions were not very often effected, because people did not like putting their property beyond their control. In the second place the thing could be done as the law now stood. The effect of the section would be to place such an arrangement on a safer basis. At present it would be in the nature of what lawyers call a "voluntary settlement"; and without leading the Council into technicalities relating to voluntary settlements, he would only state that in contests with the creditors of the settlor those settlements stood on a less favourable footing than settlements made for valuable consideration. We proposed to follow the

example of the English Legislature in enacting that settlements effected in this particular way should be good as against creditors, but at the end of the section there was an express reservation of the rights of creditors in the case of fraud. He did not attach much importance to that; for fraud would vitiate any transaction whether it was expressly so provided or not. And he did not believe in these foresighted, longheaded arrangements for the purpose of defrauding creditors, and in practice, had never known a single instance in which people deliberately plotted beforehand to defraud their creditors in this kind of way. At the same time those who opposed alterations of the law of property in the case of husband and wife, always insisted on the possibility of frauds being facilitated thereby, and we followed the English Statute in putting on the face of our Bill a warning that such things could not, after it became law, be done more easily than now.

Section seven provided that a woman might maintain a suit in her own name for the recovery of property of any description which, according to the law, was her separate property, and she was further empowered to take remedies for the protection and security of such property. This also followed the English Act. The section related only to technical procedure, and MR. HOBHOUSE was not quite certain that having regard to the differences between English and Indian procedure, whether it was wanted at all. He did not profess yet to have worked out this point, but when the Bill came into Committee, they would take care that nothing needless or improper should be put into the section.

The eighth section involved a matter of some importance. It provided that—

> "A husband shall not, by reason of any marriage subsequent to the thirty-first day of December 1865, be liable to the debts of his wife contracted before marriage, but the wife shall be liable to be sued for, and shall, to the extent of her separate property, be liable to satisfy such debts as if she had continued unmarried."

The effect of section four of the Indian Succession Act was to make the wife what we called a *feme sole* in respect of her property, but it did not go on to relieve the husband from the rule of law which made him liable for the debts of his wife. That rule of law depended upon the English rule, which gave the whole property of the wife to the husband.

But if we abolished the primary rule, the secondary one, which was dependent upon it, ought to go too. It would be unjust both to the husband and to the creditors that he alone should be sued when he had not the property to answer the liability, and that they should not be able to follow the property

of their true debtor. The wife keeping her property, ought also to keep her liabilities, and the section was framed with this view.

The ninth section related to the remedies against the wife, as to which some technical difficulties had been conjured up calculated to puzzle one who was not familiar with such things. Fortunately the first case in which difficulties had been raised came before a very sound lawyer who dealt with those difficulties in a very able fashion. It was a case which came before Mr. Justice Phear (*Archer* v. *Watkins*), in which he brushed away technical and dishonest objections, and made a decree doing substantial justice as between husband and wife on the one side, and those who had made an honest bargain with the wife on the other. Indeed the matter stood so well on that judgment, that if it were certain to be followed everywhere, it would be more prudent to let it alone, lest in attempting to express its principles we should impair their force. But the Council were aware that a number of Courts of co-ordinate authority existed in India, and Mr. Phear's judgment bound only the Subordinate Courts in Bengal. Therefore, to give it the extended authority which it deserved to have, we had endeavoured to embody its main principles in section nine of this Bill.

The remainder of the clause referred to the arrest and imprisonment of married women. MR. HOBHOUSE confessed that he was very doubtful whether, if a woman were made a complete owner of property, she should not incur the whole of the responsibility. However, the prevailing opinion was the other way; but that was a matter which should be carefully considered when the Bill went into Committee.

The Motion was put and agreed to.

MERCHANT SHIPPING ACT AMENDMENT BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill for the further amendment of Act No. I of 1859 *(for the amendment of the law relating to Merchant Seamen)*, and for other purposes, and moved that it be referred to a Select Committee with instructions to report in three months. He had explained to the Council on a previous occasion that the object of this Bill was three-fold. One object was to enlarge the number of the members of the Court which sat to investigate the causes of accident to ships, another was to give larger powers to that Court to obtain the attendance of witnesses; and the third was to clear up some verbal difficulties which occurred in Act XV of 1863, section 4. Those three objects were provided for by three clauses in the Bill. The first clause enabled the Government to add more persons to Courts of investigation, those persons being conversant with either

mercantile or maritime affairs. The second clause conferred on the sitting Court certain magisterial powers for compelling the attendance of witnesses. The third clause cured, or at least it was hoped it would cure, the difficulties which had been found in the Act of 1863. It was hardly necessary to explain at length what was the nature of those difficulties. He might shortly state that each Act, that of 1859 and that of 1863, established a Court or tribunal for enquiring into the cause of disasters to ships. Part of the validity of the proceeding under the Act of 1863 depended upon the presentation of a report, and the Act was so worded that it was impossible to tell whether the report in question was the report of the Court established by the Act of 1859, or the report of the Court established by the Act of 1863.

The Motion was put and agreed to.

OUDH LAWS BILL.

The Hon'ble MR. HOBHOUSE also introduced the Bill to declare and amend the laws to be administered in Oudh, and moved that it be referred to a Select Committee with instructions to report in three months. He said that leave was given to introduce this Bill so long ago as the 14th July 1871, on the motion of Mr. Cockerell, who was then an Additional Member of this Council; and as the leave was given so long ago, MR. HOBHOUSE thought it would be necessary that he should, as briefly as he could, re-state the reasons which made it necessary to pass such an enactment, and the exact work which it was intended that the proposed Act should do.

Prior to the year 1861, the Government of India assumed the power of making laws for newly-conquered Provinces by the action of the Executive alone, and of varying those laws from time to time, in fact exercising general legislative power until the regulations had been formally applied to the Conquered Provinces. That, in fact, was one of the greatest distinctions between the Regulation and Non-Regulation Provinces. The principle was perfectly familiar to English lawyers, for the Crown has always done, and does at this moment, exactly the same thing with regard to what are called "Crown colonies," that was to say, those newly-settled countries in which it was necessary to introduce some law, and which had not yet received any legislatures of their own. Nobody would contend that the East India Company had the same prerogatives on all points as the Crown, but in this particular matter, MR. HOBHOUSE confessed that they seemed to him to have acted, whether consciously or not, on a perfectly sound analogy. The prerogative of the Crown was founded on the plain necessity of the case, and the East India Company were under at least as pressing necessity.

When they conquered some fresh country or stepped into the shoes of some dispossessed potentate, they found themselves armed with the power, and charged with the duty, of making whatever laws were necessary for the peace and good order of their newly-acquired provinces. This duty they discharged in the simplest and most direct way through the Executive Government. Doubts, however, were felt in high quarters as to the validity of those proceedings, and those doubts received an emphatic expression from MR. HOBHOUSE'S able predecessor, Sir Barnes Peacock. The expression of these doubts led to the passing of a provision in the Indian Councils' Act of 1861. Section twenty-five of that Act recited that doubts had been entertained whether the Executive (naming various executive powers) had the power of making rules, laws, and regulations for the territories known from time to time as "Non-Regulation Provinces," except at meetings for making laws and regulations in conformity with the Acts which regulated those meetings; and it enacted, that "no rule, law, or regulation which prior to the passing of this Act shall have been made by the Governor General, or Governor General in Council, or by any of the authorities aforesaid, for and in respect of any such Non-Regulation Province, shall be deemed invalid only by reason of the same not having been made in conformity with the provisions of the said Acts."

The passing of that Act was followed by two very important and somewhat extraordinary results. The Council would see how very cautiously it was worded. It recited doubts which had been entertained, and merely said that no rule, law or regulation which had been passed by the Executive should be invalid merely because it had been passed by the Executive and not by the Legislature. However, on the construction of that clause two opinions had prevailed: first, that the power of the Executive of making laws in such instances was entirely annihilated; secondly, that all sorts of informal doings and expressions of opinion by the Executive in these Non-Regulation Provinces had been invested with the force of law. The first of these opinions did not affect our proceedings on this occasion, excepting that it threw upon us, and not upon the Executive, the duty of making laws for the Non-Regulation Provinces. The second opinion was that which led to the great difficulty we were now dealing with. The Executive of these Non-Regulation Provinces did not always embody their orders in a formal rule, law, or regulation. They gave orders and opinions from time to time on special cases, and after the passing of the Councils' Act to which he had referred, letters of an informal character were fished up and declared to have the force of law. MR. HOBHOUSE supposed that the authorities of these provinces had not the slightest idea of what they were doing. If they had they must have felt very uneasy. His Hon'ble friend, Sir Richard Temple, could

probably tell how they felt in the Panjáb, but if they had any idea of the enormous effect the Legislature was about to give to their slightest motions, MR. HOBHOUSE should think they must have felt something like Gulliver in Lilliput, when he was obliged to take care that his coat tails did not flap too much, and in what direction he sneezed, lest he should cause mischief to his diminnutive friends. The consequence of these proceedings however was that nobody could tell what was law and what was not law in the Non-Regulation Provinces. MR. HOBHOUSE remembered himself having to argue a case before the Privy Council, which, if he recollected rightly, came from Oudh, in which the sole point in dispute was what was law and what was not law at a particular time in that Province, and he could assure the Council that the Judges and Advocates in that case all found it a very difficult matter to discover what the law was in that locality.

To explain the state of the law in Oudh, reference must first be made to the law of the Panjáb; for the Council would find that the law of the Panjáb was the origin of the law in Oudh. When the Panjáb was committed to the vigorous hands that administered it for a number of years after its annexation, one of the first things that was done was to promulgate orders, suggestions, documents and forms to the various officers, telling them how to conduct their business; and in the year 1853 a very successful attempt at codification was made by his Hon'ble friend, Sir Richard Temple. He studied the various State documents bearing upon law that had been published by Government, adjusted them, extracted their principles and produced the book which was known as the Panjáb Civil Code. That Code was very much added to by decisions, glosses, and subsequent orders, and it was also encroached upon by general imperial legislation, but substantially it remained the law of the Panjáb till last year, when the Panjáb Laws' Act was passed, an Act similar in principle to the Bill now before the Council.

Into Oudh, the Panjáb Code was introduced in the following way, and MR. HOBHOUSE hoped the Council would pardon him if he read some rather long extracts from a State document, for it was desirable that the Council should know precisely how the law stood in Oudh at this moment, inasmuch as we were legislating upon that basis.

He would read from a letter written from the Government in the Foreign Department to the Chief Commissioner of Oudh on the 4th February 1856. What was said was this:—

"20. I am now to communicate to you some general remarks and instructions on the system of administration, which is to be permanently established in Oudh.

21. It has been already intimated to you, that the administration of Oudh is to be conducted, as nearly as possible, in conformity with the system which has been introduced in the Panjáb. The general features of that system will be familiar to you. Having for its foundation the principles and practices which have brought the North-Western Provinces to a state of unexampled prosperity, it was so framed in its details as to ensure unity of control and simplicity, by uniting fiscal and judicial authority in the person of the Commissioner and the District Officer: to improve and consolidate the popular institutions of the country, by maintaining the village coparcenaries, and adapting our proceedings to the predilections of the people and the local laws, to which they were accustomed: to promote the prosperity of the country, and the welfare of the agricultural classes, by light and equable assessments for a fixed term of years; and to expedite the distribution of justice, both civil and criminal, by removing or dispensing with the many unnecessary forms and the technicalities, which encumber the proceedings of the Judicial and Magisterial Officers in the North-Western Provinces, and circumscribe their power for good. That these objects have been acomplished in the Panjáb, is due, as must be admitted, in great measure, to the eminent ability and energy with which the administration has been there conducted. But the Governor General in Council is, nevertheless, justified in regarding the general principles of the system, by which the operations in that Province have been regulated, as practically sound and beneficial, and in extending them to the Government of the Province of Oudh.

22. The Governor General in Council has no doubt that this plan of administration may be introduced in the country now about to be placed under your charge, not only with every prospect of ultimate success, but with utmost facility at the outset. For, besides that the plan can be no longer considered experimental, it is to be observed that Oudh is in fact a Province of the Hindústán Proper, and differs in no essential particulars from our adjacent districts. The population is composed of the same classes; professes the same creed; uses the same language, or rather the same dialects of the same language, and follows the same customs, as the people of our North-Western Provinces. A very large section of the people of Oudh have served for years past in the Native Army, and through them, and through their relatives domiciled in Oudh, the principles and the practice of our Government have become widely known, and are, without doubt, fully appreciated. The tenure in land, the distinctive characteristics of proprietary village communities, and the usages of the agricultural classes, are believed to be identical with those in the North-Western Provinces. There is, therefore, every reason to believe, and none to doubt, that the system of administration, as modified for the Panjáb, and divested of all those forms and technicalities which delay justice, and are specially distasteful to a people unaccustomed to technical litigation, will be acceptable to the people of Oudh, and more completely suited in the provinces itself, than it was to the Panjáb, where, nevertheless, its success is undeniable."

Then in a later passage of the same letter the Government say:—

"44. In 1847-48 a few rules for civil judicature were drawn out for the guidance of the officers employed in the Cis and Trans-Satlaj States; these were in 1849 extended to the Panjáb, and it was left to the officers charged with the local administration, laying upon these the foundation of the judicial system, to improve, amend and elaborate them, as practical experience might suggest. In 1854 some "rules for the better administration of civil justice in the Panjáb," consisting of two parts, the first relating to the "principles of

law" and the second to "procedure" were prepared, and submitted to the Governor General in Council, who, while he demurred for obvious reasons to their being promulgated under the authority of the Government of India, still made no objection to their being circulated by the Chief Commissioner on his own authority, so that they might have the same force as circular orders of the Sadr Diwání Adálat. These rules now, for the most part, guide the proceedings of the Judicial Courts in the Panjáb, and they have been found so well fitted to the requirements of a new province, and a simple people, so easy in their application, so acceptable to the population, no less than to the officers to themselves, and so beneficial in their results, that the Governor General in Council advises that they should be made the ground-work of the civil judicial system in Oudh. Several printed copies of these 'Rules' will shortly be furnished to you for distribution.

45. There appears to be no reason whatever for supposing that the rules of procedure will not be as applicable to the Civil Courts in Oudh as to those in the Panjáb, and there can be no objection to their immediate introduction. It is believed, also, that the principles of law will be found sufficient in the first instance to guide the judicial officers in dealing with the various questions, which will come before them in this branch of their duty. But it will not escape your observation, that in the preparation of the rules under notice, much attention has been given to the *Lex loci*, and that specially in matters relating to inheritance, marriage, divorce and adultery, adoption, wills, legacies and partitions as well as in all commercial transactions, a due regard to local usage has been enjoined. It cannot, of course, be supposed that the *Lex loci* or local custom in provinces differing so widely as the Panjáb and Oudh is in all, or even, in many respects, identical, and it follows that those provisions of the rules, which rest on the *Lex loci* in the Panjáb, cannot, with any propriety, or without risk of injurious failure, be extended to the Province of Oudh.

46. While, then, the Governor General in Council directs your attention to his collection of principles of law as calculated to afford material assistance in the absence of any better or more appropriate treatise, he refrains from requiring the strict observance of them, until it can be ascertained how far they are applicable to the peculiarities of the province and the custom of its people. With this end in view, His Lordship in Council desires me to suggest that all the Commissioners and District Officers, and the most experienced of the Assistants, should be required to study the principles of law in their daily application to the business brought before the Civil Courts, and after the lapse of a twelvemonth or more, as may be hereafter determined, to report to the Judicial Commissioner the opinions which they may have formed to the applicability of the 'Rules of law to the people of Oudh,' and to offer at the same time any remarks and suggestions which may have occurred to them. It may, perhaps, be advisable also to invite the opinions and observations of a few of the Native Extra Assistants, whose past career and official knowledge, and more immediate contact with the people may have qualified them to form a judgment on those points which touch upon Native customs, and to give sound advice. On receipt of all those reports, it will be the duty of the Judicial Commissioner to study the suggestions which they contain, and to recast the collection of rules of law."

That was the origin and basis of the Oudh Law. The Council would observe how the letter was expressed. The spirit of a great many of the

Bengal Regulations which had been imported into the North-Western Provinces, was to be observed in the Panjáb, and the spirit of the Panjáb Civil Code was to be observed in Oudh, excepting in so far as the necessary attention to the sentiments, customs and habits of the people rendered it proper to depart from that spirit. If the difficulty, therefore, in the Panjáb of ascertaining the law was great, the difficulty in Oudh was doubled. How much of the spirit of the Bengal Regulations had passed into the Panjáb was a matter of doubt, and it was, therefore, much more a matter of doubt how much of the spirit of the Bengal Regulations being distilled through the alembic of the Panjáb had been passed on into Oudh. It would be plain to every mind that it could not always be easy to grasp the double-distilled spirit which alone held sway in Oudh. Indeed in one case decided in the Privy Council, it was decided that with respect to questions of dower, the law of the Panjáb Civil Code has been transferred bodily to Oudh. But it would clearly be impossible, consistently with this letter, to hold the same in many other cases; that it would in fact be a violation of the terms of the letter to do so. The letter was clear that in many points not specified the customs and habits of Oudh differed from those of the Panjáb, and as to those points the Judges of Oudh were to follow the customs of Oudh, and to depart from the spirit of the law of the Panjáb. Under these circumstances, it was indeed very difficult to tell what the law was, and it seemed to MR. HOBHOUSE to be exceedingly creditable to the sagacity and judgment of those who had administered the law in that Province, and a strong testimony to the practical wisdom of the apparently hazardous method by which the law was introduced into the country, that practical difficulties had been found to arise on so few occasions as in fact they had.

MR. HOBHOUSE hoped he had clearly explained to the Council the nature of the difficulty which existed, and it was impossible to exaggerate the difficulty as far as regards its nature. It was very easy to exaggerate it as far as regards its extent and amount, because in Oudh, as in the Panjáb, there had been a gradual but very extensive encroachment on this spiritual law which was introduced by the letter of 1856. Act after Act had been passed which displaced the law founded on the footing of that letter, and substituted laws of a rather more corporeal shape, such as the Penal Code, the Civil Procedure Code, and other bodies of law, which had been extended to Oudh, some with modifications and some without, and we had now a positive law to rely upon in most departments of action. Indeed, if it were not so, the time would not have arrived when a measure of this kind could be submitted to the Council; but the area of uncertain matter had been so much narrowed that it was found practicable

now to frame a Bill in which should declare the whole law. The Council would remember that at the end of the passages he read from the letter of 1856, it was ordered that reports should be made to the Judicial Commissioner by those who were administering the law in different parts of the Province, and that he should consider these reports and recast the Panjáb Civil Code according to the requirements of Oudh. These reports, MR. HOBHOUSE believed, were never made. Whether any work of the kind was undertaken, MR. HOBHOUSE did not know; if it was undertaken it was broken off, and he believed was never resumed. But what was done was this: In the year 1863 or 1864, a Commission was appointed for the purpose of sifting the various orders of the Government and of finding out what were the laws, rules and regulations which had got the force of complete law under the Indian Councils' Act, and what had not got it. The result of that enquiry MR. HOBHOUSE held in his hand, and he found in it a tabular statement of the Regulations and Acts which were supposed to be in force in Oudh. There were two hundred and forty-seven Regulations and Acts, of which the majority were applicable only in spirit, and MR. HOBHOUSE had explained that that spirit had passed through two media, first, from Bengal to the Panjáb, and, secondly, from the Panjáb to Oudh. Another column of this tabular statement showed also how far this spiritual law had been replaced from time to time by the corporeal law, so that we had before us a complete statement up to the year 1864 of the positive law which prevailed in Oudh, on which we could lay our hands, and of that uncertain region which he could call by no better name than spiritual law.

There had been a good deal of legislation since extended to Oudh, the whole of which might be found stated in the very valuable lists of Acts which had been printed by Mr. Stokes. There had been the Rent Act, the Civil Courts' Act, and lately the Contract and Evidence Acts, and so far the law had been ascertained.

We now came to get rid of all the uncertain matter, and here we had a most valuable model to follow in the Act which was passed last year for the Panjáb. We had taken that as our model, had departed from it in some details, but in the main principles we had adhered to it. The principles of the present Bill were these: We expressly enacted in the Bill those laws which were peculiar to Oudh, and which deviated from the general law of India. We expressly extended to Oudh all those regulations of which the spirit now prevailed there, and which it was fit should be extended in body. We gave the Local Government power to make rules on several special subjects. We described the different classes of enactments now in force, so that the Bill

might comprehend the whole law applicable to the Province, and then, with these exceptions, we repealed every kind of law which applied to the Province at all.

MR. HOBHOUSE would briefly explain the details of the Bill. By section two we repealed the Regulations, Acts, Rules and Orders mentioned in the first schedule. The principal of these were all the Bengal Regulations now in force in Oudh, excepting those specified in the second schedule, which were referred to in section three, clause (4). That got rid of all unnecessary Bengal Regulations of which it might be contended that the spirit extended to Oudh, and in the second schedule were contained all those that ought to extend to Oudh with the various modifications with which they were to be applied. The second great item of repeal was, except where expressly provided otherwise in the Bill, all rules, laws and regulations made for the Province of Oudh, or any part thereof which had acquired the force of law under the Indian Councils' Act. By that we hoped to get rid of those controversies which had already cropped up and might crop up any moment in a most inconvenient shape, as to what was, or was not, law in Oudh, and how far any Act of Government had acquired the force of law. The other matters of the schedule were merely matters of detail which MR. HOBHOUSE need not describe. By section three we proposed to declare what was law. First, we named all the Statutes and Acts which applied expressly to Oudh, or to the whole of British India, of which Oudh was a part; next, all existing Acts heretofore extended to Oudh under those powers which were so common in our Indian legislation, namely, the power of the Executive to extend to one Province a law which had been enacted for another; thirdly, those Regulations and Acts of which the spirit already prevailed there, and to which it was thought fit the body should extend; fourthly, the laws for the time being in force regulating the assessment and collection of land-revenue. The reason for not repealing the Revenue laws was that another Bill, as the Council would remember, was pending on the subject of land-revenue in that Province. That Bill was not ready to proceed. It was introduced by Sir John Strachey last year, but was now under the consideration of the Executive and therefore, until it did proceed, the existing laws relating to land-revenue must be kept up in their full force. Then came clause (5) of section three, in which a number of questions was specified which MR. HOBHOUSE might call the domestic questions of various communities. The law which was to prevail was this: First, any custom which was not contrary to justice, equity, or good conscience, and had not been declared to be void by any competent authority; then came the ordinary words which were found in the Regulations from the very earliest times,—the Muhammadan Law in cases where the parties were Muhammadans, and the Hindú Law in cases where the parties were Hindús, except in so far as such law had been by

legislative enactment altered or abolished, or was opposed to the subsequent provisions of the proposed Act, or had been modified by the custom above referred to. That arrangement and language were the arrangement and language of Sir George Campbell, who, when the Panjáb Laws' Act was passed, called attention to the importance of placing the custom of the country in the very van of the law that had to be administered. He moved an amendment which was to the effect of the clause which now existed in the Panjáb Laws' Act, and which we had imported bodily into this Bill. Sixthly, we mentioned the rules contained in the third part of the Bill, *i. e.*, the law which was special to Oudh. Seventhly, the rules made in exercise of the power conferred by section ninety-one. Those were the rules which the Local Government had power to make. And then we reverted to the time-honoured and excellent formula which had been in use in India for eighty years, namely, that in cases not provided for by the former part of section three, or by any other law for the time being in force, the Courts should act according to justice, equity and good conscience. Then followed the fourth section, which provided for the validity of local customs and mercantile usages.

That was the whole of the positive law for Oudh, excepting what was contained in Part III. That part dealt with special matters which either had been taken from the Panjáb Civil Code, or had grown up as law in Oudh. The first chapter dealt with the subject of minority. It was taken mainly from the Panjáb Civil Code, but two or three clauses had been added dealing with matters not provided for by that Code. There was an Act in existence relating to minors who were not European British subjects, and we had been careful not to interfere with the provisions of that Act. The next chapter related to the Courts of Wards. Then came the chapter relating to the betrothal of Hindús and Muhammadans. This was not in the Panjáb Laws' Act. MR. HOBHOUSE did not know why this was so, but it was probably found that the prevailing communities in the Panjáb did not use that law. At all events we had adopted it in this Bill, as prevailing in and suitable to Oudh. The next chapter consisted of one section relating to the subject of dower. MR. HOBHOUSE believed it was customary among the Muhammadans for the man to profess to give his wife a great deal more dower than he could afford. When, however, the wife came to claim her dower, her claim was commonly resisted, and it was consequently found necessary to have a law providing that dower might be restrained within reasonable dimensions. The next part of the Bill related to pre-emption and partition, and the whole of that chapter was either taken from the Panjáb Laws' Act, or was a modification of Act XIX of 1863, an Act which applied to the North-Western Provinces, and which had been extended to Oudh by a Notification with some modifications that had been introduced in the Bill.

The next part of the Bill related to the Law of Limitation. That also embodied the law at present existing in Oudh. The next related to Insolvency. That had been taken almost entirely from the Panjáb Laws' Act. The Council was aware that there was no general provision for insolvency in India, excepting the very short and meagre clauses which were contained in the Civil Procedure Code. Then came the subject of the section relating to intestacy, which was taken from some of the Bengal Regulations, and inserted in the Bill to avoid the retention on the local Statute-book of mere fragments of regulations. So with regard to juries in Lucknow. They were summoned under the authority of a letter in the Foreign Department in 1859, before the Indian Councils' Act. We took a portion of that letter, which had the force of law, and the rest of it would be repealed by the general repealing clause. So also with the modifications of the Code of Civil Procedure. The part which was added relating to decrees concerning land was, MR. HOBHOUSE believed, new. It provided that the sanction of the Local Government should be necessary to the sale of under-proprietary rights in land, in satisfaction of a decree for arrears of rent under the Oudh Rent Act of 1868. The reason that the Oudh Government recommended the introduction of that provision was that the sales under decrees had reached proportions which were calculated to alarm the Government, and they considered it desirable that the Local Government should have a control over those sales.

With regard to chapters VII and VIII, which related to escheats and hidden treasure, those were provisions of existing regulations, which had been taken out in order that the whole regulation might disappear from the Oudh Statute-book. Chapter IX related to Military subjects and dealt with Cantonments and Military Bázárs. That chapter was also founded upon regulation which we had left entirely alone. It related to military affairs with which lawyers were very shy of dealing. Chapter X related to miscellaneous matters, and chapter XI to the rules which the Local Government might make as to such matters as chaukídárs, public health and conservancy, managing fairs and large public assemblies, and imposing, with the sanction of the Supreme Government, taxes for those purposes only. The clause at the end of the chapter which we had taken from the Panjáb Laws' Act required that all such rules and circulars issued by the Judicial Commissioner should, with the previous sanction of the Governor General in Council, be republished once at least in every year, and, upon such republication, should be arranged in the order of their subject-matter ; and all such alterations and amendments as might have been made in the course of the preceding year, or might have become necessary or advisable, should be embodied therewith, and upon such republication, all such rules and circulars previously issued should be repealed.

MR. HOBHOUSE ought to have stated beforehand that this Bill had been prepared almost entirely after great labour and attention by the present Judicial Commissioner of Oudh, acting in concert with the Chief Commissioner.

MR. HOBHOUSE must also state the great obligation we were under to the Panjáb Laws' Act. It was easy enough for one man to walk in the path which another man had made; but the great difficulty was to cut one's way through the yet unexplored jungle, and find out where the firm places were, and where he might walk with confidence. That had been done by MR. HOBHOUSE's predecessor and friend, Mr. Stephen, in the Panjáb Laws' Act. What we had done was to follow, with respect to Oudh, the road he had made for us in respect to the Panjáb.

The Hon'ble MR. BAYLEY said there were some portions of the third chapter of the Bill relating to the very delicate subject of betrothal which struck him as being open to considerable discussion, as also the provisions of the same chapter of the Bill in regard to minors. He thought that in some respects they did trench upon the religion of some portions of the community, and he thought these points would have to be looked to with particular care and accuracy. There were other minor points in the Bill which MR. BAYLEY thought would also require very careful attention from the Select Committee; although MR. BAYLEY did not exactly object to them, yet there were some questions raised by the provisions as regards the law of pre-emption which touched upon very difficult points, and he felt doubtful whether some of the modifications which the Bill imposed on this subject would be necessary.

Chapter IX, that which dealt with Cantonment Law, he thought the Council would bear him out in saying was one of extreme difficulty, and he was by no means prepared to say that these sections would not be altogether superseded by the general law which had been long in contemplation by the Government of India. While, therefore, MR. BAYLEY had no reason to oppose the introduction of the Bill, he thought he might commend the special points remarked upon to the particular notice of the Select Committee, who, he was sure, would find them rather difficult subjects to deal with.

His Excellency THE COMMANDER-IN-CHIEF said, that in reference to the remarks made by his Hon'ble friend, Mr. Bayley, he would take the opportunity of causing the Quartermaster General to bring before the Select Committee such observations as might seem necessary. Most of the sections of the Bill were very useful, but there was one point which appeared to him not to be clearly provided for, which was the expulsion from cantonments of

improper characters. Occasion might arise for the necessity of removing from cantonments persons who might be either politically disaffected, or whose habits and trade were injurious to the discipline of the army. This was not clearly provided for by the Bill. He would, however, take an opportunity of laying his suggestions on the subject before the Select Committee when it was appointed.

His EXCELLENCY THE PRESIDENT said: "In reference to the observations made by the Hon'ble Mr. Bayley and His Excellency the Commander-in-Chief, it will of course be very dessirable that in a Bill of this kind all the details should be thoroughly worked out by the Select Committee.

"With regard to the doubts which Mr. Bayley appears to entertain as to the different religious bodies in Oudh being interfered with by the provisions of this measure, with respect to minority and betrothal, I understand from a letter from the Chief Commissioner, that those provisions are substantially the same as the law which is at present administered in Oudh.

"I trust, therefore, that nothing in the Bill will be found to interfere with the rights of the different religious bodies in Oudh, when the Committee come to consider it.

"With respect to the observations of His Excellency the Commander-in-Chief, it would be desirable that any question connected with Cantonment Law should be laid before Government in the Military Department, where it will be taken up and referred to the Committee upon the Bill, if necessary."

The Hon'ble MR. HOBHOUSE hoped that his Hon'ble friend, Mr. Bayley, would not confine his criticisms on the measure to the Council table, but would give them to benefit his opinions on the Select Committee.

The Motion was put and agreed to.

BOMBAY REVENUE JURISDICTION BILL.

The Hon'ble MR. ELLIS begged leave to postpone the introduction of the Bill to limit the jurisdiction of the Civil Courts throughout the Bombay Presidency in matters relating to the land-revenue. He said that when he asked leave to introduce the Bill, he explained that it would not be introduced until the details had been settled in full discussion with the Bombay Government. A reference had been made to Bombay, but sufficient time had not elapsed to allow of an answer being returned.

Leave was granted.

NAWAB NAZIM'S DEBTS BILL.

The Hon'ble MR. HOBHOUSE also begged leave to postpone his motion for leave to introduce a Bill to provide for the ascertainment and settlement of the debts of His Highness the Nawáb Názim of Bengal, and for other purposes.

Leave was granted.

LAND IMPROVEMENT ACT AMENDMENT BILL.

The Hon'ble MR. HOBHOUSE also moved for leave to introduce a Bill to amend Act No. XXVI of 1871 (*The Land Improvement Act*). He said that the necessity for this Bill was that some doubt had arisen on a very vital point of the Bill, namely, the nature of the security which the Government were to get for their advances. The Act provided that the Collector should grant a certificate which was to state the nature of the advances, and among other things the position, extent and boundaries of the land to be improved, and the nature and amount of the security, if any, other than the land to be improved. Then the next clause provided in the first place that the money shall be "recoverable from the person to whom the advance was made, or from any person who has become security for the re-payment thereof, as if they were arrears of land-revenue due by the person to whom the advance was made, or by his security."

The remainder of the clause was as follows :—

"If any such sum cannot be so recovered, it shall be recoverable as if it was an arrear of revenue due on the land specified in the said certificate :

"Provided that when the person to whom the advance was made is a landlord or a tenant having a right to transfer his interest in the land without the consent of the landlord, the interest of no person, other than such landlord or tenant, in the said land shall be sold under this section."

On that clause two questions had arisen ; in the first place was the advance made by the Government a first charge upon the land to be improved, in priority of all other charges, whether they had priority in point of time or not ? On that subject, MR. HOBHOUSE was sorry to say that lawyers differed, and so did others. Mr. Pitt Kennedy considered, though with substantial doubt, that the Government advance was the first charge upon the land, and the authorities of the Department of Agriculture, Revenue and Commerce were of the same opinion. On the other hand, the Chief Commissioner of the Central Provinces took the other view, and sent up the matter for advice, and so raised this question ; and the Department over which MR. HOBHOUSE had the honour to preside, also, though with substantial

doubts on their part, took the opposite view to Mr. Pitt Kennedy. The second question was, whether the land specified in the certificate included any land which might be given as security. There the lawyers did not differ. Mr. Kennedy, Mr. Stokes, and MR. HOBHOUSE were agreed that it did not, and thought that it was confined to the land to be improved. MR. HOBHOUSE would not go into the legal argument on the matter; he would merely say that other people, especially the authorities of the Department of Agriculture, Revenue and Commerce, had taken a different view, and therefore it was proposed to clear up the doubt.

It was obvious that both these questions affected very materially the security of the Government, and as connected with that, the extent to which the Act would operate. His friend, Sir Richard Temple, had a great voice in the matter, and when he was asked for his money, he would no doubt in his turn say: "Where is my security!" And if he found that the lawyers were disputing, and could not tell him very clearly what his security was to be, he would button up his breeches' pocket, and decline to advance his money until he could obtain a security that could be relied upon. We therefore proposed to make the Act clear on those points. The two principles which ought to govern such transactions were, first, that advances made by Government for the improvement should be a charge on the land to be improved in priority to all other charges, and to all interests in that land; and secondly, that if other land was given by way of security, the Government advance should rank with other charges in the same way as if it were an ordinary advance by a private person.

The Motion was put and agreed to.

PRIVY COUNCIL APPEALS' BILL.

The Hon'ble MR. HOBHOUSE moved that the Hon'ble Mr. Ellis be added to the Select Committee on the Bill to consolidate and amend the law relating to the admission of appeals to Her Majesty in Council from judgments and orders of the Civil Courts.

Before the Motion was put, he should like to explain to the Council the reason for proceeding with this Bill in Committee. When we reported last year, we concluded our Report thus—

"With the exception of the clauses relating to appeals from Subordinate Courts of final appellate jurisdiction, an innovation made necessary by the altered position of these Courts in Oudh and Burma, the Bill is merely a measure of consolidation. We have, therefore,

abstained from dealing with three important questions: first, as to whether the limit of value should be raised; second, whether appeals should be confined to matters of pure law; and third, whether the High Courts might not in proper cases allow a decree to be executed, without demanding security, notwithstanding that an appeal has been preferred to the Privy Council.

"We think that, before proceeding further with the Bill, it will be expedient to submit it for the approval of the Secretary of State for India and of the Judicial Committee of the Privy Council."

Now, of these three questions, on the question as to the limit of value, by which was meant that there should be no appeal as of right to the Privy Council, except in cases of a value higher than the present value Rs. 10,000, there was a great consensus of authority in India that the limit of value should be raised, and in considering our Consolidation Bill that important alteration was pressed upon us. The second question was referred to us expressly by the Secretary of State. He appointed a Committee to enquire into the mode of diminishing the number and magnitude of the appeals from India, and one of the recommendations of that Committee was that the appeals should be confined to matters of pure law, either wholly or partially. The third question was pressed upon us by the High Court of Calcutta, when we were preparing the Bill of last year, who pointed out its extreme importance, and recommended an alteration of the law. In view of these considerations we concluded our Report by recommending that before proceeding with the Bill, it should be republished and copies sent to England. That was done, and the Secretary of State had communicated with the Judicial Committee of the Privy Council on the subject. We had recently received his answer. The effect of it, with respect to the points raised, was this, that on the first question as to the limit of value, the opinion of the Privy Council was in the negative; they thought the present limit should not be raised. On the second question, MR. HOBHOUSE was afraid their opinion was in the negative too, because what they said was that they thought nobody should appeal on a question of pure fact, but that when anybody had appealed, appeals should be just as open to the Privy Council as they were now. Now nobody did appeal on a question of pure fact. What a man appealed from was an order that he should pay a certain sum of money, or an order that he should give up a certain property. How much of fact and how much of law the order involved, the order itself did not disclose, nor did the mere appeal from it. An order of a Court of Justice was a concrete thing, being the practical embodiment of some conclusion of law on some finding of facts; and it was from that concrete thing and not from one of its constituent parts that the dissatisfied party appealed. He was afraid, therefore, that to say that a man was not to

appeal on questions of pure fact, would operate little. But it was a point which the Select Committee ought carefully to consider.

The Judical Committee then made two practical suggestions. One was that we should make the parties to appeals proceed quicker. That again was a matter which the Select Committee would have to consider very carefully, but MR. HOBHOUSE should be wrong not to state his strong impression that, we could do nothing of the kind; that when the appeal was once before the Privy Council, it had passed from our control, and we could not inflict the only available penalty for delay, which was to say that the appeal should be quashed. That would be interfering with the prerogative of the Crown, which we wished particularly to avoid. Nothing, he thought, could be done excepting by rules of the Judicial Committee themselves to make the parties move quicker, and we could not pass any rule for the purpose. The second suggestion was that there were not likely to be so many appeals if we improved the Courts in India, and they stated their opinion that a larger number of Judges was likely to lead to greater satisfaction to the suitors. The Council were well aware that the subject of the improvement of the Courts in India had been one of long, earnest, and anxious attention on the part of the Government, and we only wished we could find out the proper way of improving them. This very suggestion of having the Courts more largely manned, and of having a more solemn hearing of cases, was pressed upon us by some members of the High Court, and other great authorities. But then, unfortunately Sir Richard Temple stood in the way; it would be a very expensive thing to employ the number of highly paid officials which the case would require, and Sir Richard Temple was always telling us that we must cut our coat according to our cloth; that he had not got any more cloth for us; and that we must be content with a short and narrow skirt instead of a broad and a long one. No doubt, the suggestion, if it could be acted upon, would be a great improvement, but if we had not got the money we must wait.

We must examine these suggestions of the Privy Council, and see how far we can act upon them, and if we cannot act upon them, we must then proceed with the Bill, and see also how far we could introduce the alteration with respect to executions which had been commended to us by the High Court of Calcutta, and which MR. HOBHOUSE thought would be a very desirable alteration to make.

Those were the reasons why MR. HOBHOUSE wished this Bill to be proceeded with, notwithstanding the report that we made last year that it should be hung up for the present.

The Motion was put and agreed to.

NATIVE PASSENGER SHIPS AND COASTING STEAMERS BILL.

The Hon'ble MR. HOBHOUSE moved that Major-General the Hon'ble Sir H. W. Norman be added to the Select Committee on the Bill to consolidate and amend the law relating to Native Passenger Ships and Coasting Steamers.

The Motion was put and agreed to.

LUNATIC SOLDIERS' PROPERTY BILL.

Major-General the Hon'ble SIR H. W. NORMAN presented the Report of the Select Committee on the Bill to provide for the security and application of the effects of Officers and Soldiers becoming insane on service, but not removed, put on half-pay, or discharged.

He said that the Committee had only recommended two slight alterations in this Bill, both of which were to be found in the sixth section. The first alteration was at the end of the first clause of that section, and provided that the Committee might sell such part of the property as they thought fit, instead of, as the clause previously stood, being obliged to sell all the property which did not consist of money. The other alteration was in clause three of the same section, and empowered the Governor General in Council to delegate to such officers as he might appoint the power to prescribe the manner in which the surplus should be disposed of. This would enable the procedure to be brought in close accord with that in force in respect to assets of deceased Officers.

The following Select Committees were named:—

On the Bill to explain and amend the law relating to certain Married Women, and for other purposes,—The Hon'ble Messrs. Ellis and Bayley, and the Mover.

On the Bill for the further amendment of Act No. I of 1859 *(for the amendment of the law relating to Merchant Seamen)*, and for other purposes,—Major General the Hon'ble Sir H. W. Norman, the Hon'ble Mr. Bayley, and the Mover.

On the Bill to declare and amend the laws to be administered in Oudh,—The Hon'ble Messrs. Ellis and Bayley, and the Mover.

The Council then adjourned to Thursday, the 11th September 1873.

SIMLA,
The 28th August 1873.

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

Office Supdt. Govt. Printing,—No. 412, L. D.—16-3-74.—50.