

Saturday, April 23, 1859

LEGISLATIVE COUNCIL
OF
INDIA

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1859

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mittee on the Bill "for the registration of Literary, Scientific, and Charitable Societies."

Agreed to.

NOTICES OF MOTION.

MR CURRIE gave notice that he would, on Saturday, the 23rd Instant, move that the following Select Committees be discharged:—Select Committee on the Bill "for the punishment of Chowkeydars for neglect of duty," Select Committee on the Bill "to extend the provisions of Regulation VI. 1810 of the Bengal Code."

The Council adjourned.

Saturday, April 23, 1859.

PRESENT:

The Hon'ble J. P. Grant, Senior Member of the Council of the Govr.-Genl., Presiding.

Hon. Lieut.-Genl. Sir J. Outram,	H. B. Harington, Esq.,
Hon. H. Ricketts,	H. Forbes, Esq.,
Hon. B. Peacock,	and
P. W. LeGeyt, Esq.,	Hon. Sir C. R. M. Jackson.
E. Currie, Esq.,	

LIMITATION OF SUITS.

THE CLERK presented a Petition from Zemindars of Jessore against some of the provisions of the Bill "to provide for the Limitation of Suits."

MR. HARINGTON moved that the above Petition be printed.
Agreed to.

WILFUL INJURY TO PROPERTY.

THE CLERK presented a Petition from the Indigo Planters' Association, praying for an amendment of the law relating to wilful injury to property.

MR. CURRIE said, the question was considered by the Select Committee on the Cattle Trespass Act. The Petitioners stated that that Act had repealed Section IV Regulation V. 1830, which related not only to Cattle Trespass, but to wilful damages to crop of any kind, and that consequently, except against Cattle Trespass, Indigo crop had less protection than under the Section of the Regulation which had

been repealed. This was quite true, but the Select Committee had not considered it necessary to make any provision in consequence of the repeal of that Section, because by the Penal Code the offence of wilful damage to property would be punishable as "mischief." So whenever the Penal Code should be passed, the object of the Petitioners would be fully met. He should therefore now move that the Petition be referred to the Select Committee on "The Indian Penal Code."

Agreed to.

LAND CUSTOMS (MADRAS AND BOMBAY).

MR. PEACOCK postponed the presentation of the Report of the Select Committee on the Bill "to alter the rates of Duty on goods imported or exported by land from certain Foreign Territories into or from the Presidencies of Madras and Bombay respectively."

SMALL CAUSE COURTS.

MR. HARINGTON presented the Report of the Select Committee on the Bill "for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter."

ADJUDICATION OF FORFEITURES.

MR. HARINGTON moved the second reading of the Bill "to provide for the adjudication of claims to property seized as forfeited."

The Motion was carried, and the Bill read a second time.

CATTLE TRESPASS.

MR. CURRIE moved the second reading of the Bill "to amend Act III of 1857 (relating to Trespasses by Cattle)."

The Motion was carried, and the Bill read a second time.

RAILWAY CONTRACTORS AND WORKMEN.

MR. LEGEYT moved the second reading of the Bill "to empower Ma-

gistrates to decide certain disputes between Contractors and Workmen engaged in Railway and other works."

Mr. PEACOCK said, he thought it inconvenient to have many Bills on the same subject. There was a Bill which stood for consideration this day before a Committee of the whole Council "to provide for the punishment of breaches of contract by Artificers, Workmen, and Laborers in certain cases." The Honorable Member for Bombay was a Member of the Select Committee who had reported on that Bill. In that Report he found it stated as follows:—

"Mr. LeGeyt, while he does not object to the proposed extension (that is, the extension of the Bill to the Straits Settlement and other places), considers that the scope of the Bill is too restricted. Instead of confining its operation to the punishment of breaches of contract by Artificers, Workmen, and Laborers, who have received advances of money on account of their work, he would apply the penal provisions of the Bill to all breaches of contract of service, whatever may be the nature of the service or work contracted for; and he would make the Bill applicable to all such breaches of contract irrespective of any advance of money on account."

The reasons given for bringing forward the present Bill was that in a particular case a serious affray was committed and a European Contractor killed. They ought not to be induced by such an occurrence to alter the law.

Another reason was that there was no Moonsiff's Court within a reasonable distance. Such a reason was equally applicable in support of a law which would extend to all laborers and employers of laborers. If the Honorable Member thought, as had already been stated, that the other Bill did not go far enough, why did he not extend the scope of the present Bill?

He (Mr. Peacock) thought that the Bill carried the powers of Magistrates to a very great extent. Section V provided:—

"If any question shall arise whether any goods or chattels seized under the warrant of distress belong to the defaulter or are liable to be distrained and sold as aforesaid, the decision and order of the Magistrate shall be final and conclusive with respect thereto."

Not only the Magistrate, but any Deputy Magistrates or other person

specially empowered by the Executive Government, might exercise these powers. Even the Civil Courts had no such final jurisdiction, and yet this Bill gave it to Magistrates. It might happen that valuable plant might be seized, which the Contractor had conveyed to the Railway Company to secure advances made to him.

The Clause to which he had alluded might be considered by the Select Committee to whom the Bill, if allowed to be read a second time, would be referred. But he would suggest to the Honorable Member that the best course would be to withdraw the Bill, and to appoint a Select Committee to consider the whole question.

MR. LEGEYT said, he certainly did not think that either of the Bills went far enough. But with reference to what had passed both as to the Bill brought in by the Honorable Member for Bengal, and to the petition and draft Act which came up from Madras in 1855, he saw little chance of succeeding to pass through the Council a comprehensive Bill relating to Masters and Servants. He therefore proposed to legislate on the subject only to the extent that the Bill now under discussion went. He had no doubt that the persons who were principally concerned in the disputes which had given rise to the present Bill, on the other side of India, were of a class to which Civil Courts were nearly virtually shut. With this view the Bombay Government had come to the conclusion that it would be advisable to withdraw these cases from the jurisdiction of the Civil Courts, and to place them under a Magistrate, with the power of deciding upon them summarily.

Had he referred this matter to the Select Committee on the Bill of the Honorable Member for Bengal, supposing even that the Select Committee should have been disposed to admit this enlargement of that Bill, it would have delayed its passing. No doubt so material an alteration as would have been introduced would have caused the Bill to be republished.

If, again, instead of bringing in this Bill, as desired by the Bombay Government, he had brought forward a general Bill regarding Masters and Servants, he had before him the opinion of the

Select Committee on the Penal Code, who submitted a special report on the subject, stating that legislation in the matter was not necessary. It was stated in that report:—

“ Adopting, as we do, the principle that redress for breaches of contracts of service or other contracts ought in general to be sought by Civil action, and seeing that the Small Cause Courts established and intended to be established will greatly expedite the remedy in such cases, and bring it within the reach of all persons in the Territories of the East India Company with small trouble or expense, it is hardly necessary to say that we are opposed to the enactment of a law such as is proposed in the draft referred to us, which is founded upon the opposite principle of withdrawing all breaches of contracts of service from the jurisdiction of the Civil Courts, and dealing with them as crimes.”

Under these circumstances, and finding himself to have been in a minority of one in the Select Committee, who had reported in 1855, and a dissident in the Select Committee on the Bill introduced by the Honorable Member for Bengal, he did not see what possible advantage there would have been in postponing the present Bill.

With regard to Section V, to which the Honorable and learned Member had taken objection, he had no doubt that, if the Bill were allowed to be read a second time, and referred to a Select Committee, the point would be fully considered by the Committee. The object of the Clause in question was to enable the Magistrate to decide such cases as summarily as in his criminal capacity. The award would partake of the nature of a fine.

He did not know if he could say anything further in support or defence of the measure. He should have been most glad to bring in a comprehensive Bill, but with the opinions before him, to which he had referred, he did not see how he could do so with any hope of success.

The Motion was then put and carried, and the Bill read a second time.

LIMITATION OF SUITS.

The Order of the Day being read for the third reading of the Bill “to provide for the Limitation of Suits”—

MR. HARRINGTON said, with the

Mr. LeGeyt

permission of the Council he would postpone his Motion for the third reading of this Bill until Saturday next. Some alterations would be necessary on the passing of the Bill relating to the recovery of rent, of which the Honorable Member for Bengal had charge; and he thought therefore that it would be better to stay further proceedings on this Bill for the present.

PILOT COURTS (BENGAL).

MR. CURRIE moved that the Council resolve itself into a Committee on the Bill “to make better provision for the trial of Pilots at the Presidency of Fort William in Bengal for breach of duty,” and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

Sections I to IX were passed as they stood.

Section X provided how the trial should proceed if any of the jurors did not attend.

SIR JAMES OUTRAM said, he had an alteration to propose in this Section. As the Section now stood, it admitted of the possibility of a juror refusing to serve, and it also contemplated the possibility, in the event of a juror being absent, of the Judge substituting another juror who might not be of the same profession or calling as the absent juror. He proposed to move certain alterations, therefore, the effect of which would be to leave it optional neither with the juror to serve, nor with the Judge to appoint a juror not of the same profession or calling as the absent juror. He accordingly moved, first, the insertion of the words “selected by the Judge from the same profession or calling as the person originally summoned and” after the word “person” in line 10.

After some conversation, the Motion was carried.

MR. CURRIE moved the omission of the words within parenthesis, namely, “whether he be a person mentioned in either of the said lists or not.”

Agreed to.

SIR JAMES OUTRAM next moved the omission of the words “and who shall consent to serve” in line 13.

MR. PEACOCK thought that, if the name of a juror were suddenly called at the last moment to supply the place of an absent juror, the consent of the former ought to be given, or the day of trial postponed if he should be unable to attend on the day fixed.

SIR JAMES OUTRAM said, what he wished to prevent was the possibility of a juror refusing to serve. He might have reasons for being excused from serving, which the Judge might admit and release him accordingly; but he should not have the power of refusing to serve without his reasons being submitted to, and accepted by the Judge.

MR. GRANT said that service on these juries was already an unpalatable duty, and that the proposed amendment would make it more unpalatable. If a merchant had notice that he was to be summoned on a jury, he had an opportunity of making arrangements, which would make his service as little inconvenient as possible. But to be summoned suddenly, without having had such an opportunity, might be an excessive inconvenience to him, and perhaps a great loss.

The Motion was then put and negatived.

SIR JAMES OUTRAM moved the omission of the words "It shall be a valid objection to such person that he is not of the same profession or calling as the absent juror" at the end of the Section.

Agreed to.

MR. GRANT moved the omission of the words "whose attendance can forthwith be procured."

Agreed to

SIR JAMES OUTRAM moved the omission of the words "and to be nominated by the Judge."

The Motion was carried, and the Section as amended then passed.

Sections XI to XIV were passed as they stood.

Section XV was passed after a verbal amendment.

Sections XVI to XXIII and the Preamble and Title were passed as they stood; and the Council having resumed its sitting, the Bill was reported with amendments.

BREACHES OF CONTRACT BY ARTIFICERS, &c.

MR. CURRIE moved that the Council do resolve itself into a Committee on the Bill "to provide for the punishment of breaches of contract by Artificers, Workmen, and Laborers in certain cases;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

Section I empowered the Magistrate to hear complaints against workmen neglecting to perform work on account of which they had received advances of money.

MR. LEGEYT said, he had an amendment to propose in this Section. He did not think that the scope of the Bill should be limited to those cases where an advance of money was given. He would extend it to all cases in which a contract for service was made. It did not necessarily follow that, because an artificer was employed, he would get an advance of money; and he (Mr. Legeyt) did not see, if a workman neglected or refused to perform his contract, although he had received no advance, why the contractor should not be entitled to deduct a portion of his wages, or to have him punished summarily before a Magistrate. He therefore proposed to substitute the words "contracted with" for the words "received from" in lines 2 and 3.

MR. CURRIE said, it was very true, as the Honorable Mover of the amendment had said, that it did not follow that, because an artificer contracted to do work, he must get an advance of money. But that was in fact the invariable custom and practice of this country, and it was the existence and general prevalence of the practice which had led to the introduction of this Bill. If a person contracted to do work, and after receiving an advance of money wilfully failed to perform it, it was but reasonable to render him liable to punishment for his fraudulent conduct. He was not however prepared to admit that the same punishment should be inflicted for simple breach of contract, and he was not disposed to accede to the proposition of extending the

provisions of the Bill to persons who received no advances.

MR. HARINGTON said, the amendment proposed by the Honorable Member for Bombay, if carried, would greatly change the character of the Bill. If he rightly understood the Bill, the object chiefly aimed at in its introduction was the protection of the tradesmen at the Presidency Towns from pecuniary loss. It was the custom in those towns to make large advances for the performance of contract work, but the workmen who received these advances often failed to fulfil their engagements, and the only remedy now open to the tradesman for the recovery of the money was a Civil action, which was a tedious and expensive process. The Bill gave the Magistrate power to compel the refund of the money advanced, though he might, if he thought proper, order the party who had received the advance to perform the work contracted for. Generally, however, it would be found that this was not what the tradesman wished. There was little use in making a man work against his will. He should vote against the amendment.

MR. CURRIE said, this Bill was introduced at the instance of the Calcutta Trades Association, who had complained of the pecuniary loss to which they were subjected by the fraudulent conduct of their workmen in wilfully failing to perform work for which they had received advances. At the time of moving the first reading, he had mentioned that a memorandum had been put into his hand by some of the Petitioners, showing large advances outstanding to the amount of a lakh and a half of Rupees. The Bill was introduced to provide a remedy for this specific grievance, and he thought it very inconvenient that amendments like that now moved by the Honorable Member for Bombay, involving an alteration in the principle of the Bill as originally introduced, should be brought forward at this late stage.

MR. GRANT thought that the amendment would be going a great way. It was not even restricted to written contracts. A bare oral promise to do certain work seemed to him a vague and uncertain thing to found a criminal charge upon. It appeared

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to him that the Bill, as it stood, went far enough; and it went as far as the Council had been asked to go. He thought it contrary to sound principle to punish a man criminally for a simple breach of contract. When a workman took an advance for doing certain work, and then without good cause refused to do it, there was a tinge of fraud in the transaction to justify its being criminally dealt with, as proposed by the Bill. But if he took no advance, fraud could scarcely be imputed to him, and he (Mr. Grant) thought it was rather severe to send a man to the House of Correction for three months, merely for refusing to work after he had consented to do so.

MR. LEGEYT said, it would appear that a law on the subject did now exist in England. He would read the following extract from a memorial from certain merchants and others of Malabar, dated so far back as 13th September 1854:—

“That there has, since the time of Queen Elizabeth, existed in England a summary jurisdiction, vested in the magistracy, for the speedy settlement of all such questions, not only a protection of the master against the servant, but of the servant against the master, a mutuality which your petitioners would of course cheerfully see introduced into this Presidency in any enactment which the Legislative Council may deem it advisable to pass.”

In all military cantonments, which were the places where vast majorities of Europeans resided, such a law prevailed, for the Cantonment Magistrate had the power to enforce the performance of contract for service. He should therefore press his Motion.

The Council divided—

<i>Ayes</i> 2.	<i>Noes</i> 6.
Mr. LeGeyt.	Sir Charles Jackson.
Mr. Peacock.	Mr. Forbes.
	Mr. Harington.
	Mr. Currie.
	Mr. Ricketts.
	The Chairman.

So the Motion was negatived.

The Bill passed through Committee^e without amendment, and the Council having resumed its sitting, was reported.

SALES OF LAND FOR ARREARS OF REVENUE (BENGAL).

The Order of the Day being read for a Committee of the whole Council on the Bill "to improve the law relating to sales of land for arrears of Revenue in the Bengal Presidency"—

MR. GRANT said, as the printed Report of the Select Committee had been put into the hands of Honorable Members only last night, he proposed to postpone the Motion for a Committee of the whole Council upon it to the next Meeting of the Council. But as he was anxious that the Bill should be passed, if possible, on Saturday next, he would propose, at the proper time, that the Council at its rising should adjourn till Wednesday next.

SMALL CAUSE COURTS.

MR. HARRINGTON gave notice that he would, on Saturday the 30th Instant, move for a Committee of the whole Council on the Bill "for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter."

ADJUDICATION OF FORFEITURES.

MR. HARRINGTON moved that the Bill "to provide for the adjudication of claims to property seized as forfeited" be referred to a Select Committee consisting of Mr. Peacock, Mr. LeGeyt, and the Mover.

Agreed to.

WARRANTS OF ATTORNEY AND COGNOVITS.

SIR CHARLES JACKSON gave notice that he would, on Saturday the 30th Instant, move the second reading of the Bill "to provide for the due execution of Warrants of Attorney to confess judgment and Cognovits."

MALABAR OUTRAGES.

MR. FORBES gave notice that he would, on the same day, move the first reading of a Bill "for the suppression of Outrages in the District of Malabar in the Presidency of Fort St. George."

RAILWAY AND OTHER WORKS.

MR. LEGEYT moved that the Bill "to empower Magistrates to decide certain disputes between Contractors and Workmen engaged in Railway and other works" be referred to a Select Committee consisting of Mr. Peacock, Mr. Harrington, Mr. Forbes, and the Mover.

Agreed to.

ADJUDICATION OF FORFEITURES.

MR. HARRINGTON moved that the Standing Orders be suspended to enable the Select Committee on the Bill "to provide for the adjudication of claims to property seized as forfeited" to present their Report on Saturday next, and in order that the Bill may then be passed through its subsequent stages. He said that the same reasons which had led to the introduction of the Bill, rendered it desirable that it should pass into law as soon as possible.

MR. FORBES seconded the Motion, which was then put and carried.

MR. HARRINGTON moved that the Select Committee be instructed to present their Report to the Council on the above Bill on Saturday next.

Agreed to.

RECOVERY OF RENTS (BENGAL).

MR. PEACOCK delivered to the Clerk of the Council his dissent and his reasons of dissent from the passing of the Bill "to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal."

SIR CHARLES JACKSON also proposed to deliver his dissent from the passing of the Bill.

MR. CURRIE said, he doubted if the dissent of the Honorable and learned Judge could be received, and he would like to have the opinion of the Council on the subject. When the Honorable and learned Member opposite (Mr. Peacock) gave notice of his intention to record his dissent, he had not the opportunity of referring to the Standing Orders. He was not aware at the time that he should have, under Standing Order No. XCI, given notice of his intention to record his assent at the Meeting when the Bill was passed. He observed that, while Standing Order No.

XCI allowed dissents "to be delivered before the expiration of the next ordinary Meeting after the passing of the Bill," Standing Order No. XCIII allowed assents "to be delivered before the expiration of the second ordinary Meeting after" the same. The object seemed obviously to have been to give to Members interested in the passing of a Bill an opportunity to answer the dissent. What he wished to know was, if he was precluded from recording his assent by his inadvertent omission, at the last Meeting, to give notice of his intention to do so, and if there were now any means of remedying the omission.

THE PRESIDENT said, that there could be no doubt upon the point of form. According to Standing Order No. XCI no dissent or assent to a Bill could be recorded, unless by a Member who had given notice of his intention so to do at the Meeting at which the Bill was passed. In point of form, therefore, the Honorable Member for Bengal having omitted to give such notice, was not entitled to record his assent. But it was within the competency of the Council to suspend the Standing Order referred to.

SIR CHARLES JACKSON said, he believed he stood in the same position as the Honorable Member for Bengal, as he had omitted to give notice of his intention to record his dissent.

THE PRESIDENT said, that the Honorable and learned Judge was precisely in the same position as the Honorable Member for Bengal. The Honorable and learned Member's (Mr. Peacock's) dissent might be read first, after which the Standing Orders might be suspended to enable other Honorable Members to record their dissent, or to give notice of their intention to record their assent before the rising of the next ordinary Meeting of the Council.

MR. PEACOCK'S dissent was then read by the Clerk as follows:—

Bill to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal.

I DISSENT—

1st.—Because the Bill invests Collectors and other Revenue authorities with power to try the suits mentioned in Section XXIII, many of which will involve difficult questions, and are at present cognizable only by the Civil Courts of Judicature.

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2nd.—Because it deprives the regular Courts of Civil Judicature of the jurisdiction which they now have to try any of the said suits, whereas such a measure is wholly uncalled for, and is especially inexpedient at a time when the procedure of the Civil Courts has just been rendered more simple and expeditious.

3rd.—Because the jurisdiction to be exercised by the Revenue Authorities having been restricted to Collectors, Assistant Collectors invested by Government with the powers of Deputy Collectors, and to Deputy Collectors who by an amendment carried by a vote of this Council cannot at the same time exercise Police functions, the only Officers now existing, who, if the Bill pass, will have jurisdiction to try the suits in question, are not sufficiently numerous to prevent the necessity of parties and witnesses in numerous cases being compelled to travel to long distances far greater than would be necessary if the Civil Courts were allowed to retain the jurisdiction which they now possess, and because it will be necessary, if the great evil above contemplated is to be avoided, either to appoint many more Deputy Collectors at a time when the finances of the country ought not to be burthened for such a purpose, or to deprive them of their Police functions, and to appoint as Deputy Collectors the Deputy Magistrates who have been lately appointed with the sanction of Government, not for the purpose of trying Civil suits, but for the purpose of exercising Magisterial functions, and continually moving about in their districts in order to superintend and control the Police.

4th.—Because if the finances of the country were in a state to justify a large expenditure for the purpose of providing such a number of Deputy Collectors as this Bill will render necessary, I am of opinion that such expenditure ought not to be incurred so long as the Uncovenanted Judges of the Civil Courts are so greatly underpaid as they are universally admitted to be.

5th.—Because if any of the Deputy Magistrates, who have lately been appointed at a great expense, can consistently with the proper control of the Police be deprived of their Police functions, in order that they may be appointed Deputy Collectors, and in that capacity empowered to try the suits in question they ought to be discontinued, and the expense of their salaries saved and devoted to, the increasing of the pay of the Uncovenanted Civil Judges, and to the improvement of the Civil Courts of Judicature.

6th.—Because there is no sufficient guarantee that the Deputy Collectors are qualified to try the suits in question, none of them having undergone a judicial training or examination.

7th.—Because if the Bill to improve the law relating to sales of land for arrears of Revenue be passed, the Collectors and other Revenue Authorities will have a considerable increase of business thrown upon them by that Bill, which will render their time less available for the trial of Civil suits.

8th.—Because, entertaining the opinion that the Revenue Authorities authorized to try suits under this Act are not at present sufficiently numerous for the proper discharge of the duty, I cannot blindly assent to oust the Civil Courts of their jurisdiction (even if I were otherwise disposed to do so) until I know how many Revenue Courts are intended to be created to supply their place.

9th.—Because Section XXXVIII of the Bill affects the stamp laws, and will, in my opinion, cause a considerable reduction in the Revenue derived from the suits in question: whereas there is no reason for placing such suits in a more favorable position as regards stamp duty than other suits now cognizable only by the Civil Courts.

10th.—Because, although the rate of duty is decreased in respect of suits for a large amount, the stamp duties on many of the suits where the value is under sixteen rupees, is doubled by increasing the same from four annas to eight annas, which burden will in most cases fall upon the poorer classes of ryots who are the least able to bear it.

11th.—Because if the finances of the country were in a position to bear the loss, stamp duties on legal proceedings ought to be abolished; but the Government having lately declared that they could not afford to forego stamp duties in the Civil Courts, there is no reason why any of the suits provided for by this Bill should, where the value exceeds sixteen rupees, be specially favored by the reduction of the stamp duties thereon, at a probable loss of Revenue of from a lakh to a lakh and a half, or two lakhs a year.

B. PEACOCK.

MR. GRANT moved the suspension of Standing Order No. XCI, in order to allow any other Member who wished to record his dissent to do so now.

SIR CHARLES JACKSON seconded the Motion, which was then put and agreed to.

SIR CHARLES JACKSON delivered to the Clerk of the Council his dissent and his reasons of dissent from the passing of the Bill.

SIR CHARLES JACKSON'S dissent was then read by the Clerk as follows:—

Bill to amend the Law relating to the Recovery of Rent in the Presidency of Fort William in Bengal.

I DISSENT—

1st.—Because the Bill deprives the regular Civil Courts of the jurisdiction which they now have to try suits between landlord and tenant—suits which may involve difficult questions of law and fact—and invests the Revenue Authorities with jurisdiction to try such suits.

2nd.—Because if it be true that the regular Courts have now too much to do, and

the Revenue Authorities have not enough business, then the number of Judges should be increased, and the Revenue Authorities should be reduced in number.

3rd.—Because this Bill confounds the duties of one branch of the administration with the duties of another and independent branch thereof.

4th.—Because the provisions of this Act relating to the Officers before whom suits regarding rent are to be brought, are founded on no principle, and are not shown to be grounded on convenience.

C. R. M. JACKSON.

MR. GRANT moved the suspension of the Standing Order No. XCI, in order to allow any Member, who now gave notice of his intention to record his assent, to do so before the rising of the next ordinary Meeting of the Council.

SIR CHARLES JACKSON seconded the Motion, which was then put and agreed to.

MESSRS. CURRIE AND GRANT severally gave notice of their intention to record their assent to the Bill.

MARKETS.

MR. CURRIE moved that the Bill "for regulating the establishment of Markets" be referred to a Select Committee consisting of Mr. Ricketts, Mr. Harington, and the Mover.

Agreed to.

CATTLE TRESPASS.

MR. CURRIE moved that the Bill "to amend Act III of 1857 (relating to Trespasses by Cattle)" be referred to a Select Committee consisting of Mr. LeGeyt, Mr. Harington, Mr. Forbes, and the Mover.

Agreed to. •

LIABILITY OF LANDHOLDERS (BENGAL).

MR. CURRIE said, he mentioned last Saturday that there was on the list of Select Committees a Bill "to extend the provisions of Regulation VI. 1810 of the Bengal Code" on which his name only appeared. The Bill was brought in by the late Honorable Member for the North-Western Provinces, but had not been proceeded with, because it was supposed that the object for which it was intended would be provided for by the Penal Code. He understood, however, that the Penal Code would provide

penalties only for neglect of any duty which landholders were required by any law or Regulation to perform, whereas this Bill prescribed a new duty which was not imposed by any law at present in force.

The law relating to duties of landholders in cases of this kind was scattered over several Regulations. Regulation VI. 1810 imposed upon landholders the duty of reporting to the Police the resort within their estates of dacoits, cozauks, thugs, or budhecks, or of any other description of professional robbers. Regulation I. 1811 declared landholders accountable for the early communication of information to the Magistrate respecting the residence of notorious receivers or vendors of stolen property within their estates, and the penalty for not giving such information was contained in another Regulation which had been rescinded. So that, as the law stood, there was a prohibition without a penalty. Then in Regulation III. 1812 the same duty was imposed upon them with regard to the resort of criminals and the commission of robberies and burglaries; the same in Regulation VIII. 1814 with regard to other offences, such as murder, arson, and theft; and the same in Regulation III. 1821, regarding the resort to or passage through their villages of bodies of strangers subject to Foreign States. He thought it desirable that the whole should be considered and reviewed, and that whatever duties were imposed upon landholders in matters of this nature should be included in a single enactment. The Honorable Member for the North-Western Provinces had concurred in this view, and had promised to bring in a new Bill.

With this understanding, he proposed to discharge the Select Committee on this Bill instead of proposing to add other Members to it; he therefore moved that the Committee be discharged.

MR. HARRINGTON said that he concurred with the Honorable Member for Bengal that it was not advisable to proceed with the present Bill, but that it would be better to bring in a new Bill, and to consolidate therein all the existing Laws and Regulations relating to the responsibilities of landholders in connection with Police matters, with such modifications and additions as

Mr. Currie

might be deemed necessary. He proposed to bring in a Bill of this nature on an early date.

The Motion was carried.

PUNISHMENT OF CHOWKEYDARS.

MR. CURRIE said, there was in the list of Select Committees another Bill brought in by the late Member for the North-Western Provinces, in which only his name appeared, namely, the Bill "for the punishment of Chowkeydars for neglect of duty," which had also lain over, under the impression that it would be provided for by the Penal Code. It appeared, however, that that was not the case, for he had understood that the provision on the subject, which was contained in the Code, had been omitted. At the suggestion of the Honorable Member for the North-Western Provinces, he would now move that Mr. Ricketts and Mr. Harrington be added to the Select Committee on that Bill.

Agreed to.

APPEALS.

MR. CURRIE gave notice that he would, on Saturday next, move the first reading of a Bill to provide for the more speedy disposal of Appeals.

The Council adjourned at 1 o'clock, on the Motion of Sir James Outram, till Wednesday, the 27th Instant.

Wednesday, April 27, 1859.

PRESENT:

The Honorable J. P. Grant, Senior Member of the Council of the Govr.-Genl., Presiding.

Hon. Lieut.-Genl. Sir	E. Currie, Esq.,
J. Outram,	H. B. Harrington, Esq.,
Hon. H. Ricketts,	and
Hon. B. Peacock,	H. Forbes, Esq.
P. W. LeGeyt, Esq.,	

RECOVERY OF RENT (BENGAL).

MR. CURRIE AND MR. GRANT severally delivered to the Clerk of the Council, for the purpose of being recorded, their assents and their reasons of assent to the Bill "to amend the law relating to the recovery of Rent in the Presidency of Fort William in Bengal."