Wednesday,
1st September, 1886

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

Vol. XXV

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OF

THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA

ASSEMBLED FOR THE PURPOSE OF MAKING

LAWS AND REGULATIONS

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1887.

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 Viceregal Lodge, Simla, on Wednesday, the 1st September, 1886.

PRESENT:

His Excellency the Viceroy and Governor General of India, K.P., G.C.B., G.C.M.G., G.M.S.I., G.M.I.E., P.C., *presiding.*
His Honour the Lieutenant-Governor of the Punjab, LL.D., K.C.S.I., C.I.E.
His Excellency the Commander-in-Chief, Bart., G.C.B., C.I.E., V.C.
The Hon'ble C. P. Ilbert, C.S.I., C.I.E.
The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.
The Hon'ble Sir T. C. Hope, K.C.S.I., C.I.E.
The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.
The Hon'ble Major-General G. T. Chesney, R.E., C.S.I., C.I.E.
The Hon'ble Colonel W. G. Davies, C.S.I.

NATIVE PASSENGER SHIPS BILL.

The Hon'ble SIR A. COLVIN moved that the Bill to consolidate and amend the law relating to Native Passenger Ships be refererd to a Select Committee consisting of the Hon'ble Mr. Ilbert, the Hon'ble Sir S. Bayley and the Mover.

The Motion was put and agreed to.

CIVIL PROCEDURE CODE AMENDMENT BILL.

The Hon'ble MR. ILBERT moved for leave to introduce a Bill to amend the Code of Civil Procedure and the Indian Limitation Act, 1877. He said:—

"The object of this Bill is to make sundry minor amendments in the Code of Civil Procedure. It is not, and does not profess to be, based on any general or exhaustive revision of the Code; and I may take this opportunity of explaining why I have not considered it necessary or desirable to undertake any such revision during my term of office. The history of the successive editions of the Code is as follows. The original Code was passed in 1859. It was revised by Mr. Haring[illegible]n

about the year 1865, but his labours did not produce any immediate legislative result. The work of revision was taken up again during Sir A. Hobhouse's tenure of office, was then carried out in a very complete manner, and resulted in the enactment of the Code of 1877. But notwithstanding the labour which had been devoted to the preparation of this edition, further amendments were soon found necessary, and in 1879 the Council passed an amending Act of more than 100 sections. In the early part of 1882 Mr. Whitley Stokes found himself in charge of another amending Bill. The amendments then proposed were few in number and trifling in importance, but at the very last stage of the Bill it was suddenly decided to take the opportunity of repealing the Acts of 1877 and 1879 and re-enacting them with the furhter amendments of 1882. I have often doubted the wisdom of this decision, and have thought that the convenience of the profession and the public might have been equally well consulted, and an illusory appearance of completeness and finality might have been avoided, if the Legislative Department had been merely authorized to issue a reprint of the 1877 Code and to incorporate in it the alterations made by subsequent amending Acts. However, the result was that in the year 1882 the Indian public was presented with brand-new editions of both the Procedure Codes. Suggestions have from time to time been made to me that the Civil Procedure Code is still very imperfect, and stands much in need of a further general revision; but, although I fully appreciate the importance of such periodical revisions, the Council will probably agree with me in thinking a piece of work of this kind, if attempted, should be done thoroughly. And, after consulting privately several of my friends on the Bench and at the Bar, I came to the conclusion that the Code was on the whole working as well as the machinery at our disposal warranted us in expecting, and that, though there might be room for improvement here and there, I should not be justified in advising the Government to undertake so laborious a task as a general revision of the system. It has been remarked more than once in this Council that the whole legislative and administrative machinery of India had for a lengthened period been at work on the Bill which became law in 1877, and one should not with a light heart invite our overworked officials to a repetition of such a task.

"It has, however, now become necessary to make a few amendments in the Code for the purpose of supplementing or giving effect to measures actually pending before the Council, such as the Guardians and Wards Bill and the Debtors Bill; and I have taken the opportunity of proposing sundry other amendments to the need for which the attention of my Department has been from time to time directed, the expediency of which, as far as I can judge, is not likely to be seriously

disputed, and the enactment of which makes no violent change in the existing system of procedure.

'In touching on the provisions of the Bill I will not adhere strictly to the numerical order of the sections, but will deal first with those proposals which arise out of pending legislation.

"In the first place, there is a group of sections connected more or less with the Bill to amend the law relating to imprisonment for debt.

"Of all the legislative measures which I shall be compelled to leave unfinished there is none that I shall leave with more regret than that Bill, and I sincerely hope that my learned successor will see his way to passing it into law at an early date after his accession to office. But it is proposed to give that Bill in the first instance a limited operation only, and there may be parts of the country where opinion is not yet ripe for its acceptance, but where no objection would be raised to what may be considered to be a less serious alteration of the law. For instance, I pointed out as one of the most glaring defects of the existing law that it vests in the creditor and not in the Court the power of deciding whether a debtor shall be sent to prison or not. I presume that no one can seriously object to the Court being vested with discretion on the question whether the remedies available against the debtor's property should be exhausted before resort is had to the remedy against his person; and accordingly I propose to qualify section 245 of the Code by authorising the Court to refuse execution against the debtor's person if it has reason to believe that the decree can be satisfied by execution against his property.

Again, in my remarks on the same Bill I referred to the unsatisfactory way in which the Insolvency chapter of the Civil Procedure Code appeared to be working in the Mufassal. Having regard to the machinery by which any insolvency law must be worked in the country districts, I think we ought not to be too sanguine about the results to be expected from any mere amendment of the Code; but nevertheless it appears to me that there are one or two obvious defects in Chapter XX of the Code which might without much difficulty and with much advantage be removed.

"Under section 351 of the Code a debtor cannot be declared insolvent, and his property cannot be vested in a receiver, unless the Court is satisfied that the debtor has not committed any one of several specified acts of misconduct. Now the fact that a debtor has been guilty of misconduct is a very good reason for refusing to grant him a discharge from his liabilities, but a very bad reason for

refusing to vest his property in a receiver. The object of vesting an insolvent debtor's property in a receiver is to ensure its speedy and equal distribution among his creditors. And such a provision is needed as much in the case of a reckless or fraudulent as of an innocent debtor.

The truth is that the way in which this section of the Code is drawn is to be explained on historical grounds. There existed for many years in England two distinct systems of jurisprudence relating to the law of debtor and creditor. There was the bankruptcy law, which sought to take the debtor's property and release his person and there was the insolvency law, which took the debtor's person but was unable to touch his property except with his own consent and concurrence. In England the insolvency law has been superseded by the bankruptcy law, which is generally admitted to be more in accordance with modern notions. But in India the law, as embodied in the insolvency law applicable to the Presidency-towns and in the Insolvency chapter of the Civil Procedure Code, is still based on the principle of the English Insolvency Acts, though it has been assimilated in some points of detail to the modern bankruptcy law. For instance, the amendment made, I think, in 1879, under which a debtor may apply to be declared insolvent when execution has issued against his property, although his person has not been seized, is quite in accordance with the principles of the bankruptcy law, but is inconsistent with the principles of the insolvency law, under which insolvency is regarded only as a means of escape from prison. Under the old insolvency law, where insolvency was a privilege of the debtor, it was quite intelligible that it should only be granted to the innocent debtor; but under the bankruptcy law, which looks rather to the interest of the creditor, such a restriction is unintelligible and indefensible.

"I propose therefore to assimilate still further the principles of the Insolvency chapter of the Code to those of the Indian Bankruptcy Bill and the modern English bankruptcy law by empowering the Court to vest the insolvent debtor's property in a receiver whether he has been guilty of misconduct or not, by postponing his discharge until a later stage of the proceedings, after the receiver has made his report under section 355, and by empowering the Court, at that stage, as it is empowered under the Bankruptcy Bill, to withhold the debtor's discharge on the ground of misconduct. The series of technical amendments intended to give effect to these proposals will be found in section 16 of the Bill.

"I propose also by another amendment (embodied in the same section) to extend the jurisdiction of certain subordinate Courts in matters of insolvency.

In order to show the petty character which these cases often assume I will read an extract from a note by a gentleman of long judicial experience in Bengal:—

'The form which an insolvency case usually takes in the Mufassal is as follows. *A* files an application for insolvency, exhibiting in the schedule three or four debts. His assets are usually stated to be some clothes, and perhaps a metal pot or two. One or more creditors oppose, alleging that the applicant has made away with some cows or metal vessels, or that he is entitled to a share of a house or holding which he has not included in the schedule. The evidence given is generally of the vaguest and most ordinary description. If the applicant is declared an insolvent, no creditor ever attempts to prove his debt, and the schedule is made up from admissions of the insolvent."

"The Council will probably agree with the writer of this note that business of this description might properly be dealt with by Munsifs.

"There are one or two other sections dealing with the law of arrest, but the reasons for these are fully explained in the Statement of Objects and Reasons, and I need not say anything about them now.

"Then there is a section (section 26) makng a series of amendments which are intended to supplement the Guardians and Wards Bill. It confers on a guardian, who has been appointed or whose title has been declared by a Civil Court, Court of Wards or other competent authority, a preferential right to be appointed next friend or guardian for a suit. It gives effect to a suggestion made by Sir C. Turner, late Chief Justice of Madras, that when a Court makes over property to a next friend or guardian for the suit who is not a duly constituted guardian of the minor's property it shoud be required to give such directions as having regard to the nature of the property, may sufficiently protect it from waste and secure its proper application. And it amends section 464 of the Code in such a way, as to save all local laws relating to suits by or against minors or persons of unsound mind.

"And to complete the list of amendments relating to pending legislation, there is a sub-section (section 12 (2)) of which the object is to remove a technical difficulty in the way of some legislation proposed or pending in the Bombay Council with respect to the allowances known locally as *toda giras haks*—allowances with an interesting history, which I will leave the Member in charge of the Bombay Bill to explain.

"The remaining sections relate to points to which the attention of the Legislative Department has been at various times directed, and with respect to some of which we have promissed to amend the law whenever a suitable opportunity

occurred. About a few of them it was thought advisable to consult the High Courts before proposing an amendment of the law, and I have adopted such of the suggestions so referred as appeared to be supported by the weight of judicial authority.

'A good many of these amendments require no explanation, or none beyond that supplied by the Statement of Objects and Reasons, and I will only touch on the more important of them:

"There is a section (section 4) suggested by Mr. Justice Straight, which explains the meaning of the phrase 'cause of action' when applied to suits relating to contracts.

'There are two sections (sections 5 and 6) removing doubts which have been entertained as to the stages of a judicial proceeding at which the power of amendment may be exercised by a Court, and explaining the law in the direction of making that power more liberally exerciseable.

'It is desirable that the Courts should not be prevented by arbitrary rules from curing technical defects in the proceedings before them, and I have been assured by my friend Mr. Rattigan, now acting as Government Advocate for the Punjab, that the limitation of time imposed by the existing law for applications to remove the defect arising from a death of one of the parties in the course of a suit not unfrequently causes hardship and leads to the failure of justice, especially where the parties to the suit are ignorant agriculturists. At his suggestion I have inserted in the Bill some clauses (sections 17 and 37) intended to meet this point.

"There is a section (section 10) clearing up a doubt recently entertained in the Allahabad High Court as to the circumstances under which a set-off against a civil claim can be allowed. Speaking, as I am, to lay folk, I do not intend to discourse on the doctrine of set-off, which has been made the subject of many learned disquisitions. For the benefit of my legal brethren I will content myself with saying that I do not think section 111 of our Code was intended to be, or ought to be construed as an exhaustive statement of the cases in which set-off may be allowed; that if Indian Courts could be trusted to decide judiciously and promptly what counter-claims can and what cannot be conveniently disposed of in a pending suit, I should be disposed to apply to them the same rules as have recently been adopted under the English Judicature Acts; but even in England these rules, though intended to produce finality, have often had the effect of protracting and complicating suits, and I fear that in India their working would be

much more unsatisfactory. Therefore the only amendment which I propose is one of a very minor character, and its effect is to apply section 216 of the Code to all cases of set-off allowed under the existing law, whether they can be brought within section III or not.

"There is a leading case, called Semayne's case, well known to English lawyers, and usually treated as the authority for the *dictum* that an Englishman's house is his castle. I suppose it was in consequence of the rules laid down in, or believed to be deducible from, this case that section 271 of the Code provides that 'no person executing any process under this Code directing or authorizing seizure of moveable property shall.....break open any outer door of a dwelling-house. I should be the last person to advocate any undue interference with domestic privacy; but at the same time I am not in favour of allowing any debtor, English or Indian, to employ the sanctity of his house-door as a means for avoiding or delaying payment of his just debts and therefore I propose (by section 13) that the Courts should be empowered, under special circumstances to make an order authorizing the breaking open of an outer door. I hope the Courts may be trusted to exercise this discretion in such a way as may minimize the risk of a breach of the peace. Of course the proviso as to entry into zananas will be retained.

"I also propose to amend a section (section 320) which was the subject of much discussion in 1877 and 1879—the section under which the execution of decrees relating to immoveable property may be transferred to the Collector. Under the existing law there is no appeal provided from the Collector's orders in such cases. It is true that the Government of the North-Western Provinces has issued executive orders on the subject, but the validity of such rules may possibly be called in question, and I think it better to declare distinctly that rules may be made providing for an appeal and regulating its course and conditions. I think also that, if the Collector is to act effectively under these sections, it should be made clear that he is something more than a mere instrument of the Civil Courts.

"I have adopted a suggestion made to me by a gentleman at the Bombay Bar that we should follow the recent English law by giving the Courts power to decree sale in lieu of partition in certain cases. It may obviously be inconvenient and difficult to divide a family house.

"There have been some difficulties about the working of the sections relating to suits by and against Native Princes and Chiefs. I propose, for their con-

venience, to make it clear that a fresh appointment of a person to prosecute or defend on their behalf need not be made in each case. I propose also to define more precisely by whom consent to the institution of a suit against a ruling Prince may be given, and to make the provisions of the law more elastic with respect to the mode of giving the consent, the cases in which the consent may be given, and the Courts to which the consent may apply. A reported case shows that doubts have been entertained as to the name by which a ruling Prince should sue or be sued, and I have been told that it is considered derogatory to the dignity of a ruling Prince or Chief that his personal name should be called out in open Court. There is no reason why deference should not be paid to sentiment and etiquette when they do not interfere with the substantial interests of justice, and therefore I propose that a ruling Prince or Chief may sue or be sued in the name of his State.

"It will be seen, on looking at the Bill, that, in order to make room for one of the new sections relating to suits by and against Native Chiefs, I have ousted section 434 of the Code from its present place and have given it a new place and a new number in the final chapter of the Code, where a convenient gap has been made by a recent repeal. I propose to do this, not for a mere draftsman's whim, but because the section now numbered 434, which relates to the execution in British India of decrees of Native States, is out of place in a chapter headed 'Suits by Aliens and by or against Foreign and Native Rulers'; and I cannot help suspecting that in consequence of its inappropriate position it may possibly have been overlooked by the Bench of Judges who decided a case reported in a recent number of the Calcutta Law Reports. If I am wrong in supposing this, the learned Judges will, I hope, forgive me; but at all events no harm can be done by removing the section from a chapter where one would not naturally think of looking for it.

"There has been much doubt as to what class of persons are entitled to take proceedings under section 539 as having a *direct* interest in a public charitable or religious trust. The class is one which it is impossible to define with accuracy, but, after perusal of the cases and consultation with the High Courts, I have come to the conclusion that the introduction of the adjective 'direct' into the section, was unnecessary and has led to misconception, and therefore I propose to remove it.

"The remaining sections of the Bill are either unimportant or of a very technical character, and therefore I will not take up the time of the Council by dwelling

on their provisions, but will at once ask them to take into consideration the motion which stands in my name."

The Hon'ble SIR THEODORE HOPE said :—

"The subject upon which our hon'ble colleague, the Law Member has just favoured us with so complete and interesting an exposition is one of extreme importance; and, having been a member—I may say a very active working member—of the Select Committees on the Civil Procedure Code Amendment Bills in 1877 and 1879, I wish to express, in the first place, my conviction—a conviction then felt by all those engaged in that work—that revisions of the Civil Procedure Code should only take place at very rare intervals. This opinion, I think I am right in saying, was shared at that time by the law authorities at home, and had in fact mainly contributed to the postponement of legislation on the preceding occasion in 1867, when it had been proposed by Mr. Harington. This reluctance to revise the Code is based on two grounds. One is the immense inconvenience which is caused to the Courts, the Bar and the public in general by the complete subversion of a long and elaborate enactment with which they have become familiar and the destruction of translations, text-books and handy manuals which have been prepared to make it intelligible to ordinary people. The other and very important ground for this reluctance to change is the great time which is necessary for the elaboration of a new Code of the description in question. I say 'a new Code,' because, although in many instances only the old sections are substantially reproduced, as a matter of fact it is generally found that there are very few of them which do not either change their place, scope, substance or wording in some manner or other. Of the long time necessary there can be no better illustration than what took place in 1877, 1879 and 1882. I think I am not far wrong in saying that the Bill of 1877 would not have become law then but for the approaching departure from India of Sir Arthur Hobhouse, who was, very naturally, anxious—and the Government were also anxious—to complete the work to which he had given his attention during nearly the whole period of his Law Membership. Still notwithstanding that, it was found by experience that it would have been a great deal better if we had had at least another year to work on the Bill; and in 1879 consequently, we were obliged to pass another Bill with an immense number of amendments. Still, the enactment having reached that stage, I think it was very much to be regretted that in 1882 a further complete alteration should have been made by re-enacting all the sections which were already law, along with certain minor changes. However, what we now have is not the law of 1877 or 1879, but the law of 1882, and I think it would be very much to be deprecated

that any change should be made now of fundamental importance except after the lapse of a very considerable period—a period which I think the Law Commission on one occasion declared should be at least ten years, Meanwhile, however, there can be, according to my humble judgment, no objection to such minor amending Bills as that which, so far as I understand its nature, our Hon'ble Law Member has brought forward on the present occasion, provided great care be taken not to make any change whatever which is not really unavoidable.

"I trust, too, that more than this may not be attempted even in the time of our hon'ble colleague's successor, unless indeed under one eventuality, and one only; and that is, if a decisoin should fortunately be arrived at for making very fundamental changes in our civil procedure so as to diminish the immense amount of routine which now invests—and I may say *infests*—all cases relating to petty amounts. If our procedure could be vastly simplified, in a way which has before now been indicated in this Council, and if some other changes, such as those which our hon'ble colleague lately alluded to as having proved advantageous in the case of the local legislation affecting the Dekkhan agricultural districts, could be introduced, then, and then alone, I think that a revision of this Code on a large scale might be justifiable at an earlier date than, say, 1892.'

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India* in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

GENERAL CLAUSES BILL.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill for further shortening the language used in Acts of the Governor General in Council, and for other purposes. He said:—

"I propose to make some additions to a very useful Act which was passed in 1868, and which is known as the General Clauses Act. The object of that Act is to make the language of enactments of this Council shorter and more uniform, and to avoid vain repetitions, by generalizing certain definitions and rules

of frequent occurrence, and by declaring, once for all, that these definitions and rules shall apply to future Acts unless a contrary intention appears.

"The additions which I propose to make are based on my personal experience during the last few years. I have had a list prepared of the special definitions inserted in Acts of this Council, and I find on examination of this list that there are some dozen or so of these definitions which might with advantage be generalized and added to the list contained in the Act of 1868.

"I also propose to generalize certain provisions which have so frequently recurred in recent Acts as to have become what conveyancers call 'common form.' Among these provisions I will mention two which have some bearing on the machinery and practice of legislation in this country.

"It is not as a rule desirable that an Act of this Council should be brought into operation immediately on its passing. An interval should be allowed for the publication of the Act both in English and in the vernaculars of the country, for its distribution and, when it is of a complex character, for its study by the officers who will have to administer it and by the persons whom it will principally affect. In most cases also time must be given for making the administrative arrangement necessary for giving full effect to the Act.

It has therefore been my practice to insert in every Bill, except where the proposed enactment is of great simplicity or of special urgency, a clause postponing the operation of the measure either until some future date specified in the Act or until a future date to be fixed by executive authority. But when an interval of this kind is provided it is often necessary to give some legal authority for the preliminary arrangements which have to be made, such as the appointment of officers and the making of rules. Accordingly it has become the practice to insert a clause providing that all necessary appointments, rules and so forth may be made during the interval between the passing of the Act and its coming into operation, but that they shall not take effect until the latter date. It will be remembered that some temporary inconvenience was caused by the accidental omission of such a clause from the Bengal Tenancy Act. I propose to generalize this clause, so as to obviate the necessity for its special enactment hereafter.

"I have referred to the rules which are generally required for the purpose of giving full effect to Acts of the legislature and we all know that most Indian

Acts confer an extensive power to make such rules. I have observed, in the course of my exeperience as chairman of Select Committees, that the clauses giving this power are usually scrutinized with some jealousy by unofficial, and especially by Native members of this Council, and I have much sympathy with their feelings on the subject. The obligation which a member in charge of a Bill is under of publicly explaining and defending the provision which he proposes is a very wholesome check on hasty and ill-judged legislation, and it would not be constitutional that this check should be evaded by a wholesale delegation of legislative or quasi-legislative power to subordinate authorities. At the same time every one who has any familiarity with the work of this Council will admit that the delegation of power to make rules on subordinate matters is essential to good legislation. The proper function of this legislature is to determine the broad lines on which the law is to be administered: if it descends into and attempts to prescribe minute details of administration, it undertakes work which it is not fitted to perform and which it will perform badly. It is usually for the Legal Member, as the person responsible for the drafting of Acts, to suggest, and it is for the Council to determine, where the lines can be most fitly drawn between matters which should be settled by the legislature, matters which should be prescribed by rule, and matters which must be left to executive orders or to the discretion of individual officers.

Whilst insisting, however, on the necessity for giving this rule-making power, I am fully impressed with the expediency of subjecting the rules made under it to the same kind of preliminary criticism as is applied to Acts of the legislature. I had an opportunity now nearly four years ago of expressing my sense of the great importance of inviting and facilitating criticisms and suggestions both from official and from non-official persons and bodies with respect to measures pending before the Legislative Council, and of explaining the measures which the Government of India had adopted and proposed with this view. I have nothing material to add to the remarks which I then made, and my subsequent experience certainly does not induce me to qualify them. On that occasion I directed attention to the quantity and importance of the subordinate legislation which is effected under delegated powers, and I said that, with a view of applying, as far as practicable, the same principles as had been applied to direct enactments of the legislature, the Government of India had recommended that any rule, regulation or notification which affected the outside public, whether made under executive authority or under the authority of an Act, should, before being issued by the

Local Government or Administration, and, where sanction was required, before being submitted for the sanction of the Governor General in Council, be published as a draft, with the view of ascertaining whether any valid objection could be taken to it. Extensive effect has since been given to this recommendation, and the Council will have observed that, when any recent Act authorizes the making of rules, it almost always requires drafts of the rules to be previously published in the manner which I have indicated. In fact, a provision to this effect has become a common form, and I propose now to stereotype it by inserting it in the Bill which I am asking leave to introduce.

"The provisions to which I have referred are, I think, the only provisions of general interest which the Bill contains. The remainder of the Bill consists of what may be fairly described as draftsman's clauses."

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India* in English and in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

GLANDERS AND FARCY ACT, 1879, EXTENSION BILL.

The Hon'ble MR. ILBERT also moved for leave to introduce a Bill to extend the Glanders and Farcy Act, 1879, to the Bombay Presidency, He said:—"This is an enactment which was passed in 1879, and which only extends to those parts of India which have no legislatures of their own. The Bengal and Madras legislatures have passed separate Acts on the same subject, but the Bombay Government now ask us to extend the Indian Act to Bombay, preferring this course to that of legislating for themselves. Accordingly we propose to remove from the existing Act the words excluding its application to the Bombay Presidency.

The Motion was put and agreed to.

The Hon'ble MR. ILBERT also introduced the Bill.

The Hon'ble MR. ILBERT also moved that the Bill and Statement of Objects and Reasons be published in the *Gazette of India* in English and in the *Bombay Government Gazette* in English and in such other languages as the Local Government thinks fit.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 8th September, 1886.

S. HARVEY JAMES,
Offg. Secretary to the Govt. of India,
Legislative Department.

SIMLA;
The 3rd September, 1886.

S. G P. I. No. 453 L. D.—10-9-12—60—C. J. D.